

Application: 20250272

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

To: **Mr Andy Wilson
C/O David Haime
Matlock
Brady Road
Lyminge
CT18 8HA**

REFUSAL OF CERTIFICATE OF EXISTING LAWFUL USE OR DEVELOPMENT

GRAVESHAM BOROUGH COUNCIL has considered your application dated 24 March 2025 under the provisions of Section 191 of the above mentioned Act and has determined the operations, use or matter set out therein being:-

Application for an Existing Lawful Development Certificate for two existing outbuildings

at: **The Red House
Wrangling Lane
Luddesdown
Gravesend
Kent
DA13 0XF**

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. The outbuildings fail to comply with the parameters set out in Schedule 2, Part 1, Class E.3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, by virtue of constructing the outbuildings between the side wall of the dwelling and the boundary of the curtilage.

Therefore, the application cannot be supported, a lawful development certificate is refused and planning permission is required.

2. The application has been supported by insufficient information for the Local Planning Authority to determine with certainty that the use of the kennel outbuilding would be incidental to the personal enjoyment of the dwellinghouse. Therefore, it cannot be confirmed that the proposal satisfies Class E(a) of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

INFORMATIVES:-

1 PLANS AND DOCUMENTS

For the avoidance of doubt the decision to refuse this application was taken in relation to the following plans and documents:

- Application Form - dated 21 March 2025;
- Supplementary Information - Site Photographs (1-4);
- Drawing no. OB/01 - Site Location and Existing Block Plans;
- Drawing no. OB/02 - Existing Plans and Elevations;
- Drawing no. OB/03 - Existing Plans and Elevations.

Dated: 16 May 2025

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

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.