



Application: 20240845

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

To: **Mr Richard Scripps
C/O Alder King Planning Consultants
Pembroke House
15 Pembroke Road
Bristol
BS8 3BA**

REFUSAL OF CERTIFICATE OF EXISTING LAWFUL USE OR DEVELOPMENT

GRAVESHAM BOROUGH COUNCIL has considered your application dated 18 September 2024 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 an Existing Lawful Development Certificate for implementation of planning permission 20230584 (as amended by 20240233) by digging a trench at the site.

at: **Parsonage Farm
The Street
Cobham
Gravesend
Kent
DA12 3DG**

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 The Pre-commencement condition applied to decision notice 20230584, has not been discharged and no application to discharge the condition has been received. As such, whilst the trench was allowed as an exception, under application for Non Material Amendment and incorporated into the pre-commencement for decision notice 20230584, essentially allowing the trench to be dug, without enforcement action taken, it cannot be taken to have been a lawful commencement of the authorised development. The development cannot be considered to commence until such a time as the pre-commencement condition has been discharged.

INFORMATIVES:-

1 DRAWINGS/DOCUMENTS

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

Application Form
Location Plan
010 - Existing Plans, Elevations and Sections
1038972/P 101 A - Proposed Roof and Site Plan

Dated: 12 November 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 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.

APPEALS

If an application for a Lawful Development Certificate 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.