



Application: 20220960

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

To: **Mrs J Mattu**
C/O Mr Jonathan Bolton, Synergy
The Office
The Larches
Higham
Rochester
ME3 7NQ

CERTIFICATE OF EXISTING LAWFUL USE OR DEVELOPMENT

GRAVESHAM BOROUGH COUNCIL hereby certify that on 21st December 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 The Borough Council is satisfied that sufficient evidence has been provided to conclude, that on the balance of probabilities, the building works, which are the subject of this application, were substantially completed more than four years before the date of this application and that the application site has always been in use as a single family dwelling.

The Borough Council is therefore satisfied that the building works are exempt from enforcement action by reason of section 171B (1) of the Town and Country Planning Act 1990, as amended.

The development is therefore lawful by reason of section 191(2) of the Town and Country Planning Act 1990 (as amended) and a Certificate of Existing Lawful Use can be granted.

For the avoidance of doubt, the application site, which is the subject of this certificate, is shown edged in red on the attached plan and the full extent of the building works referred to in this application, is described in the First Schedule.

First Schedule

Application site:

The Orchards, School Lane, Higham, Rochester, Kent, ME3 7HP

Description of development:

Application for Lawful Development Certificate in respect of existing building works comprising of alterations, extensions, new buildings, driveway, boundary walls and existing use as a single family dwelling.

Details of the building works referred to in the above description:

- Paving of the drive to the front of the house and altering the alignment of the drive, garden walls either side of the drive and along the front of the house. Numbered 5 on drawing no. 06B;
- Store room, party enclosed BBQ area, side kitchen and dining area numbered 7 on drawing no. 04B;
- Cloakroom to south side of entrance hall numbered 2 on drawing no. 04B;
- Front entrance porch numbered 1 on drawing no. 04B;
- Enlarged utility area to north side of front entrance area numbered 3 on drawing no. 04B;
- Conversion of a garage to form part of the kitchen, removal of the former conservatory roof and enlargement of the kitchen, conversion of part of the garage to form an annex comprising a bedroom and bathroom, numbered 8 on drawing nos. 04B and 01A;
- Car port to north side of the house, numbered 4 on drawing no. 04B;
- Pool room comprising a lounge, indoor pool, gym, shower room, w.c. steam room, guest bedroom; bathroom and pump room numbered 6 on drawing no. 04B;
- Garage/store located to the east of the pool room numbered 9 on drawing no. 04B;
- Garage with small annex to the north-east of the garden numbered 10 on drawing no. 04B;
- First floor balcony on east side of house numbered 12 on drawing no. 04B;
- Rear garden alterations comprising raised platers forming vegetable gardens and raised patio shown numbered 11 on drawing no. 06B and located to the south of the garage/annex number 10; and
- Front boundary walls and gates shown numbered 13 on drawing nos. 06B and 07.

Second Schedule

**The Orchards
School Lane
Higham
Rochester
Kent
ME3 7HP**

INFORMATIVES:-

1 DOCUMENTS

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

Application for lawful development certificate for an existing use, operation or activity form;
 Drawing no. 22/380/01 Rev. A Existing ground floor layout;
 Drawing no. 22/380/02 Rev. C Northern, western and eastern existing elevations;
 Drawing no. 22/380/03 Rev. B Existing southern elevation, location, site plan, garage elevations and garage annex elevations;
 Drawing no. 22/380/04 Rev. B Existing ground floor layout (post 2009 in red);
 Drawing no. 22/380/05 Rev. B Northern, western and eastern existing elevations (post 2009 in red);
 Drawing no. 22/380/06 Rev. B Existing southern elevation, location, site plan, garage elevations and garage annex elevations (post 2009 in red);
 Drawing no. 22/380/07 Existing garage and BBQ area elevations (post 2009 in red), entrance gate elevation and layout;
 Drawing no. 22/380/08 Elevations and layouts pre-2009;
 Statement to accompany the application;
 Evidence reference table;
 Affidavit Amareet Powar dated 09 December 2022;
 Affidavit Ricky Dhell dated 19 December 2022;
 Affidavit Jasbir Mattu dated 05 August 2022;
 Letter dated 01 December 2022 from Quinda Billing;
 Email dated 05 December 2022 from Ralph de Souza;
 14 invoices for works undertaken at the application property;
 6 aerial photographs (2011 to 2020);

6 photographs showing garage annex and garage internally;
5 photographs of the application property taken in 2009;
Photographs and plans of the application property from 2009;
Letter from the agent dated 19 August 2022; and
Email from the agent received 25 January 2023.

