

**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: **Mr G Sullivan
C/O Mr Peter Brownjohn, WS Planning & Architecture
Europe House
Bancroft Road
Reigate
RH2 7RP**

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:

**Land North Of
Harvel Road
Meopham
Gravesend
Kent**

and being **retrospective application for change of use of land for the siting of one mobile home, a utility unit with raised decking, a toilet and one touring caravan, together with the creation of a vehicle access off a classified highway and associated parking/turning areas.**

Your application dated 25th February 2021 is refused on the following grounds:-

1. The proposal is considered to comprise an inappropriate development in the Green Belt that introduces a significant expanse of man-made structures and features into this wooded, rural location, encroaching over the countryside and causing substantial detriment to the openness of the Green Belt and conflicting with the purpose that this land is included within it. There are no very special circumstances that exist that would outweigh the harm resulting from the proposal by reason of inappropriateness, or any other harm. The development is therefore contrary to paragraphs 61, 133, 134, 143, 144 and 146 of the National Planning Policy Framework 2019, Policy E of the Planning Policy for Traveller Sites 2015, and Policies CS02 and CS17 of the Gravesham Local Plan Core Strategy 2014.
2. The mobile home, caravan and associated structures, features and detritus on the site are wholly out of character with their natural, rural, woodland surroundings and therefore appear completely incongruous and detrimental to the visual and spatial characteristics of the site. The development has failed to improve the landscape or conserve the ancient woodland, and is considered harmful to the setting of the Kent Downs Area of Outstanding Natural Beauty with no opportunity for mitigation. The development is therefore contrary to the requirements of paragraphs 170 and 172 of the National Planning Policy Framework 2019, Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014, the Kent Downs AONB Management Plan 2014-2019 and the Gravesham Landscape Character Assessment 2009.

3. The development has resulted in the direct loss of part of the Ancient Woodland of Fowlers Stone Wood, which is an irreplaceable habitat. There are no wholly exceptional reasons for the development in this location and net gains for biodiversity cannot be achieved. The development is therefore contrary to the requirements of paragraphs 170 and 175 of the National Planning Policy Framework 2019 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.
4. In the absence of arboricultural and ecological surveys, the impact of the development on the protected trees and biodiversity on and around the application site has failed to be adequately demonstrated, contrary to the requirements of paragraphs 170 and 175 of the National Planning Policy Framework 2019 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.
5. The vehicular access for the site fails to provide adequate visibility to and from this Highways Network Local Distributor Road and is therefore considered dangerous and unacceptable in highway safety terms. The development is therefore contrary to the requirements of paragraph 109 of the National Planning Policy Framework 2019, Policy CS11 of the Gravesham Local Plan Core Strategy 2014, and Saved Policy T1 of the Gravesham Local Plan First Review 1994.

INFORMATIVES:-

1 DRAWINGS AND DOCUMENTS

This planning decision was made on the basis of the following submitted plans and documents:

Cover letter received 14 October 2020;
Application form received 14 October 2020;
Drawing no. J003715-CD-01 (Site Location Plan) received 14 October 2020;
Drawing no. J003715-CD-02 Rev. A (As Existing Block Plan) received 11 February 2021;
Drawing no. J003715-CD-02 Rev. A (As Proposed Block Plan) received 11 February 2021;
Letter from Forestry Commission (re. Site inspection 02/07/2020) received 11 February 2021;
Drawing no. J003715-CD-06 (As Proposed Utility Elevations) received 11 February 2021;
Personal Statement (dated February 2021) received 11 February 2021;
Foul Drainage Assessment Form received 11 February 2021;
Drawing no. J003715-CD-04 (As Proposed Mobile Home) received 11 February 2021;
Drawing no. J003715-CD-05 (As Proposed Utility Plans) received 11 February 2021.

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) 2019, 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.

Dated: 22 April 2021

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Wendy Lane MRTPI
Assistant Director (Planning)
Planning & Regeneration Services

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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.

### **COMPENSATION**

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.

Gravesham Borough Council