



Application: 20240251

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

To: **Mr James Worley**
C/O Mr Samuel Chalmers-Stevens, Bloomfields
77 Commercial Road
Paddock Wood
Kent
TN12 6DS

CERTIFICATE OF EXISTING LAWFUL USE OR DEVELOPMENT

GRAVESHAM BOROUGH COUNCIL hereby certify that on 19th March 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, **WAS LAWFUL** within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason(s):-

1. The Borough Council is satisfied that the applicant has provided and shown sufficient evidence that, on the balance of probability, the area outlined in red on the submitted site location plan (Drawing No. 010 Rev A) has been used for the commercial storage of caravans, vehicles and containers for a continuous period in excess of 10 years prior to the date of the application.

The Borough Council is therefore satisfied that the site has been in continuous use and is exempt from enforcement action by reason of section 171B (3) of the Town and Country Planning Act 1990, as amended.

The development is therefore lawful by reason of section 191 (3) (a) of the Act and a Certificate of Existing Lawful Use is duly issued.

First Schedule

Application for a Lawful Development Certificate in respect of the existing area outlined on the submitted site location plan that has been used for the commercial storage of caravans, vehicles and containers for a continuous period.

Second Schedule

Oakleigh Farm
Buckland Road
Higham
Rochester
Kent
ME3 7HY

INFORMATIVES:-

1 DECISION PLANS

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

Planning Application Form;
Supporting Planning Statement;
Drawing No. 010 Rev A - Site Location Plan; and
Drawing No. 020 Rev A - Existing Block Plan.

2 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.

3 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.

Dated: 17 July 2024

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

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

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.

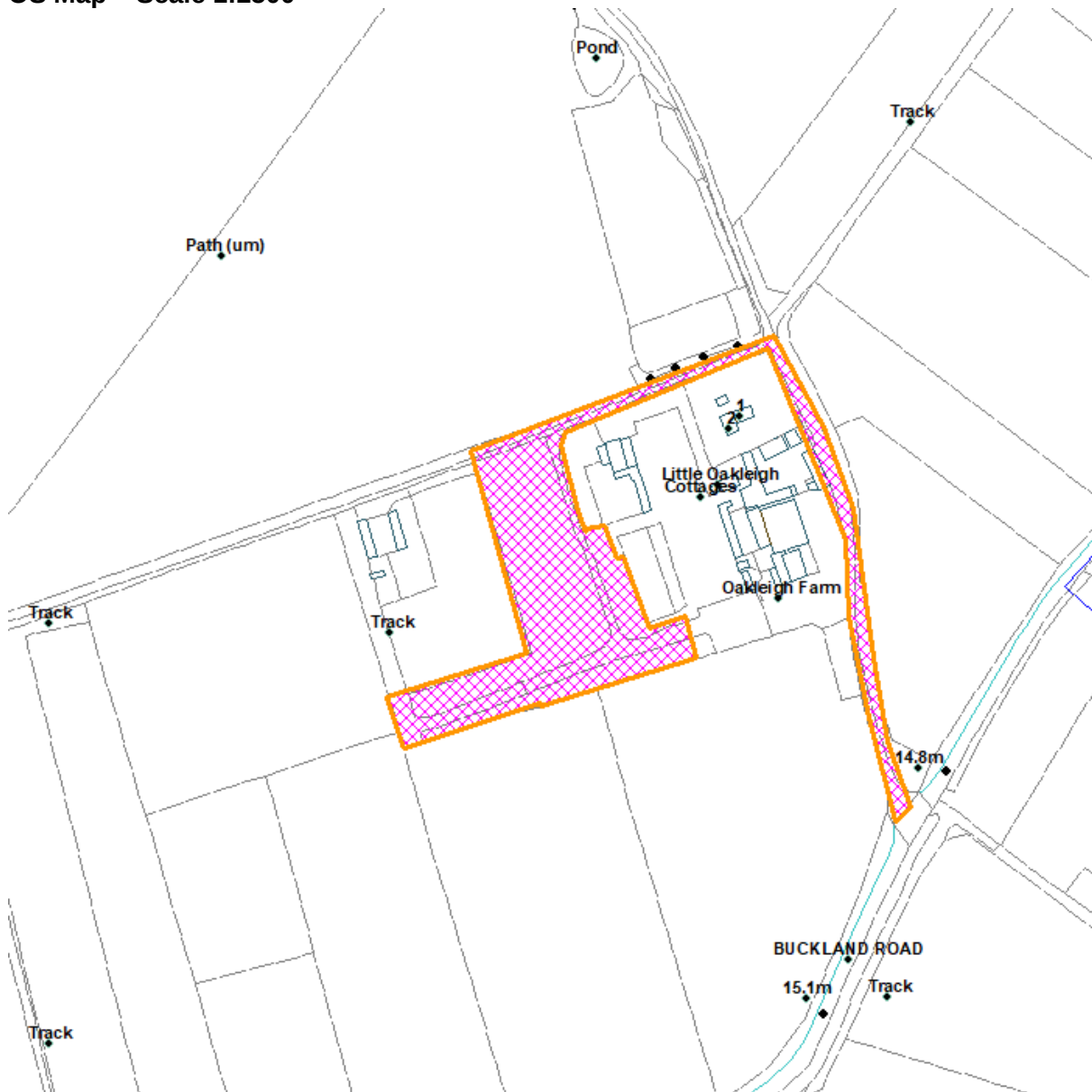
This certificate applies only to the use, operation or matter described in the First Schedule and identified on the attached plan. Any use, operation or matter which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.

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.

Gravesham Borough Council

Application	20240251
Site Address	Oakleigh Farm Buckland Road Higham Rochester Kent ME3 7HY
Date	17 July 2024
PMSA Number	0100019166

OS Map – Scale 1:2500



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