



Certificate of Lawfulness for Existing Use: roof terrace at 66 Granville Road, Gravesend, DA11 0JT

Studio Charrette has been instructed by K D'souza ("the Applicant") to request for an Existing Use Lawful Development Certificate for a roof terrace at :66 Granville Road, Gravesend, DA11 0JT ("the Site").

This covering letter is accompanied by the following to assist the Council with their assessment:

- LDC application form and correct fee
- Site Location Plan
- Site Photographs

This covering letter is to outline that the existing use of the roof terrace, has been in use continuously for more than 10 years.

Site context

The Site comprises a standard end of terrace dwelling in a residential area. It is a part single and part double storey property.

On the roof of the single storey, is where the roof terrace has been in use for more than 10 years.

Assessment

The Planning and Compensation Act 1991 (section 4) introduced rolling time limits within which Local Planning Authorities can take planning enforcement action against breaches of planning control.

The time limits are:

Four years for building, engineering, mining or other operations in, on, over or under land, without planning permission. This development becomes immune from enforcement action four years after the operations are substantially completed.

Four years for the change of use of a building, or part of a building, to use as a single dwelling house. Enforcement action can no longer be taken once the unauthorised use has continued for four years without any enforcement action being taken.

Ten years for all other development. The ten year period runs from the date the breach of planning control was committed.

Once these time limits have passed, the development becomes lawful in terms of planning.

The above criteria have been met, with no enforcement action from the local planning authority within this time, thus, the existing use is well established, and a certificate of lawfulness (existing use) should be granted.

Conclusion

Overall, it is considered that the Proposal is fully compliant with the legislation of rolling timelimits for enforcement. We, therefore, see no reason for the council to without our request for a Certificate of Lawfulness in relation to the existing scheme and kindly request for a timely decision to be made, in line with the guidance of the National Planning Policy Framework. Should for whatever reason, the associated scheme not be deemed as Permitted Development, we would welcome the opportunity to discuss any issues with the designated case officer before any decision notice.

If any further information is required to assist in the council's decision of the existing scheme and associated application, please do not hesitate to contact Studio Charrette directly who will be more than happy to accommodate any reasonable request.

Kind regards,



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