South Tyneside Council

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

Town and Country Planning Act 1990: Section 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

Tyne & Wear Planning
FAO: Mr Jamie Reed
67 Tynedale Road
South Shields
NE34 6HB

South Tyneside Council hereby certify that on 07/05/2025 the operations/use described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and coloured boundary on the plan attached to this certificate would have been lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended) for the following reasons:

1 The proposed internal works and proposed use [as set out in full in the First Schedule] do not constitute, respectively, development or a material change of use. Consequently, the proposal [as set out in full in the First Schedule] would not constitute development under section 55(1) of the Town and Country Planning Act 1990 (as amended).

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Signed:(Council's authorised officer)

On behalf of South Tyneside Council

Date: 03/07/2025

Application No: 250317

FIRST SCHEDULE

Application for a Lawful Development Certificate for the proposed removal of section of internal stud wall to enable 2 self contained flats to be amalgamated into 1 single dwelling house.

SECOND SCHEDULE

88-90 Beech Street
Jarrow
NE32 5LD

NOTES TO APPLICANT:

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

Application Form received 07.05.25
Location Plan received 07.05.25

1 UNIQUE NOTE TO APPLICANT

Your attention is drawn to the Party Wall Etc. Act 1996, which provides a framework for preventing and resolving disputes in relation to party walls, boundary walls and excavations near neighbouring buildings.

A building owner proposing to start work covered by the Act must give adjoining owners notice of their intentions in the way set down in the Act. Adjoining owners can agree or disagree with what is proposed. Where they disagree, the Act provides a mechanism for resolving disputes.

The Act is separate from obtaining planning permission or building regulations approval and you can find out more about it at:
https://www.gov.uk/party-wall-etc-act-1996-guidance

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 operations/use 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, was 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/use in the First Schedule and specified in the Second Schedule and identified on the attached plan. Any operations/use which is materially different from those 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

Location Plan

Site Address: **Easting: 432131 Northing: 565178**

PlanningPortal

Date Produced: **06-May-2025**

Scale: **1:1250 @A4**



Planning Portal Reference: **PP-13992013v1**

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