

Supporting Planning Statement

Application for a Lawful Development Certificate (Existing Use)

60 South Hill Road, Gravesend, Kent, DA12 1JZ

To: Planning Department, Gravesham Borough Council

Date: 23 July 2026

Supporting Planning Statement

This statement has been prepared in support of an application for a **Lawful Development Certificate (Existing Use or Development)** under **Section 191 of the Town and Country Planning Act 1990 (as amended)** in respect of development at **60 South Hill Road, Gravesend, DA12 1JZ**.

The application seeks confirmation that the existing rear extension and subsequent alterations are lawful by virtue of the passage of time.

Background

The property lies within the **Windmill Hill Conservation Area**.

The rear extension shown on the submitted Existing Plans is understood to have been constructed **in excess of 40 years ago**. The extension has remained substantially unchanged in its built form since that time and has formed part of the dwelling for several decades.

Subsequent external alterations were completed on **15 July 2016**, comprising:

- Rendering of the rear elevation;
- Replacement glazing; and
- Installation of rooflights.

A **FENSA Certificate**, dated **15 July 2016**, has been submitted as supporting evidence to confirm when these works were completed.

The submitted drawings accurately depict:

- the development as it currently exists; and
- the pre-existing property plans and elevations.

Legislative Background

This application is made under **Section 191 of the Town and Country Planning Act 1990**, which provides that an existing use or operational development is lawful where:

- no enforcement action may then be taken in respect of it; and
- it does not constitute a contravention of any enforcement notice then in force.

The relevant immunity periods are contained within **Section 171B of the Town and Country Planning Act 1990**.

In relation to operational development, Section 171B provides that enforcement action may not be taken after the expiry of **four years** beginning with the date on which the operational development was substantially completed.

The four-year immunity period applicable to operational development has long been recognised in planning legislation and has since been reflected within the wider amendments introduced by the **Levelling-up and Regeneration Act 2023**. Irrespective of those later amendments, the development the subject of this application had already accrued immunity many years beforehand.

Furthermore, the **Town and Country Planning (General Permitted Development) (England) Order 2015** establishes the national framework under which certain domestic alterations may be carried out without express planning permission. Whilst this application is not seeking to rely upon permitted development rights, the Order forms part of the wider legislative framework governing domestic operational development and demonstrates Parliament's intention that many forms of residential alteration should not require express planning permission.

Assessment

The evidence demonstrates that the original rear extension has existed for well in excess of four decades.

No enforcement action has ever been taken by the Local Planning Authority in respect of the extension.

Likewise, the later alterations completed on **15 July 2016** have remained in situ continuously since that date.

As at the date of this application:

- more than **ten years** have elapsed since the completion of those alterations;
- significantly more than the statutory four-year immunity period applicable to operational development had expired before any challenge was made; and
- there is no known enforcement notice affecting the development.

Accordingly, both the original extension and the subsequent alterations are immune from enforcement by operation of law.

Conservation Area

Although the property lies within the Hill Conservation Area, this designation does not disapply the statutory immunity provisions contained within the Town and Country Planning Act 1990.

A Lawful Development Certificate is not concerned with the planning merits or visual impact of development. Rather, it is a legal determination based upon evidence and the application of statute.

The Planning Practice Guidance makes clear that applications for Lawful Development Certificates are evidence-based exercises and must be determined solely on the balance of probability, having regard to the evidence submitted.

Whether planning permission ought originally to have been obtained is therefore not the question before the Council. The relevant question is simply whether the Local Planning Authority retains the ability to take enforcement action. In this instance, it clearly does not.

Evidence Submitted

This application is supported by the following evidence:

- Existing drawings accurately illustrating the development;
- FENSA Certificate confirming completion of replacement glazing on **15 July 2016**;
- This Supporting Planning Statement; and
- The continuous existence of the development, which has remained visible and unchallenged for periods greatly exceeding the statutory enforcement time limits.

Conclusion

On the balance of probability, the evidence demonstrates that:

- the rear extension has existed for in excess of 40 years;
- the subsequent alterations were completed on **15 July 2016**;
- the operational development has remained substantially complete and continuously in place throughout the relevant statutory periods;
- no enforcement action was commenced within the applicable limitation period; and

- the development is therefore lawful by virtue of **Sections 171B and 191 of the Town and Country Planning Act 1990.**

It is respectfully submitted that the Local Planning Authority should conclude that the statutory tests have been satisfied and issue a **Lawful Development Certificate (Existing Use)** accordingly.

Yours faithfully,

Frazer Day

Planning Director

Plan It UK

23 July 2026