

Application: 20231157

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

To: **Mr Ali Rana
C/O Ms Hanan Hassan, Gill Sterling
Whitehall Place
47 The Terrace
Gravesend
DA12 2DL**

REFUSAL OF CERTIFICATE OF PROPOSED LAWFUL USE OR DEVELOPMENT

GRAVESHAM BOROUGH COUNCIL has considered your application dated 15th November 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 the Lawful Development Certificate for the proposed change of use from sui generis to Class E (b).

at **Former Room Forty Four
44 High Street
Gravesend
Kent
DA11 0AY**

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 Class B of Part 3 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended was omitted on 01 August 2021, and as such no permitted development exists under that provision to change a public house (sui generis) to use class E(b) 'Sale of food and drink for consumption (mostly) on the premises'. As such the proposed change of use is not permitted development and planning permission is therefore required.

INFORMATIVES:-

1 DECISION PLANS

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

- o Application form;
- o Drawing no. 001 Rev. A - Block Plan;
- o Drawing no. 002 Rev. A - Existing Floor Plan, Proposed Ground Floor Plan; and
- o Drawing no. 003 Rev. A - Existing Elevations, Proposed Elevations.

Dated: 9 January 2024

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.