



Application: 20220108

**TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191 TOWN AND COUNTRY
PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015 (AS
AMENDED): ARTICLE 39**

To: **Mrs Leighan Cooper**
10 The Drive
Gravesend
Kent
DA12 4BZ

REFUSAL OF CERTIFICATE OF EXISTING LAWFUL USE OR DEVELOPMENT

GRAVESHAM BOROUGH COUNCIL has considered your application dated 4 February 2022 under the provisions of Section 191 of the above mentioned Act and has determined the operations, use or matter set out therein being

Lawful Development Certificate in respect of the continued use of outbuilding for business use (hair & beauty).

at: **10 The Drive**
Gravesend
Kent
DA12 4BZ

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 before any such proposals can be carried out.

The grounds for this determination are as follows:

- 1 On the balance of probabilities it is considered that insufficient levels of evidence have been submitted to prove that the outbuilding within the curtilage of 10 The Drive has been used for business purposes for a continuous period of 10 years.

INFORMATIVES:-

1 DRAWINGS AND DOCUMENTS

For the avoidance of doubt the decision to refuse this application was taken in relation to the following plans and documents:

Application Form - dated 03/02/2022

Un-numbered Ordnance Survey Location Plan (scale - 1:1250) - received 25/02/2022

Un-numbered Pre-Existing Block Plan (scale - 1:200) - received 25/02/2022

Un-numbered Land Registry Map - received 25/02/2022;

Un-numbered Plan Drawing - Outbuilding Front Elevation - received 25/02/2022

Un-numbered Plan Drawing - Outbuilding Rear Elevation' - received 25/02/2022

Dated: 10 February 2023

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Wendy Lane MRTPI
Assistant Director (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.