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

Ms Gi Ling Rebecca Ho
29 Aidan Close
Holystone
Newcastle upon Tyne
NE27 0UP

South Tyneside Council hereby certify that on 08/10/2019 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 in red on the plan attached to this certificate was lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended) for the following reasons:

- No enforcement action can be taken against the use because the time for taking enforcement action has expired.

Signed: (Council's authorised officer)

On behalf of South Tyneside Council

Date: 03/12/2019

Application No: ST/0818/19/CLU

FIRST SCHEDULE

Application for a Lawful Development Certificate to confirm the existing use of the premises as a hot food takeaway falling within use class A5 (hot food takeaways) of the Town and Country Planning (Use Classes) Order 1987.

SECOND SCHEDULE

1 North Road
Boldon Colliery
NE35 9AR

NOTES TO APPLICANT:

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

Site Location Plan TQRQM19332173947636 received 29/11/2019

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 191 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, 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 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 relates 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**

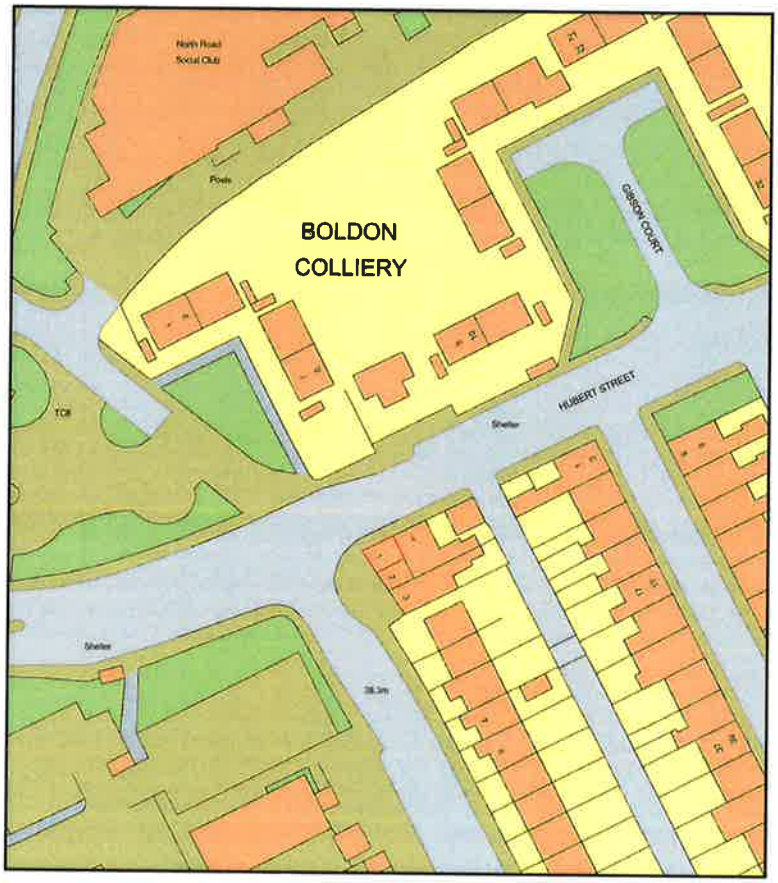
If you are aggrieved by the decision of the Local Planning Authority to refuse the application (in whole or in part) then you may appeal to the Secretary of State for Communities and Local Government in accordance of section 195 of the Town and Country Planning Act 1990. Please note that your appeal 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.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

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

1 North Road



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Metres

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ReQuestaPlan

Plan Produced for: South Tyneside Council

Date Produced: 28 Nov 2019

Plan Number/Project ID: TQRQM19332173947636

Scale: 1:1250 @ A4

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