



PECLEZ

Application: 20220410

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

To: **Louise Hutton
C/O Mr John Collins, DHA Planning
Eclipse House
Eclipse Park
Sittingbourne Road
Maistone
Kent
ME14 3EN**

CERTIFICATE OF EXISTING LAWFUL USE OR DEVELOPMENT

GRAVESHAM BOROUGH COUNCIL hereby certify that on 13th April 2022 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 This Certificate application is in respect of the existing lawful use of 2no. buildings comprising the 'small shed' and 'large shed' in the rear garden of 28 Brookside Road as B2 workshops for the manufacture of handcrafted Native American style flutes. In this respect it has been shown on the balance of probability that these buildings have been utilised in this way for a period in excess of 10 years.

The Council is satisfied that the use is exempt from planning control by virtue of Section 171B (3) of the Town & Country Planning Act 1990 (as amended). The use is therefore lawful by virtue of Section 191(2)(a) of the Act and a Certificate of Existing Lawful Use can be issued.

First Schedule

Application for a Lawful Development Certificate in respect of the continued use of the outbuilding in the rear garden for (B2) use workshop for handcrafted Native American style flutes.

Second Schedule

**28 Brookside Road
Istead Rise
Gravesend
Kent
DA13 9JJ**

INFORMATIVES:-

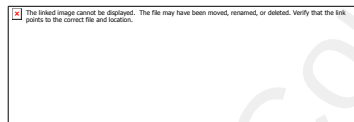
1 DRAWINGS AND DOCUMENTS

For the avoidance of doubt the applicant/agent provided the following information to the Local Planning Authority to assist in the consideration of this application:

Cover letter dated 11 April 2022
Application form
Drawing no. 15986-H-01 (P4) (Site Location Plan)
Drawing no. 15986-H-02 (P4) (Proposed Site Plan)
Drawing no. 15986-H-03 (P2) (B2 Use Workshop (Shed) Elevations)
Drawing no. 15986-H-05 (P3) (Proposed Floor Plan)
Google Earth Images 2012-Present
Appendix 2 - Customer List and 2011 Invoices
Appendix 3 - Red Kite Flutes Accounts 2017-2021
Appendix 4 - Signed Affidavit

Dated: 8 June 2022

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU



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	20220410
Site Address	28 Brookside Road Istead Rise Gravesend Kent DA13 9JJ
Date	8 June 2022
PMSA Number	0100019166

OS Map – Scale 1:1,250



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