Mrs A Gregory
90 Boston Road South
Holbeach
Spalding
PE12 7LZ

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# TOWN AND COUNTRY PLANNING ACT 1990

# LAWFUL USE CERTIFICATE

| | | | |
|---|---|---|---|
| **Reference:** | H09-0765-22 | **Date of Decision:** | 15th November 2022 |
| **Applicant:** | Mrs A Gregory<br>90 Boston Road South<br>Holbeach<br>Spalding<br>PE12 7LZ | | |
| **Location:** | 90 Boston Road South Holbeach Spalding | | |
| **Description:** | Sale of bric-a-brac on a charitable basis for no more than three days a week between the hours of 10.00am and 4.00pm excluding Sundays and Bank Holidays. | | |

**South Holland District Council hereby give notice that on the date of the application the use, operations or matter described below was LAWFUL within the meaning of Section 192 of The Town and Country Planning Act 1990 for the reasons set out below:**

1 Schedule 1 - Description of Use or Operation

Sale of bric-a-brac on a charitable basis for no more than three days a week between the hours of 10.00am and 4.00pm excluding Sundays and Bank Holidays.

Schedule 2 - Land Specified

- 'Application Site' (90 Boston Road South, Holbeach) as outlined in red on the attached plan entitled 'Plan 1'
- 'Sales Area' as indicated by the area hatched green on the attached plan entitled 'Plan 2'
- 'Storage Area' as indicated by the area hatched black on the attached plan entitled 'Plan 3'

Reason for determining the use, operations or other matters to be lawful:

The use specified above is not considered to amount to a material change of use and is incidental to the enjoyment of the dwellinghouse. It therefore does not require planning permission.

2 Notes:

This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 as amended. It certifies that the use, operations or matter specified in Schedule 1 taking place on the land described in Schedule 2 was or would have been lawful on the date of the application, and thus was not or would not have been liable to enforcement action under Section 172 of the 1990 Act on that date.

This Certificate applies only to the extent described in Schedule 1 and to the land specified in Schedule 2 and on the attached plans. Any use, operation, or other matter which is materially different from that described, or which relates to other land, may render the owner or occupier liable to enforcement action. The lawfulness is only conclusively presumed where there has been no material change in any relevant matter before the use or operations are begun.

Notes:

The determined plans are:
Application Form
Plans 1, 2 and 3 as attached
Evidence to Support Application

This Certificate is subject to a Unilateral Undertaking under Section 106 of the Town & Country Planning Act 1990 (as amended) dated 13th November 2022 and the permitted use shall be carried out in strict accordance with the provisions of that Undertaking at all times.



**Phil Norman**
**Head of Planning**
**South Holland District Council**

**BUILDING REGULATIONS:**
This decision refers only to planning permission as granted under the Town and Country Planning Act 1990. The works that you are proposing may also require Building Regulations and this planning permission does not give authority under Building Regulations to commence work. Please contact the Building Control section for further information on 01775 764557 or bcadmin@sholland.gov.uk

# RIGHTS OF APPEAL

## Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or grant consent subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Building and Conservation Areas) Act 1990.

## Timescales for appealing

The deadlines for appeals are calculated from the **date of decision** and are as follows for the types of applications below:

| 12 Weeks | 6 Months | 8 Weeks |
|---|---|---|
| Householder Applications | Planning Permission | Consent to Display Adverts |
| Minor Commercial Development | Listed Building Consent | |
| Agricultural Determinations | Other Prior Approval Applications | |
| Householder Prior Approval Applications | | |

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@planning inspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

## Enforcement Notices

If an enforcement notice was served prior to the planning application being determined then the deadline for appealing is 28 days from the date of the **planning refusal**.

If an enforcement notice is served after the planning application is determined then the deadline for appealing is 28 days from the date of the **enforcement notice** OR **the timescales stated above for each application type** from the date of the planning refusal - whichever is sooner.

Appeals can be made online at: https://www.gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the

Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under the order.

## Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grant it subject to conditions the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of the Part VI of the Town and Country Planning Act 1990 or Section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.

## Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.