



PECLPZ

Application: 20221045

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

To: **Ms Diana Chipendo, DMC Consulting Services Ltd**
27A Darnley Road
Gravesend
Kent
DA11 0RZ

CERTIFICATE OF PROPOSED LAWFUL USE OR DEVELOPMENT

GRAVESHAM BOROUGH COUNCIL hereby certify that on 19th October 2022 the use, operation or matter described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged red on the plan attached to this certificate, **WOULD HAVE BEEN LAWFUL** within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason(s):-

1. The existing use of the property know as 2 Beaumont Drive has been in residential use for more than four years and therefore falls within Use Class C3(a) of the Use Classes Order 1987 (as amended) and the proposal to change this to a children's home for occupation by one child and provision of 24hr care by staff members on a shift pattern falls within Use Class C2 of the same Order. Having had regard to all the facts, the proposed change does not amount to operational development, or a material change of use as detailed by Section 55 of the Town and Country Planning Act 1990 (as amended) and would not be considered development under this legislation. The Council is therefore satisfied that the proposal would be lawful by virtue of Section 192 (2) of the Town and Country Planning Act 1990 (as amended) and a Certificate of Proposed Lawful Development can be issued.

First Schedule

Proposed change of use into a childrens home

Second Schedule

2 Beaumont Drive
Northfleet
Gravesend
Kent
DA11 9NW

INFORMATIVES:-

1 DRAWINGS AND DOCUMENTS

For the avoidance of doubt the developer provided the following information to the Local Planning Authority to assist in the consideration of this application;

Application Form
2BD/A3/03 - Site Map
2BD/A3/01 - Ground Floor Plan
2BD/A3/02 - First Floor Plan
Statement of Purpose

2 STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-MAKING

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 38 of the National Planning Policy Framework (NPPF) 2021, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative way and, where appropriate, has worked pro-actively with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area, and that is in accordance with the Development Plan for the area.

3 INTENSIFICATION OF USE

The applicant should note that should there be an intensification of use, i.e increased accommodation for children or increased traffic movement and visits by staff members, this could result in a material change of use for which planning consent would then be required.

4 COMPLIANCE FOR OTHER WORKS

The applicant should seek planning consent for the hard surfacing to the front of the property or bring it into compliance with planning requirements to avoid enforcement action.

Dated: 31 October 2022

**Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU**



NOTES

This certificate is issued solely for the purpose of Section 192 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 would have been lawful, on the specified date and, thus, was would not have been 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 (LDC) 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.

Gravesham Borough Council

Gravesham Borough Council

Application	20221045
Site Address	2 Beaumont Drive Northfleet Gravesend Kent DA11 9NW
Date	31 October 2022
PMSA Number	0100019166

OS Map – Scale 1:1,250

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