

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

To: **Mr William Cook
C/O Mr Alex Bateman
139 Kipling Avenue
Brighton
BN2 6UF**

REFUSAL OF CERTIFICATE OF EXISTING LAWFUL USE OR DEVELOPMENT

GRAVESHAM BOROUGH COUNCIL has considered your application dated 2 June 2021 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 Lawful Development Certificate in respect of the existing use of the site as a single unit within Use Class C3.

at: **Little Acres
Longfield Avenue
Gravesend
Longfield
Kent
DA3 7LA**

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:

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 evidence that the whole application site has been in continuous and sole Class C3 residential use since April 2011, and as such in excess of 10 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 received 2 June 2021;
Cover letter dated 1 May 2021 received 12 July 2021;
Drawing no. P_100 (Location Plan) received 23 September 2021;
Appendix B Statutory Declaration dated 2 September 2016 received 23 September 2021;
Drawing no. P_100 (Location Plan) received 13 October 2021.

Dated: 18 November 2021

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.