



Application: 20220913

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

To: **Mr Christopher South
Lark Rise
Pondfield Lane
Shorne
Gravesend
Kent
DA12 3LD**

REFUSAL OF CERTIFICATE OF PROPOSED LAWFUL USE OR DEVELOPMENT

GRAVESHAM BOROUGH COUNCIL has considered your application dated 12th September 2022 under the provisions of Section 192 of the above mentioned Act and has determined the use, operation or matter set out therein being

Proposed stationing of a mobile home in the garden of the property, for use for hobbies and an integral part of the overall use of the house

at **Lark Rise
Pondfield Lane
Shorne
Gravesend
Kent
DA12 3LD**

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. The applicant has not provided information with sufficient clarity or precision, that would allow a definitive determination as to whether the proposal would be an operational development or a use of the land or if it would be used wholly for purposes incidental to the enjoyment of the existing dwellinghouse.

It is considered, as a matter of fact and degree and taking into account relevant planning law and judicial authority, that the proposed development would not be likely to meet the definition of a caravan, failing to meet the construction or mobility tests as established through case law.

Nor would it be likely to be used wholly for purposes incidental to the use of the dwelling having regard to the size of the proposed mobile home including in relation to the footprint of the existing dwelling, its inclusion of a shower room/wc, and its potential for use as ancillary accommodation.

For these reasons it is concluded, on the evidence that is available, that the proposal would be likely to amount to development requiring planning permission.

INFORMATIVES:-

1 DRAWINGS AND DOCUMENTS

For the avoidance of doubt the decision to refuse this application was taken in relation to the following plans and documents:

Lawful Development Certificate Proposed Use or Development Application Form;
Drawing No 762 - L10: Location Plan;
Drawing No 14/82/02 Rev A: Existing Block Plan;
Drawing No 14/82/02 Rev A: Proposed Block Plan, as amended 18.10.2022;
Unnumbered drawing (other than shown as Rev A): Setting out plan, Section and Elevations;
Photograph of Mobile (Habitat Mobile Homes - Dune Zinc).

Dated: 1 November 2022

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

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 2015 (as amended) 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.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

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.