



Application: 20211461

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

To: **Mrs Fiona James
Clements Reach Cottage
Shipley Hills Road
Meopham
Gravesend
Kent
DA13 0AD**

REFUSAL OF CERTIFICATE OF EXISTING LAWFUL USE OR DEVELOPMENT

GRAVESHAM BOROUGH COUNCIL has considered your application dated 29 November 2021 under the provisions of Section 191 of the above mentioned Act and has determined the operations, use or matter set out therein being

Application for a Lawful Development Certificate in respect of the existing single storey rear extension.

at: **Clements Reach Cottage
Shipley Hills Road
Meopham
Gravesend
Kent
DA13 0AD**

Would not have been lawful within the meaning of the said Act and, thus, application for planning permission in respect thereof must be made and planning permission obtained in order to regularise the use or development.

The grounds for this determination are as follows:

The proposed single storey rear extension does not meet the criteria set out in Schedule 2, Part 1 Class A of the GPDO, being that the proposed extension would project more than 4 metres from the rear wall of the original dwelling house and would join an existing two storey enlargement of the original dwellinghouse. As such the proposal fails to comply with Schedule 2, Part 1, Class A.1 (f), (g) & (ja) of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

INFORMATIVES:-

1 DECISION PLANS

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

- o Application form Received 08/12/2021;
- o Site Location Map Received 14/12/2021;
- o Drawing No: E1 (Existing Plans, Elevations. Block Plan) Received 29/11/2021; and
- o Drawing No: P1.1 (Rev B) (Proposed Plans, Elevations. Block Plan) Received 29/11/2021.

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) 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 does not meet the necessary criteria in order for a lawful development certificate to be granted.

Dated: 1 February 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 not lawful, on the specified date and, thus, is otherwise 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.