



Application: 20230239

**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
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To: **Mr Bryan Smith Grange Travel Ltd.
C/O Mr David Meaney
82 Longfellow Road
Gillingham
Kent
ME7 5QQ**

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:

**Grange Travel Limited
Canal Road
Gravesend
Kent
DA12 2RS**

and being **erection of a portal frame shed for servicing and maintaining coaches, including space for an office on a mezzanine floor and storage on the ground floor.**

Your application dated 25th April 2023 is refused on the following grounds:-

1. In the absence of a preliminary risk assessment, the proposal fails to demonstrate that the risks of pollution to controlled waters are acceptable or can be appropriately managed. The proposal therefore fails to comply with the contamination requirements of Policies CS18 and CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraph 185 of the National Planning Policy Framework 2021.
2. In the absence of a noise impact assessment, the proposal fails to demonstrate the level of noise nuisance from the vehicle maintenance activities or hours of operation, which would have the potential to adversely impact the amenities of neighbouring properties. As such, the proposal would fail to comply with the requirements of Policy CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraphs 130 and 185 of the National Planning Policy Framework 2021.
3. In the absence of sufficient information about staff/driver numbers or a parking/cycle plan, it is unclear whether there would be any overspill parking, which would have the potential to be detrimental to highway safety, contrary to the requirements of Policy CS11 of the Gravesham Local Plan Core Strategy 2014, and Policies T1, T5 and P3 of the Gravesham Local Plan First Review 1994.
4. In the absence of sufficient information about the foundations of the building and how this impacts the archaeology of the site, and in particular the infilled section of the Thames Medway Canal, the proposal fails to comply with the requirements of Policy CS20 of the

INFORMATIVES:-

1 DRAWINGS AND DOCUMENTS

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

Application form
Drawing no. DKM/7166/01 (Topographical Drawing)
Drawing no. DKM/6909/01 (Location Plan)
Drawing no. DKM/6909/02 (Proposed GAs and Elevations)
Flood Risk Assessment dated February 2022
Photographs

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 the application is not in accordance with local and national planning policy and cannot be supported.

3 The applicant should be aware that the information referred to in this decision must be submitted in order for any further application to be properly considered. More detail about the level of information required can be found in the Officer's report.

Dated: 21 July 2023

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.
- **For further information regarding Appeals and to make an application please click the relevant link:**  
<https://www.gov.uk/appeal-householder-planning-decision>  
<https://www.gov.uk/appeal-planning-decision>
- 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.