



RECLPZ

Application: 20220603

**TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015 (AS AMENDED)**

To: **Mr Paul Hockley, REL Redwing Ltd
C/O Mr Phil Rose, GRK Architecture
Office 9 Trafalgar House
223 Southampton Road
Portsmouth
PO6 4PY**

REFUSAL OF CERTIFICATE OF PROPOSED LAWFUL USE OR DEVELOPMENT

GRAVESHAM BOROUGH COUNCIL has considered your application dated 10th June 2022 under the provisions of Section 192 of the above mentioned Act and has determined the use, operation or matter set out therein being

Application for a Lawful Development Certificate in respect of the proposed erection of a front extension and alteration to location of coach roller shutter access doors.

at **Redwing Coaches
Unit 8 Industrial Estate
Norfolk Road
Gravesend
Kent
DA12 2PS**

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. The proposed extension to the garage/workshop building would effectively be constructed on the general area shown in the approved plans of planning permission reference 19820283 as vehicle parking, loading, off-loading and manoeuvring space and thus would conflict with condition (ii) of that planning permission that requires this area to be kept available for such use at all times.
2. The authorised use of the site is as a storage depot for commercial coaches. The use as a coach park/depot or bus depot is a sui generis use, thus a use of its own kind, that is not exchangeable with other uses and does not fall within Class E (commercial, business or service premises) of the Town and Country Planning (Use Classes) Order 1987, as amended.

The interpretation of Article 3 of and Part 7 (Non-domestic extensions, alterations etc) Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the 'GPDO') is indicated in Class A.3, which states:

"commercial, business or service premises" means a building, or part of a building, used for any purpose within Class E (commercial, business and service) of Schedule 2 to the

Use Classes Order and includes buildings with other uses in other parts as long as the other uses are not within the parts being altered or extended.

Therefore, it is not considered that the permitted development rights of Part 7 of the 'GPDO' would apply in this case.

3. Even if it was considered that the use of the site fell within **Class E** - Commercial, Business and Service of the Town and Country Planning (Use Classes) Order 1987, as amended, and that the Part 7 permitted development rights of the 'GPDO' did apply, the proposed extension would not comply with Class A.1 (b) that indicates that it is not permitted development **if the height of the building as extended would exceed 4 metres**. In this case the extension would be to a maximum height of **6.5m**.

As such it cannot be considered that the development is a lawful form of development, and a Lawful Development Certificate cannot be issued.

INFORMATIVES:-

1 DECISION PLANS

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

Application Form

Drawing No 22/272/103 Rev P2: Location Plan

Drawing No 22/272/100 Rev P2: Existing Site Plan

Drawing No 22/272/101 Rev P2: Proposed Site Plan

Drawing No 22/272/102 Rev P3: Existing and Proposed Plans and Elevations

Dated: 25 July 2022

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU



Your attention is drawn to the following notes

NOTES

1. Any person who wishes to appeal –

(a) against a determination of the Council under Section 195 of the Act; or

(b) on the failure of the Council to give notice of their decision within 8 weeks of the date of the application

shall give notice of the appeal to the Secretary of State within **six months of the decision or of the expiry of the appropriate period allowed under Article 33 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 for giving such notice (two months)**, as the case may be, or such longer period as the Secretary of State may at any time allow.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

2. Such person shall also furnish to the Secretary of State a copy of the following documents:-

- (i) the application;;
- (ii) all relevant plans, drawings, particulars and documents submitted with the application;
- (iii) the notice of the decision or determination, if any;
- (iv) all other relevant correspondence with any Local Planning Authority.