

Application: 20230344

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

To: **Edward Ellis
C/O James Tullett, Pegasus Group
21 Ganton Street
London
W1F 9BN
United Kingdom**

REFUSAL OF CERTIFICATE OF EXISTING LAWFUL USE OR DEVELOPMENT

GRAVESHAM BOROUGH COUNCIL has considered your application dated 11 April 2023 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 a Lawful Development Certificate in respect of the existing residential use of a former agricultural outbuilding for over four years.

at: **Oaklands Farm
Priestwood Road
Meopham
Gravesend
Kent
DA13 0DA**

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 By examining all the evidence submitted as part of this application, it is considered that when considered as a whole and on the balance of probability, there is insufficient precise and unambiguous evidence that the application site has been in continuous Class C3 residential use since April 2019, and as such in excess of 4 years ago, and is therefore unlawful by virtue of Section 191 (4) of the Town and Country Planning Act 1990 (as amended).

INFORMATIVES:-

1 DRAWINGS AND DOCUMENTS

For the avoidance of doubt, the decision to refuse this Lawful Development Certificate was taken in relation to the following plans and documents:

Application form
Covering letter dated 3 April 2023
Drawing no. P22-2794_DE_001_001 Rev. A (Site Location Plan)
List of evidence including: BT Evidence Bills, Gas and Boiler Invoices, General Purchases Bills and Receipts, Insurance and Electoral Register Evidence, Kitchen and Bathroom Payment Receipts, Photographs, PlusNet Bills, Septic Tank Bills, Sky Bills

Dated: 28 June 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.

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.