



Application: 20240810

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

To: **Mr & Mrs Coston
C/O Mrs Rebecca Lord, Rebecca Lord Planning
44 Barton Drive
Hamble le Rice
Southampton
SO31 4RE**

CERTIFICATE OF PROPOSED LAWFUL USE OR DEVELOPMENT

GRAVESHAM BOROUGH COUNCIL hereby certify that on 6th September 2024 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, **WOULD HAVE BEEN LAWFUL** within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason(s):-

- 1 The proposed development would be a caravan that would be located within the curtilage of the dwellinghouse known as 278 Lower Higham Road and be used for purposes incidental to the enjoyment of that existing dwellinghouse. Therefore, the proposal would not constitute a material change of use of the land and planning permission would not be required.

First Schedule

Lawful Development Certificate application for the proposed provision of a twin unit mobile home (not operational development) within the garden of the lawful dwelling house for use as additional accommodation by one household (not a material change of use).

Second Schedule

**278 Lower Higham Road
Gravesend
Kent
DA12 2NR**

INFORMATIVES:-

1 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) 2023, 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.

2 DECISION PLANS

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

Application Form;

Supplementary Information - Appeal Decision Notice under Ref: APP/Z5630/X/21/3277752;

Supplementary Information - Appeal Decision Notice under Ref: APP/Q1255/X/16/3142534;

Supplementary Information - Appeal Decision Notice under Ref: APP/N1025/C/01/1074589;

Supplementary Information - Appeal Decision Notice under Ref: APP/B5480/C/17/3174314;

Supplementary Information - Appeal Decision Notice under Ref: APP/J1915/X11/2159970;

Supplementary Information - Appeal Decision Notice under Ref: APP/K2230/X/13/2190398;

Supplementary Information - Appeal Decision Notice under Ref: APP/P2365/X/09/2109940;

Supplementary Information - Appeal Decision Notice under Ref: APP/K3605/X/12/2181651;

Supplementary Information - Appeal Decision Notice under Ref: APP/X1545/X/16/3151073;

Supplementary Information - Appeal Decision Notice under Ref: APP/a1530/X/17/3177321;

Supplementary Information - Notes of Cases;

Supplementary Information - Lawful Development Certificate Application Report;

Supplementary Information - Caravan Compliance Information Pack;

Drawing No. 224031-02 - Caravan Elevations and Floor Plan;

Drawing No. 224031-05 - Caravan Easypad Layout and Section;

Drawing No. 224031-06 - Site Location Plan; and

Drawing No. 224031-07 - Block Plan - Proposed.

3 BUILDING REGULATIONS AND PARTY WALL ACT

This decision DOES NOT imply any consent which may be required under the Building Regulations or under any other enactment or provision. Nor does it override any private rights which any person may have relating to the land affected by this decision, including the provisions of the Party Wall etc. Act 1996.

4 WORKS OF CONSTRUCTION

Hours of work of construction site plant, equipment and machinery, should be restricted to not earlier than 7.00 a.m. and not later than 6.00 p.m. weekdays and Saturday working should be restricted to not earlier than 8.00a.m. and not later than 1.00 p.m. No work shall be carried out on Sundays, Bank or Public Holidays.

i. Suitable sound attenuation shall be used at all times in respect of all plant, machinery and equipment in operation on site in order to aid prevention of noise nuisance. Compliance with BS 5228: Part 1: 1984 and subsequent amendments regarding the use of equipment on site will be required in appropriate cases.

ii. A suitable method of control shall be used in order to aid prevention of dust nuisance arising from work activities on site.

iii. Burning of waste materials shall not be carried out on site. Such materials are to be stored in a suitable receptacle, as far from residential accommodation as reasonably practicable, pending disposal off site.

iv. Adequate arrangements shall be made to remove all waste material from the site on a regular basis and to dispose of it at a suitably licensed waste disposal site.

5 FOR THE AVOIDANCE OF DOUBT

The applicant should note that the proposed development has been granted a Lawful Development Certificate because the caravan would be a use of the land that would be incidental to the main dwelling at the application site. If circumstances change and the caravan that is sited on the land is or becomes operational development or is used as a separate dwelling, then planning permission would be required. For the avoidance of doubt, the caravan should not at any time be sold, parted, let or exchanged as a separate unit of living accommodation.

6 FLOOD RISK

Although it is not a consideration for the assessment of this application, the applicant should note that the site lies within Flood Zone 3, and further details of this can be found online at <https://www.gov.uk/guidance/flood-risk-assessment-flood-zones-1-2-3-and-3b>

Dated: 30 October 2024

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Shazad Ghani
MPhil, MA, BA (Hons)
Head of Planning
Planning Service

NOTES

This certificate is issued solely for the purpose of Section 192 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 would have been 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.

Gravesham Borough Council

Application	20240810
Site Address	278 Lower Higham Road Gravesend Kent DA12 2NR
Date	30 October 2024
PMSA Number	0100019166

OS Map – Scale 1:1,250



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