Dated: 15 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 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.

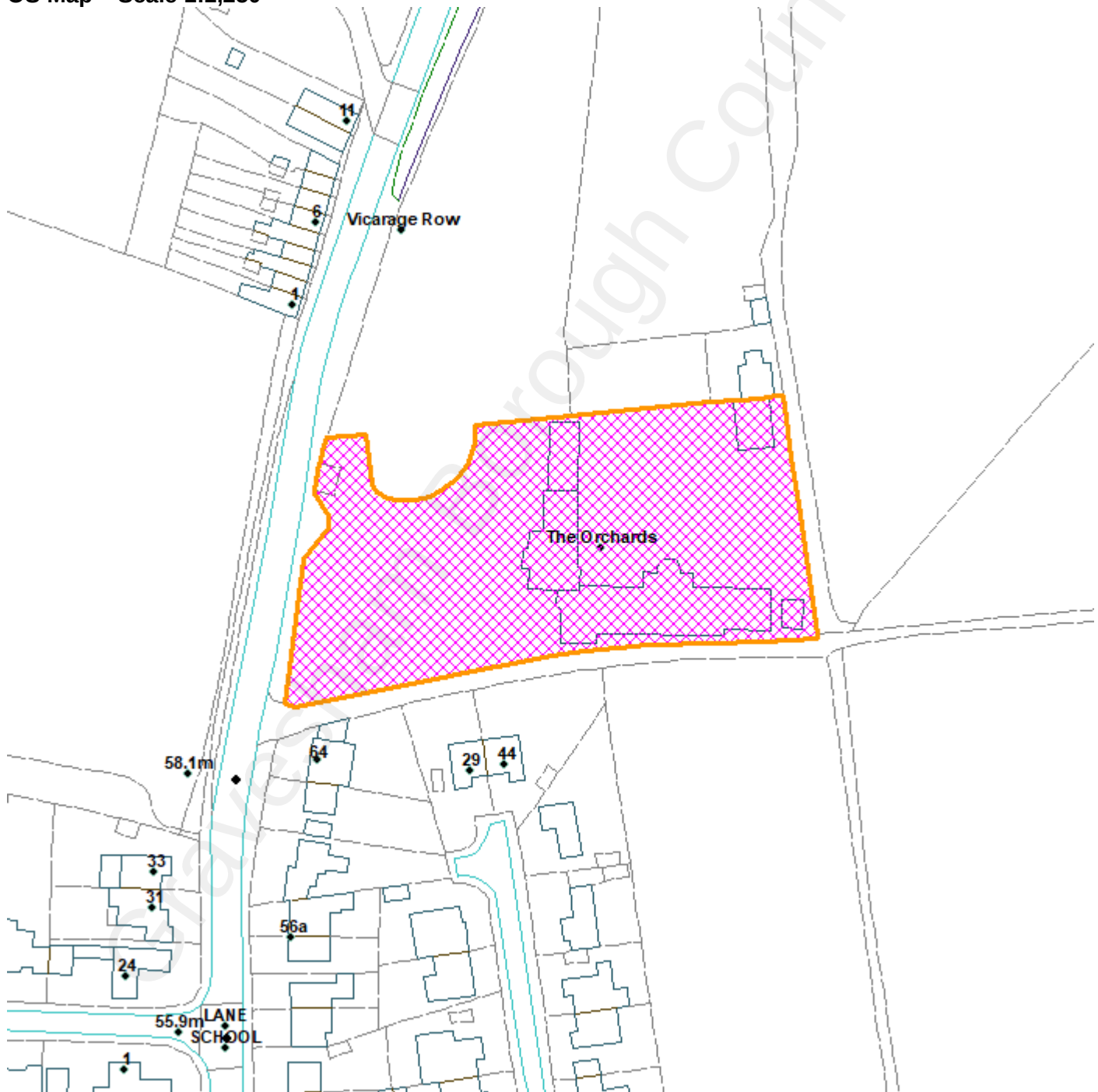
This certificate applies only to the use, operation or matter described in the First Schedule and identified on the attached plan. Any use, operation or matter which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.

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	20220960
Site Address	The Orchards School Lane Higham Rochester Kent ME3 7HP
Date	10 February 2023
PMSA Number	0100019166

OS Map – Scale 1:1,250



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