

Application: 20221107

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

To: **Ms Lorraine Higgs
C/O Mr James Barron, Barron Edwards Ltd
Whitehall Place
47 The Terrace
Gravesend
Kent
DA12 2DL**

REFUSAL OF CERTIFICATE OF EXISTING LAWFUL USE OR DEVELOPMENT

GRAVESHAM BOROUGH COUNCIL has considered your application dated 17 October 2022 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 continued stationing of a caravan on land for residential occupation.

at: **Land Lying To The East Of
Rhododendron Avenue
Meopham
Gravesend
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. On the balance of probabilities it is considered that insufficient evidence has been submitted to demonstrate that the caravan or the site to which it is located as depicted by the red line on the accompanying site location plan, have been continuously used for residential purposes, independent of the property 'Amankila' for a period in excess of 10 years immediately prior to the submission of this application.

INFORMATIVES:-

1 DECISION PLANS

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

Application Form;
Lawful Development Certificate - Existing Use - Planning Statement;
Ordnance Survey Site Location Plan (scale - 1:1250);
Existing Block Plan;
Drawing No. 001 Rev A - Existing Caravan Plans and Elevations;
Document 1 - Caravan Specifications;
Documents 2 to 4 - Land Registry Copy of Title;

Document 5 - Official copy of register of title;
Document 6 - Letters from Gravesham Borough Council's Planning Enforcement Team (dated April to September 2008);
Document 7 - Photographs;
Document 8 - Ordnance Survey Site Inspection Plan;
Document 9 - HM Land Registry Survey Requisition - May 2019;
Document 10 - Statutory Declaration - Toby Davis - September 2022;
Document 11 - Statutory Declaration - Lorraine Higgs - August 2022;
Document 13 - Property Chamber, Land Registration First-Tier Tribunal Decision - December 2021;
Document 15 - Statement of Case for Property Chamber, Land Registration First-Tier Tribunal;
Document 16 - Witness Statements.

Dated: 27 January 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 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.