



Application: 20231246

**TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015 (AS AMENDED)**

To: **Box+III Gravesend Limited
C/O Mr Ross Fraser, Montagu Evans
70 St Mary Axe
London
EC3A 8BE**

REFUSAL OF CERTIFICATE OF PROPOSED LAWFUL USE OR DEVELOPMENT

GRAVESHAM BOROUGH COUNCIL has considered your application dated 6th December 2023 under the provisions of Section 192 of the above mentioned Act and has determined the use, operation or matter set out therein being:-

Application for a Lawful Development Certificate for the proposed removal and reconfiguration of the mezzanine floor.

at **Unit C
Imperial Retail Park
Thames Way
Gravesend
Kent
DA11 0DQ**

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 before any such proposals can be carried out.

The grounds for this determination are as follows:-

- 1 The proposed development would increase the floor area of the building (used for the retail sale of goods (other than hot food)) by an amount in excess of 200 square metres and as such, would constitute development for which planning permission would be required. Furthermore, the installation of a new or amended mezzanine floor at the application property would be in breach of condition 7 of planning permission 19920124 and condition 2 of planning permission 19930224 and planning permission would be required.

The proposal would therefore not be lawful and pursuant to section 192(2) of the Town and Country Planning Act 1990 (as amended), a Certificate of Proposed Lawful Development/Use cannot be granted.

INFORMATIVES:-

1 DRAWINGS AND DOCUMENTS

For the avoidance of doubt the decision to refuse this application was taken in relation to the following plans and documents:

Application form for a Lawful Development Certificate for a Proposed Use or Development;

Drawing no. IRP-UC-SLP-001 Red/blue line site boundary plan;
Drawing no. IRP-UC-BP-001 Block plan;
Drawing no. URB UC [08] 01 06 Rev. D00 Existing layout;
Drawing no. URB UC [08] 01 07 Rev. D00 Proposed layout;
Letter from the agent dated 05 December 2023; and
Email from the agent received 19 December 2023.

Dated: 31 January 2024

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Ms Tava Walton
AD Planning

Your attention is drawn to the following notes

NOTES

1. Any person who wishes to appeal –

(a) against a determination of the Council under Section 195 of the Act; or

(b) on the failure of the Council to give notice of their decision within 8 weeks of the date of the application

shall give notice of the appeal to the Secretary of State within **six months of the decision or of the expiry of the appropriate period allowed under Article 33 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 for giving such notice (two months)**, as the case may be, or such longer period as the Secretary of State may at any time allow.

- **For further information regarding Appeals and to make an application please click the relevant link:**

<https://www.gov.uk/appeal-householder-planning-decision>

<https://www.gov.uk/appeal-planning-decision>

2. Such person shall also furnish to the Secretary of State a copy of the following documents:-

- (i) the application;;
- (ii) all relevant plans, drawings, particulars and documents submitted with the application;
- (iii) the notice of the decision or determination, if any;
- (iv) all other relevant correspondence with any Local Planning Authority.