



**Application: 20220840**

**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: **Mohammad Hashim Nasiri  
C/O MM Planning & Architecture  
892 London Road  
Thornton Heath  
London  
CR7 7PB**

**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:

**18 Overcliffe  
Gravesend  
Kent  
DA11 0EH**

and being **Change from a C3 Class to a vehicle repair garage (tyre repair) (B2 Class)**.

Your application dated 30th August 2022 is refused on the following grounds:-

**Reasons for Refusal**

1. The introduction of a B2 (general industry) tyre repair premises within a C3 (residential) dwelling, by virtue of the use and additional activity at the site, is out of character with the wholly residential nature of the area and would have a detrimental impact on the Overcliffe Conservation Area and therefore contrary to Policies CS07, CS19 and CS20 of the Core Strategy 2014 and para. 130 of the National Planning Policy Framework 2021.
2. The proposed use as a tyre repair will give rise to an increase in noise, odour and disturbance to the detriment of the enjoyment of the neighbours' amenities and therefore conflicts with the objectives of Policy CS19 of the Core Strategy 2014 and para. 130f of the National Planning Policy Framework 2021.
3. The proposed part use of the premises as a tyre repair is likely to increase the number of visits to the site in an area where there is restricted on street parking and is already significant competition for parking spaces. The proposed use does not mitigate its impact on the highway and is therefore contrary to Policy CS11 of the Core Strategy 2014 and Saved Policy T1 of the Gravesham Local Plan 1994.

**INFORMATIVES:-**

**1 DECISION PLANS**

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

Planning Application Form;  
Heritage Statement;  
Design and Access Statement;  
Drawing No. 2022/08/16 - Existing Block and Site Plan;  
Drawing No. 2022/08/16 - Proposed Block and Site Plan;  
Drawing No. 2022/06/19 - Roof Plans;  
Drawing No. 2022/6/19 - Side Elevation Existing & Proposed;  
Drawing No. 2022/6/19 - Elevation Existing and Proposed;  
Drawing No. 2022/06/19 - Floor Plans Existing & Proposed;  
Drawing No. 2022/06/19 - Front 3D Existing & Proposed; and  
Drawing No. 2022/06/19 - Rear 3D Existing & Proposed.

## 2 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.

Dated: 20 October 2022

Civic Centre  
Windmill Street  
Gravesend  
Kent  
DA12 1AU

Wendy Lane MRTPI  
Assistant Director (Planning)  
Planning Service

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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.