

Application: 20211451

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

To: **Mrs P Underwood
C/O Mr Guy Osborne, Country House Homes Ltd.
Chegworth Manor Barn
Chegworth Road
Chegworth
Harrietsham
ME17 1DD**

REFUSAL OF CERTIFICATE OF EXISTING LAWFUL USE OR DEVELOPMENT

GRAVESHAM BOROUGH COUNCIL has considered your application dated 25 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 Lawful Development Certificate in respect of the existing 4 buildings and 2 containers for agricultural use and a touring caravan.

at: **Land Known As Greenacre
Lockyers Hill
Luddesdown
Kent**

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 On the balance of probabilities it is considered that insufficient levels of evidence have been submitted to prove that the application site and buildings thereon have been used for agricultural purposes continuously for the required ten year period in order to become immune from enforcement action.

INFORMATIVES:-

1 SUBMITTED DRAWINGS

For the avoidance of doubt the submitted drawings are:

Planning application form received 25 November 2021.

Supporting Statement received 25 November 2021.

Supporting Statement from Patricia Underwood received 26 November 2021.

Supporting Statement from Bryan Jack received 26 November 2021.

Drawing no. 500/BJ/003/B (existing floor plans and elevations - structure A, mobile home and caravan) received 30 November 2021.

Drawing no. 500/BJ/004 (existing floor plans and elevations - structure B, C and D) received 25 November 2021.

Drawing no. 500/BJ/005 (existing floor plans and elevations - containers and well) received 25 November 2021.

Drawing no. 500/BJ/002 (proposed site layout) received 25 November 2021.

Drawing no. 500/BJ/001 (location plan) received 25 November 2021.

Dated: 25 January 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.