

Application: 20231065

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

To: **David Attwaters
C/O Ian Upton, Ian Upton Architects Limited
The White House
Bonnington
Ashford
TN25 7BP**

REFUSAL OF CERTIFICATE OF PROPOSED LAWFUL USE OR DEVELOPMENT

GRAVESHAM BOROUGH COUNCIL has considered your application dated 17th October 2023 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 outbuilding in the rear garden.

at **18 Dobson Road
Gravesend
Kent
DA12 5TE**

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 Section 55 of the Town and Country Planning Act (1990) defines development as carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land. Any change in land levels particularly when it would be at 0.3m or greater, would be considered an engineering operation requiring planning consent. Therefore, Planning Permission would be required for the proposal as a result of the engineering operations. As such, the proposed development does not benefit from the provisions of Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and Planning Permission would be required.

INFORMATIVES:-

1 DECISION PLANS

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

Application Form;
Supplementary Information - Proposal Justification Information;
Site Location Plan (received on 17.10.23);
Block Plan - Proposed (received on 17.10.23);
Drawing No. 2.4 - Site Plan - Existing;

Drawing No. 2.5 - Roof Plan - Existing;
Drawing No. 2.6 - Elevations - Existing;
Drawing No. 2.7 - Ground Floor Plan - Proposed;
Drawing No. 2.8 - Roof Plan - Proposed; and
Drawing No. 2.9 - Elevations - Proposed.

Dated: 27 November 2023

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Shazad Ghani
MPhil, MA, BA (Hons)
Head of Planning
Planning Service

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.

- **For further information regarding Appeals and to make an application please click the relevant link:**

<https://www.gov.uk/appeal-householder-planning-decision>

<https://www.gov.uk/appeal-planning-decision>

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.