



R3PRIZ

Application: 20220490

**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: **CK Hutchison Networks (UK) Ltd
C/O Mr Tony Gill, WHP Telecoms Limited
1A Station Court
Guiseley
Leeds
LS20 8EY**

TAKE NOTICE that **GRAVESHAM BOROUGH COUNCIL**, the Local Planning Authority under the Town and Country Planning Acts, has **DETERMINED THAT PRIOR APPROVAL** for the details of the siting and appearance of telecommunications development **IS REQUIRED AND REFUSED**

at **Telecommunications Station
Valley Drive
Gravesend
Kent
DA12 5UD**

and being **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 telecommunications installation of a 16.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.**

Your application dated 6th May 2022 is refused on the following grounds:-

1. The application submitted is subject to paragraph A.3(1)(a) which requires the developer to give notice of the proposed development to any person who is the owner of the land to which the development relates. Also, paragraph A.3(7)(a) also requires the LPA to take into account any representations made to them as a result of the consultation or notices given under paragraph A.3. As National Highways object to the application on land ownership grounds, therefore, without the appropriate notification to the relevant land owners the Local Planning Authority cannot grant approval under Schedule 2, to Part 16 Class A of the Town and Country Planning (General Permitted Development) Order 2015, as amended.

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.

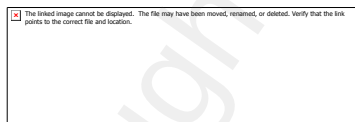
2 DRAWINGS AND DOCUMENTS

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

- Application Form;
- Covering Letter;
- Site Specific Supplementary Information;
- Declaration of Conformity with International Commission on Non-Ionizing Radiation Protection Public Exposure Guidelines;
- Letter to Kent County Council, dated 28th April 2022;
- 002 Site Location Plan, Drawing no. GVM17173_M003, Issue C;
- 100 Existing Site Plan, Drawing no. GVM17173_M003, Issue C;
- 150 Existing Elevation A, Drawing no. GVM17173_M003, Issue C;
- 210 Proposed Site Plan, Drawing no. GVM17173_M003, Issue C;
- 260 Proposed Elevation, Drawing no. GVM17173_M003, Issue C.

Dated: 30 June 2022

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU



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.