



## CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

**Town and Country Planning Act 1990: Section 191 and 192  
(as amended by Section 10 of the Planning and Compensation Act 1991)  
Town and Country Planning (Development Management Procedure)  
(England) Order 2015: Article 39**


---

Peter Brett Associates  
FAO Mrs Caroline Wright  
Oxford Place  
61 Oxford Street  
Manchester  
M1 6EQ

South Tyneside Council hereby certify that on 8 May 2015 the use/operations described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and edged 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 reasons:

### Reasons

1. The provision of an ancillary coffee shop on the mezzanine floor of the existing retail use does not constitute development as defined in Section 55 of the Town and Country Planning Act 1990 (as amended). Therefore planning permission would not be required.
2. The internal works to create a coffee shop on the existing mezzanine floor do not constitute development as defined in Section 55 of the Town and Country Planning Act 1990 (as amended). Therefore planning permission would not be required.

Signed:  (Council's authorised officer)

On behalf of South Tyneside Council

Date: 01/07/2015

**Application No:** ST/0408/15/CLP

**Application No:** ST/0408/15/CLP

**FIRST SCHEDULE**

Application for a Lawful Development Certificate sought for the following proposal: To make internal alterations to create a customer coffee shop on the mezzanine floor.

**SECOND SCHEDULE**

Next Store, 6 & 7 Waterloo Square, Coronation Street, South Shields, NE33 1AW

**NOTES TO APPLICANT:**

**For the avoidance of doubt this decision relates to the following plans and/or specifications:**

Drwg No 02391-436-020-001 Rev K Received 01/05/2015

Drwg No -436-020-001 Received 01/05/2015

**Important: Please read the attached notes.**

## NOTES

- 1 This certificate is issued solely for the purpose of section 192 of the Town and Country Planning Act 1990 (as amended).
- 2 It certifies that the use/operations 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, would not have been liable to enforcement action under section 172 of the 1990 Act on that date.
- 3 This certificate applies only to the extent of the use/operations described in the First Schedule and specified in the Second Schedule and identified on the attached plan. Any use/operations which are materially different from those described or which relate to other land may render the owner or occupier liable to enforcement action.
- 4 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 or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.

**5 Only the applicant possesses the right to appeal**

If you are aggrieved by the decision of the local planning authority to grant the certificate in a different form from the application, then you may appeal to the Secretary of State for Communities and Local Government in accordance of section 195 of the Town and Country Planning Act 1990. Please note that your appeal will be turned away if an effective Enforcement Notice is in force. The Secretary of State is not required to entertain an appeal if it appears to him that the certificate could not have been granted other than in this different form from the application, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order.

Appeals can be made online using the Planning Inspectorates planning appeal service through the Planning Portal at <http://www.planningportal.gov.uk/planning/appeals/online/makeanappeal>. You must use a Certificate of Lawful Use or Development Appeal form when making your appeal. Please be aware that details of planning appeals are available on the internet and may include a copy of the original application form and relevant supporting documents supplied to ourselves, either by you, or your agent, together with the completed appeal form, and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More information about data protection and privacy matters is available on the Planning Portal website.

Alternatively if you do not wish to submit your appeal electronically, a form is obtainable from The Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN. Email: [enquiries@planning-inspectorate.gsi.gov.uk](mailto:enquiries@planning-inspectorate.gsi.gov.uk) or telephone 0303 4440000. Please note that you must state the appeal form that you require.