

Application: 20230648

**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 A Rai
C/O Mr Jonathan Bolton, Synergy
Synergy
The Office, The Larches
Higham
Rochester
ME3 7NQ
United Kingdom**

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:

**Crown And Thistle Public House
44 The Terrace
Gravesend
Kent
DA12 2BJ**

and being **Change of use from Public House with flat above to a 6 bedroom House of Multiple Occupation (HMO), with part demolition of the single storey rear extension, erection of a bin store in the rear garden, replacement of the UPVC window in the rear elevation at second floor level with a timber sash window and associated internal and external alterations.**

Your application dated 26th June 2023 is refused on the following grounds:-

1. The proposal would result in unsympathetic alterations to the Listed Building. Furthermore, insufficient information has been submitted in respect of works that may be required under the Building Regulations such as ventilation and extraction systems and noise mitigation; such works that would be required for those measures have the potential to cause further harm to this Listed Building and the Conservation Area. On the basis of the submitted information the proposal would cause harm to the architectural and historic interest of this Grade II Listed Building and the character and appearance of the Harmer Street Conservation Area contrary to Policies CS19 and CS20 of Gravesham's Local Plan Core Strategy (LPCS) (2014), saved Policies TC2 and TC3 (LPFR) (1994) and section 16 of the NPPF (2021).
2. This development would result in the loss of the existing use as a Public House, removes the possibility of any commercial use on the ground floor and provides insufficient evidence to show a commercial use is no longer viable. As such the principle loss of the commercial use is considered to be contrary to Policies CS05 and CS07 of Gravesham's Local Plan Core Strategy (LPCS) (2014).

3. No details have been submitted to demonstrate that future occupiers would not be impacted on from noise and disturbance. In addition, there is a lack of defensible space at the front of the property and overall, the proposal would provide a poor level of amenity and living conditions for future occupiers. The proposal therefore fails to safeguard the amenity of future occupiers contrary to Policies CS19 (LPCS) (2014) and Section 12 (NPPF) (2021).
4. The new fenestration on the ground floor raises concerns in terms of neighbouring privacy and overlooking. As such, the proposal fails to satisfactorily safeguard the amenity of neighbouring properties contrary to Policies CS19 (LPCS) (2014) and Section 12 (NPPF) (2021).
5. The applicant has failed to provide any ecological evidence to inform a habitat regulations assessment to address the impact of the proposed development on the Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) or provided a financial contribution towards the identified mitigation measures to address the impact of the development on the SPA/Ramsar site. The proposal is therefore contrary to Policy CS12 of the Gravesham Local Plan Core Strategy (2014) which seeks to ensure that detrimental effects on the integrity of SPA/Ramsar sites are avoided, or mitigated, and is also contrary to Paragraphs 180 and 181 of the National Planning Policy Framework (2021).

INFORMATIVES:-

1 DECISION PLANS

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

Application Form;
Supplementary Information - Heritage Statement;
Supplementary Information - Planning Design and Access Statement;
Supplementary Information - Emails regarding marketing (not viewable on Public Access);
Drawing No. 22/399/01 - Elevations OS Plan and Site Plan - Existing;
Drawing No. 22/399/02 - Floor plans - Existing;
Drawing No. 22/399/03 - Elevations OS Plan and Block Plan - Proposed; and
Drawing No. 22/399/04 - Floor Plans - Proposed.

2 STATEMENT OF POSITIVE AND PROACTIVE

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.

In this instance the proposal is contrary to Local and National Planning Policy and cannot be supported. Furthermore the application has not addressed the concerns raised during the pre-application stage, for a similar proposal.

Dated: 17 August 2023

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.
- **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.