



RECLEZ

Application: 20220122

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

To: **Mr Andrew Barnes
C/O Mr Ben Kilgore, BDK Consulting Ltd
9 Jury Drive
Rochester
Kent
ME3 8GU**

REFUSAL OF CERTIFICATE OF EXISTING LAWFUL USE OR DEVELOPMENT

GRAVESHAM BOROUGH COUNCIL has considered your application dated 7 February 2022 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 front porch.

at: **44 Scott Road
Gravesend
Kent
DA12 5TS**

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:

1. Under Class D.1 (c) any part of the porch must not be more than 3 metres above ground level. Ground level is defined in the Permitted Development rights for Householders, Government Technical Guidance, as the surface of the ground immediately adjacent to the building in question.

Therefore, the proposed development fails to comply with THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015, AS AMENDED, and the LAWFUL DEVELOPMENT CERTIFICATE is REFUSED.

INFORMATIVES:-

1 DECISION PLANS

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

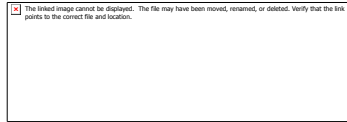
Application Form;

Drawing No. 45-PL-1000 REV A - Floor Plans and Elevations - Existing - with Site Location Plan;
and

Drawing No. 45-PL-1001 REV A - Floor Plans and Elevations - Proposed - with Site Location Plan.

Dated: 9 May 2022

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU



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.