



Application: 20220963

**TOWN AND COUNTRY PLANNING ACTS
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015 (AS AMENDED)**

DETERMINATION AS TO WHETHER PRIOR APPROVAL IS REQUIRED

To: **Thomas Gallivan, CK Hutchinson Networks (UK) Ltd
C/O Mr Tom Gallivan, Dot Surveying Ltd
14 Inverleith Place
Edinburgh
EH3 5PZ**

TAKE NOTICE that **GRAVESHAM BOROUGH COUNCIL**, the Local Planning Authority under the Town and Country Planning Acts, has **DETERMINED THAT PRIOR APPROVAL** for the relevant matters for the development of land as described below **IS REQUIRED AND REFUSED**

at **Land At
Harden Road
Northfleet
Gravesend
Kent
DA11 7HF**

and being **Application for determination pursuant to Part 16 Class A of the Town and Country Planning (General Permitted Development) Order 2015, as amended, as to whether prior approval is required for proposed 5G telecoms installation: H3G 15m street pole and additional equipment cabinets.**

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

1. The proposed development, by virtue of its location and external appearance, would have a detrimental impact on the character of the area and the visual amenity of the streetscene and have a detrimental impact on the surrounding residential dwellings in terms of the visual impact. The proposal would not therefore accord with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014), and Section 12 of the National Planning Policy Framework (2021).

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 manner. In this instance the application is not in accordance with the Development Plan for the area and cannot be supported.

2 DRAWINGS AND DOCUMENTS

For the avoidance of doubt the decision to refuse this application was taken in relation to the following plans and documents:

- o Planning Application Form;
- o Supplementary Information - Developers Notice prepared by dotsurveying (served to GBC and KCC Highways) (dated 30/08/2022);
- o Supplementary Information - ICNIRP Declaration;
- o Supplementary Information - ICNIRP Declaration Form;
- o Supplementary Information - Department for Digital, Culture, Media & Sport - Collaborating for Digital Connectivity;
- o Supplementary Information - Site Specific Supplementary Information and Planning Justification by Dot Surveying;
- o Supplementary Information - Briefing Note: 5G and Health, Prepared by Mobile UK;
- o Drawing no. GVM22256_GVM083_86545_DA0622_GA_REV_A - 001 Drawing Register;
- o Drawing no. GVM22256_GVM083_86545_DA0622_GA_REV_A - 002 Site Location Plan;
- o Drawing no. GVM22256_GVM083_86545_DA0622_GA_REV_A - 215 Proposed Site Plan;
- o Drawing no. GVM22256_GVM083_86545_DA0622_GA_REV_A - 265 Proposed Site Elevation.

3 FOR THE AVOIDANCE OF DOUBT

The 'Site Specific Supplementary Information and Planning Justification document' is incorrect. The document does not have the correct address and lists the site within Durndale. The site is located on land fronting on to New House Lane near to the junction with Harden Road in Northfleet.

Dated: 21 October 2022

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Wendy Lane MRTPI
Assistant Director (Planning)
Planning Service

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.