



**South Tyneside Council**

## **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 35**

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Advanced Renewable Power  
Picktree Office Suites  
21 Swinhope  
Washington  
NE38 9HR

South Tyneside Council hereby certify that on 07/09/2016 the operations described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate 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 reasons:

The proposed installation of solar panels as shown on the submitted plan received 26/10/2016 would constitute permitted development by virtue of Schedule 2 and Class J(b) of Part 14 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (as amended).

Signed:

A handwritten signature in black ink, appearing to read 'G. Muir'.

(Council's authorised Officer)

On behalf of South Tyneside Council

**Date:** 27/10/2016

**Application No:** ST/0811/16/CLP

## **FIRST SCHEDULE**

Application for a Lawful Development Certificate for the proposed installation of 865 x 265 watt solar panels to the South West aspect of the building, equating to 229.23 kWp Solar PV System

## **SECOND SCHEDULE**

Unit 5, Monkton Business Park North, Hebburn, NE31 2JZ

### **NOTES TO APPLICANT:**

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

Plan received 26/10/2016

A permitted development right under Schedule 2 and Class J(b) of Part 14 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (as amended) is subject to the conditions set out at J.4—(1) of the said Order i.e.:

- the solar PV equipment or solar thermal equipment must, so far as practicable, be sited so as to minimise its effect on the external appearance of the building and the amenity of the area; and
- the solar PV equipment or solar thermal equipment is removed as soon as reasonably practicable when no longer needed.

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

## NOTES

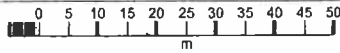
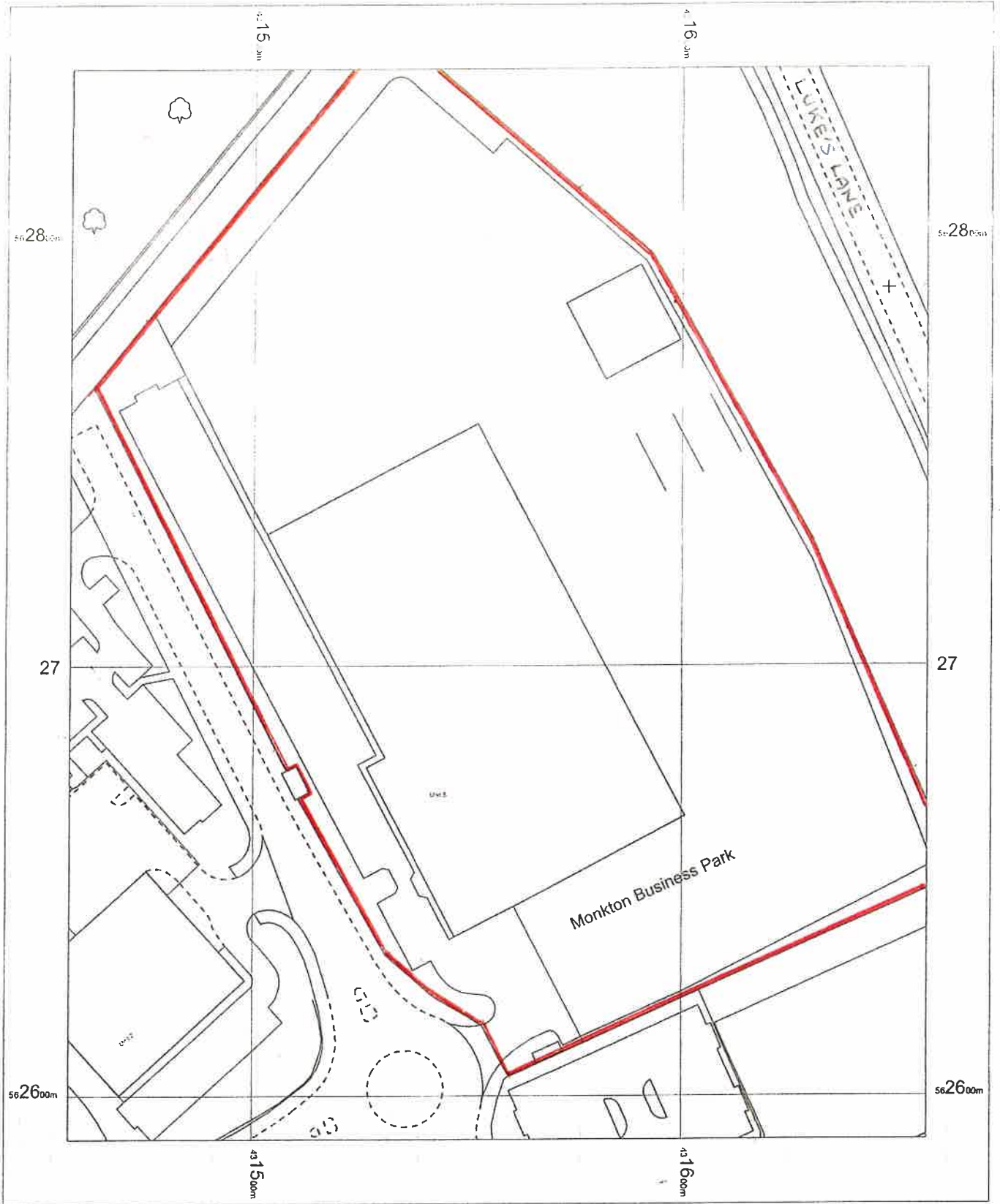
- 1 This certificate is issued solely for the purpose of section 192 of the Town and Country Planning Act 1990 (as amended).
- 2 It certifies that the operations specified in the First Schedule taking place on the land described in the Second Schedule would have been lawful, on the specified date and, 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 operations described in the First Schedule and specified in the Second Schedule and identified on the attached plan. Any operations which are materially different from that 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 refuse the application (in whole or in part) 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 need not consider an appeal if it seems to the Secretary of State that the certificate could not have been granted by the Local Planning Authority, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order.

If you want to appeal against your local planning authority's decision there is no time limit for making an appeal in relation to section 191 and section 192 appeals, although any appeal made under section 26K (Listed Building and Conservation Areas Act) must be received within 6 months of the date of the LPA decision notice or within 6 months of the expiry of 6 week period following receipt of a valid s26H application.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>



Unit 5  
Monkton Business Park  
North  
Hebburn  
NE31 2JZ

ST0811/16/CLP

OS MasterMap 1250/2500/10000 scale  
02 September 2016, ID: M4P-00558068  
South Tyneside District Council

1:1250 scale print at A4, Centre: 431557 E, 562715 N

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