

Application:

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191 TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015 (AS AMENDED)

To:

**C/O Miss Sharon-Lee Bow
The Clubhouse
50 Grosvenor Hill
London
W1K 3QT**

CERTIFICATE OF EXISTING LAWFUL USE OR DEVELOPMENT

GRAVESHAM BOROUGH COUNCIL hereby certify that on 23rd August 2022 the use, operation or matter described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged red on the plan attached to this certificate, **WAS LAWFUL** within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason(s):-

Conditions

- 1 The Borough Council is satisfied that the applicant has provided and shown sufficient evidence that, on the balance of probability, the roof terrace has been in use as such in excess of 10 years prior to the date of the application.

The Borough Council is therefore satisfied that the current use of this area as a terrace is exempt from enforcement action by reason of section 171B (3) of the Town and Country Planning Act 1990, as amended.

The development is therefore lawful by reason of section 191 (2) (a) of the Act and a Certificate of Existing Lawful Use is duly issued.

For the avoidance of doubt the application site the subject of this certificate is shown edged in red on the attached plan.

First Schedule

Application for a Lawful Development Certificate in respect of the continued use of the existing roof terrace on top of the single storey extension.

Second Schedule

INFORMATIVES:-

- 1 **DECISION PLANS**

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

- o Application Form
- o Drawing P1 (Site Location Map, Existing and Proposed Block Plans) o Drawing P2 (Existing Plans) o Drawing P4 (Existing Elevations) o Drawing P3 (Proposed Plans)
- o Drawing P5 (Proposed Elevations)

Supplementary Information o
 Covering Letter o Google Site
 image 2008 o Google Site Image
 2012 o Google Site Image
 2014 o Google Site Image
 2017 o Google Site Image
 2018

Dated: 11 October 2022

Civic Centre
 Windmill Street
 Gravesend
 Kent
 DA12 1AU

Wendy Lane MRTPI
 Assistant Director (Planning)
Planning Service

Your attention is drawn to the following notes

NOTES

This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use, operation or matter specified in the First Schedule taking place on the land described in the Second Schedule was lawful, on the specified date and, thus, was would not have been liable to enforcement action under Section 172 of the 1990 Act on that date.

This certificate applies only to the use, operation or matter described in the First Schedule and identified on the attached plan. Any use, operation or matter which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.

The effect of the certificate is also qualified by the proviso in Section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use, operation or matter is only conclusively presumed where there has been no material change, before the use is instituted or the operation begun, in any of the other matters relevant to determining such lawfulness.

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.

Gravesham Borough Council

Site Address

Date
PMSA Number

OS Map – Scale 1:1,250

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