



REFULZ

Application: 20220511

**TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015 (AS AMENDED)**

NOTIFICATION OF REFUSAL OF PERMISSION TO DEVELOP LAND

To: **Mr & Mrs Montila
C/O Mr Gill, Barron Edwards Ltd
Whitehall Place
47 The Terrace
Gravesend
Kent
DA12 2DL**

TAKE NOTICE that the **GRAVESHAM BOROUGH COUNCIL**, the Local Planning Authority under the Town and Country Planning Acts, has **REFUSED TO PERMIT** development of land situate at:

**Cobhambury Barn
Cobhambury Road
Cobham
Gravesend
Kent
DA12 3BT**

and being **Erection of an extension to existing lawful dwelling together with a new self-contained link-attached dwelling.**

Your application dated 15th June 2022 is refused on the following grounds:-

1. The proposed rear extension to the existing dwelling represents a disproportionate addition and exceeds the one third limit to the original dwelling, which will harm the openness of the Green Belt. Therefore the proposal would be inappropriate development in the Green Belt, contrary to saved Policy C13 of the Gravesham Local Plan First Review (1994), Policies CS01 (Sustainable Development), CS02 (Scale and Distribution of Development) and CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy (2014), and Sections 12 and 13 of the National Planning Policy Framework (2021).
2. By virtue of the design and location, the proposed replacement windows and door to the front elevation of the existing outbuilding / barn are considered to be unacceptable, as they would result in a loss of original features of the building and a form of development that is out of character with the host building. It is considered to be detrimental to the character and appearance of the building and the character of the Cobham Conservation area, contrary to Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014), Policy TC3 of the Local Plan First Review (1994) and paragraph 197 of the National Planning Policy Framework (2021).
3. The site is within the approved Metropolitan Green Belt. Within the Green Belt there is a strong presumption against permitting new development outside of the present defined extent of urban areas and the present extent of any village. National Planning Policy Framework 2021 Section 13 (Protecting Green Belt Land) indicates that the most

important attribute of Green Belts is their openness. The development will not preserve the openness of the Green Belt through construction of 1 additional dwelling, associated hardstanding, lighting, car parking and residential paraphernalia and will conflict with the purposes of including land within the Green Belt as it will encroach into the countryside and urbanise the site. In the absence of any 'very special circumstances' that may otherwise outweigh the harm by reason of inappropriateness, and any other harm, the proposed development is considered to be contrary to the advice in Section 13 (Protecting Green Belt Land) of the National Planning Policy Framework (NPPF) 2021, and Policy CS02 (Scale and Distribution of Development) of the Borough Council's adopted Gravesham Local Plan Core Strategy (September 2014).

4. The proposed dwelling fails to provide access to natural light and outlook from the proposed bedrooms required for adequate living accommodation to the detriment of future occupants and the enjoyment of the proposed dwelling contrary to Policy CS19 of the Core Strategy 2014 and paragraph 130f of the National Planning Policy Framework 2021.
5. The application site lies within the locally designated Luddesdown Downs Landscape Character Area and the Kent Downs Area of Outstanding Natural Beauty, where local and national planning policy and guidance expect developments to conserve, restore and enhance the natural landscape. The proposed development, if permitted, would be harmful to the landscape character when compared to the existing site. The harm from the redevelopment of the site in this instance would be derived from the bulk, massing and permanence of the dwelling, the associated hardstanding, lighting, car parking and residential paraphernalia. The application is therefore contrary to Policy CS12 and CS19 of the Borough Council's adopted Gravesham Local Plan Core Strategy (September 2014) and Section 15 of the National Planning Policy Framework (NPPF) 2021.
6. The application has failed to provide adequate car parking or cycle provision and therefore is contrary to Policy CS11 of the Gravesham Local Plan Core Strategy September 2014.
7. The proposal fails to secure a contribution towards strategic mitigation measures within the Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) and in the absence of this contribution or adequate information to inform an Appropriate Assessment, the development fails to comply with the requirements of the Habitat Regulations and Section 14 (specifically paragraphs 180 and 181) of the National Planning Policy Framework 2021 and Policy CS12 of the Gravesham Local Plan Core Strategy September 2014.

INFORMATIVES:-

1 STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-MAKING

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 38 of the National Planning Policy Framework (NPPF) 2021, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative way and, where appropriate, has worked pro-actively with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area, and that is in accordance with the Development Plan for the area.

In this instance pre-application advice was not sought and the proposal as submitted is contrary to local and national planning policy and cannot be supported.

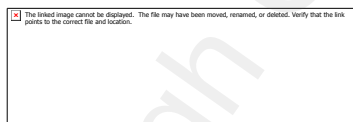
2 DECISION PLANS

For the avoidance of doubt, the forms, plans and documents upon which this decision is made comprise:

Planning Application Form;
Heritage Statement - May 2022;;
Planning Statement - April 2022;
Design and Access Statement - May 2022 Rev 01;
Landscape and Visual Appraisal May 2022;
Drawing No. RD1769-Z0-P-L100 Rev. 01 - Site Location Plan, Application Boundary and Block Plan;
Drawing No. RD1769-Z0-P-A100 Rev. 01 - Lower Ground and Ground Floor Plans;
Drawing No. RD1769-Z0-P-L101 Rev. 01 - Site Plan;
Drawing No. RD1769-Z0-P-A101 Rev. 01 - First Floor and Roof Plans;
Drawing No. RD1769-Z0-P-A500 Rev. 01 - Proposed Elevations and Section;
Drawing No. RD1769-Z0-P-A501 Rev. 01 - Proposed Elevations and Section; and
Drawing No. RD1769-Z0-P-L102 Rev. 01 - General Arrangement Plan - Site Layout Landscape.

Dated: 1 August 2022

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU



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**NOTIFICATION TO APPLICANT**

**APPEALS TO THE SECRETARY OF STATE**

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If this is a **householder application\*** which has been refused and you want to appeal against your Local Planning Authority's decision then you must do so within **12 weeks of the date of this notice**.
- For all other applications, refused or permitted, if you want to appeal against your Local Planning Authority's decision then you must do so within 6 months of the date of this notice.
- **Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.**
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

**\*Householder applications**

These are:

- (a) applications for planning permission for development of an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse, or
- (b) an application for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such development

but does **not** include –

- (i) an application for change of use;
- (ii) an application to change the number of dwellings in a building.

### **PURCHASE NOTICES**

If either the Local Planning Authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor can he/she render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.