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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Mr Kenneth Dodds
31 Addison Road
West Boldon
NE36 0QY

South Tyneside Council hereby certify that on 25/03/2019 the use 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 was lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended) for the following reasons:

1. The Council is satisfied on the balance of probabilities, that the evidence submitted in support of the application for the proposed use of the application site for the installation of a server computer for an established taxi business, required for South Tyneside Council Taxi Licencing purposes would not, as a matter of fact and degree, represent a Material Change of Use – the existing lawful use of the property being a dwelling house, Use Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended).



Signed: (Council's authorised officer)

On behalf of South Tyneside Council

Date: 16/05/2019

**Application No:** ST/0169/19/CLP

**FIRST SCHEDULE**

Application for a Lawful Development Certificate for the proposed use of the existing conservatory to locate a server computer for an existing established taxi business required for South Tyneside Council Taxi Licencing purposes. Application seeking to confirm that the proposal will not require planning permission. (i.e. will not result in a material change in the use of the premises.)

**SECOND SCHEDULE**

31 Addison Road
West Boldon
NE36 0QY

**NOTES TO APPLICANT:**

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

Site location plan received 27/02/2019
Additional Information Letter received 25/03/2019

**Your attention is drawn to the attached schedule of notes which form part of this notice**

## 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 specified in the First Schedule taking place on the land described in the Second Schedule was lawful, on the specified date and, thus, was not 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 described in the First Schedule and specified in the Second Schedule and identified on the attached plan. Any use which is 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