

Delegated Report

Proposed Lawful Development Certificate Application

Application no:	20231157
Location:	Former Room Forty Four 44 High Street Gravesend Kent
Description:	Application for the Lawful Development Certificate for the proposed change of use from sui generis to Class E (b).
Applicant:	Mr Ali Rana
Site Visit Date:	22 December 2023

Submitted Documents/Plans

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

Relevant Planning History

None.

Development Plan

Not applicable, this is an application for a Lawful Development Certificate under section 192 of the 1990 Town and Country Planning Act (as amended).

Consultations, Publicity and Representations

As an application for a Lawful Development Certificate under section 192 of the Town and Country Planning Act 1990 (as amended), there is no statutory requirement to undertake any publicity or consultation.

Officer's Analysis

The applicant is applying for change of use from a public house (sui generis) to use class E(b) which is 'Sale of food and drink for consumption (mostly) on the premises'. It is stated on the application form that such a change of use is lawful as 'the proposal complies with permitted development Class B'.

Class B is a deleted class – it previously allowed the change of use from takeaways or pubs to restaurants and cafes but this Class was deleted in 2021 under the Town and Country Planning General Permitted Development etc.) (England) (Amendment) (No.2) Order 2021.

There is currently not any Class under Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) as amended which allows change of use from a

public house (which is now sui generis) to Use Class E(b) 'Sale of food and drink for consumption (mostly) on the premises'. Planning permission is therefore required for such a change of use.

Conclusion

Class B of Part 3 Schedule 2 of the GPDO (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.

Recommendation:

Certificate Refused

See draft Decision

Case Officer:	Ms Rebecca Harrison	Team Leader:	Miss Faye Hobbs
Signed:	<i>Rebecca Harrison</i>	Signed:	
Dated:	8th January 2024	Dated:	09 January 2024