



Gravesham Borough Council
Planning Department
Civic Centre
Windmill Street
Gravesend
Kent DA12 1AU

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14/03/2022

Dear Sir/Madam,

Land to the west of Gingerbread Cottage (formerly 2 The Cottage) NorthDa13 9PTfleet Green Road Istead Rise Kent DA13 9PT.

Please find enclosed an electronic application form and drawings for the above referenced address which is submitted to address comments made in the recent email exchange with Mrs Coyle regarding the status of the land and existing workshop.

The proposal seeks to change the use of land and workshop from the residential curtilage of Gingerbread Cottage (formerly 2 The Cottages) to commercial B2 Industrial workshop with ancillary access and parking including the erection of an additional workshop.

Whilst the existing workshop benefits from a lawful development it is alleged that the access land is agricultural land and did not fall with the curtilage of Gingerbread Cottage. However it appears to me that the most important permission on this site is 20150815 which relates to the retention of the site as a pair of semi-detached dwellings. This permission decision notice refers to the approved drawings including Drawing No.001 Rev.P1 which is the site location plan. This clearly outlines the application site in RED and includes the land to the west of the two cottages known as N.1 & No.2 the Cottages. It is clearly the case that the application included this land as being within the residential curtilage of the properties and if the Council had any concerns about what constituted the application site then it should have question the site plan then.

If they had any concerns about the lawful use of the land to the west then it should have been excluded from the red line boundary and simply shown in blue – as being in the same ownership of the applicant. This was not challenged or questioned by the Council and consequently the red line boundary shown on Drawing 001 Rec. P1 constitutes the application site.



Approved Drawing 002 –P2 shows the block plan of the two individual dwellings again outlined in red. The block plan for No.2 The Cottages (now Gingerbread Cottage) shows the area of land to the west of the cottage as being within the residential curtilage of the property. As such I am satisfied that the lawful use of that piece of land is not AGRICULTURAL but part of the residential curtilage of Gingerbread Cottage. In my view the lawful use of the land is residential and was being used as a vehicular access to the garage workshop to the rear of Gingerbread Cottage that was also included within the curtilage. There is in my view no doubt about the lawful use of this piece of land and its inclusion within the residential curtilage of Gingerbread Cottage as granted by permission 2015081. There are no conditions that in any way that restrict the way in which this land is used and there are no 'INFORMATIVES' attached to the permission that excludes the former agricultural land to the west of the cottage.

It is accepted that permission 20151059 deals with the garage workshop to the rear of Gingerbread Cottage and that it was shown, on the location plan Drawing 041 – P1, as being within the curtilage of Gingerbread Cottage and the access to it in blue being within the same ownership of the applicant. This was however an application for a Certificate of Proposed Lawful Use for the garage workshop and hardstanding in rear of garden of 2 The Cottages. The decision notice refers to **'the use, operation or matter described in the first schedule'** but this only refers to a garage workshop and hardstanding but makes no comment about its use for a commercial or business use and the decision only refers to Class E & F of Part 1 to Schedule 2 of the GPDO 2015 which clearly only relates to residential use. However the Council granted a Certificate of Lawful Use as a commercial enterprise in June 1995 (19940661). This has continued ever since and is now lawful by the passage of time.

Notwithstanding the fact the building and land has been separated from Gingerbread Cottage all that is needed is a change of use from residential curtilage land to a separate planning unit as Commercial B2 Workshop with





ancillary access and parking area including the
erection of a further
workshop.

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commercial

Yours sincerely

James Barron BA(Hons) DipTP MRTPI

Planning Director.

Gravesend Borough Council

