



PECLEZ

Application: 20220597

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

To: **Mr Michael Whitehouse**
C/O Nicholas Kingsley Smith, Kingsley Smith Solicitors LLP
The Joiners Shop
The Historic Dockyard
Chatham
Kent
ME4 4TZ

CERTIFICATE OF EXISTING LAWFUL USE OR DEVELOPMENT

GRAVESHAM BOROUGH COUNCIL hereby certify that on 29th July 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):-

1. Gravesham Borough Council is satisfied that sufficient evidence has been provided to conclude, that on the balance of probabilities, the application site being that of the first floor accommodation and the land identified on the site location plan has been used as self-contained residential accommodation for a period in excess of four years. As such, it is exempt from enforcement action by reason of section 171B (2) of the Town and Country Planning Act 1990, as amended.

The use is therefore lawful by reason of section 191(2)(a) of the Town and Country Planning Act 1990 (as amended) and a Certificate of Existing Lawful Use can be granted.

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

First Schedule

Continued use of part of the public house as residential.

Second Schedule

The Amazon And Tiger
Harvel Street
Meopham
Gravesend
Kent
DA13 0DE

INFORMATIVES:-

1 EXTENT OF THE APPROVAL

The applicant is reminded that the certificate relates only to the access, stairway and first floor accommodation together with the garage and area of garden immediately outside of the access as shown on the red line plan.

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.

Dated: 23 September 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 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

If an application for a lawful development certificate (LDC) is wholly or partly refused, or is granted in a different form from the application, or is deemed to have been refused (because the local planning authority (LPA) has not determined the application within the time-limit of eight weeks of receiving the completed application), you can appeal to the Planning Inspectorate. Appeals can be made online at [Planning Inspectorate](#). You should note that the Planning Inspectorate will turn away an LDC appeal if an effective Enforcement Notice is in force. This is because if such a notice is in force, the legislation does not allow a lawful development certificate to be granted.

Gravesham Borough Council

Application	20220597
Site Address	The Amazon And Tiger Harvel Street Meopham Gravesend Kent DA13 0DE
Date	23 September 2022
PMSA Number	0100019166

OS Map – Scale 1:1,250



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