

Planning Department  
Gravesham Borough Council

21 November 2022

Dear Sir/Madam

**CERTIFICATE OF LAWFUL USE – USE OF LAND FOR OPEN MARKET/DEVELOPER BUILT HOUSES  
LAND ADJACENT SCHOOL LANE, HIGHAM, KENT ME3 7JG  
PLANNING PORTAL REFERENCE PP- 11710329**

This planning application seeks a Certificate of Lawful Use to confirm that the houses permitted under planning application reference 20191222 (appeal reference APP/K2230/W/20/3255704) at land adjacent to School Lane, Higham can be built out as open market/developer-built houses as opposed to self-build units/by those on the self-build register. This letter outlines supporting information in this regard.

**Planning History**

The following planning history for the site is relevant:

| Reference | Proposal                                                                                                                                                                                                   | Decision                   |
|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| 20191222  | Erection of 3 no. self-build houses with associated garages and landscaping                                                                                                                                | Appeal allowed<br>18/05/21 |
| 2015115   | Removal of condition 10 of planning permission 20141170 to remove the restriction of permitted development rights on the land south of the driveway for outbuildings, fencing, domestic paraphernalia etc. | Appeal allowed<br>26/01/17 |

### Certificate of Lawful Use

As outlined above, the description of development for planning application reference 20191222 was for 3 no. self-build houses. However, no conditions were applied to the planning permission requiring the houses to be built by those on the self-build register, nor was a Section 106 in place to restrict the same. It would be expected for a condition to be applied to a planning permission or for a legal agreement to be in place to restrict the sale of the houses to those on the self-build register, should this have been considered imperative to the Council or Inspector.

In this case, the Inspector did not apply such a condition to the planning permission, nor is a legal agreement in place. Whilst being recognised as a benefit, the provision of self-build homes specifically was not of vital importance to the determination of the appeal, the main issues being identified at paragraph 3 of the appeal decision as being: whether the scheme would comprise inappropriate development in the Green Belt; landscape character; and the Special Protection Area (SPA).

The use of the land, whether built out by those on the self-build register or by a developer, would remain as residential dwellings i.e there would be no change of use. Confirmation is therefore sought from the Council by way of this Certificate of Lawful Use application, that the houses can be sold on the open market and built out by a developer, rather than those on the self-build register.

It is therefore respectfully requested that the Certificate of Lawful Use is issued.

Should you require further information, please do not hesitate to contact me.

Yours sincerely



Klaire Lander

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