

Application: 20230681

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

To: **Oakleigh Farms Ltd
C/O Mr Michael Raby, Bloomfields
77 Commercial Road
Paddock Wood
Tonbridge
TN12 6DS**

REFUSAL OF CERTIFICATE OF EXISTING LAWFUL USE OR DEVELOPMENT

GRAVESHAM BOROUGH COUNCIL has considered your application dated 28 June 2023 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 existing area A & B as outlined on the submitted site location plan have been used as a B8 Storage and Distribution Areas.

at: **Land West Of Oakleigh Farm
Buckland Road
Higham
Rochester
Kent**

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 Aerial photographs show that the entire sites of Area A and Area B as outlined in red have not been used as B8 Storage and Distribution for the previous 10 years and, as such, are therefore unlawful by virtue of section 191 (4) of the Town and Country Planning Act 1990 (as amended).

INFORMATIVES:-

1 DECISION PLANS

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

Application form;
Supporting Planning Statement;
Drawing no. 010 rev A (site location plan); and
Drawing no 020 rev A (existing block plan).

Dated: 10 October 2023

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.