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Spalding
Lincolnshire
PE11 2XE
Admin 01775 764723
DC Officers 01775 764703
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Jenny McIntee Architectural Design
Unit G19, Venture House
Enterprise Way
Boston
Lincs
PE21 7TW

TOWN AND COUNTRY PLANNING ACT 1990
LAWFUL USE CERTIFICATE

Reference: H15-1058-17 **Date of Decision:** 11th January 2018

Applicant: Mr and Mrs Clark
The Laurels
Wood Lane
Quadring Eaudike
Spalding Lincs
PE11 4SS

Location: The Laurels Wood Lane Quadring Eaudike Spalding

Description: Proposed extension and alterations

South Holland District Council hereby give notice that a Certficate is REFUSED for the use, operations or matter described in the application, for the following reason(s):

1 Schedule 1 - Description of Use or Operation

Proposed extension and alterations

Schedule 2 - Land Specified

The Laurels, Wood Lane, Quadring Eaudike (as outlined in red on the attached plan)

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

It is considered that the proposed development does not constitute permitted development rights under Class A of Part 1 of Schedule 2 of the GDPO, as the proposal extends more than 4 metres beyond the rear wall of the original dwelling house which constitutes a larger home extension that requires consideration through the neighbourhood consultation scheme. The application as it stands has been made by way of the incorrect procedure.

Accordingly, it is concluded that a certificate of lawfulness should be refused

Notes:

The determined plans are:
Site Location plan, Drw no. 1714401A, Block Plan Drw No. 1714402A and other information accompanying the application



Paul Jackson
Place Manager
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		

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.

All appeals must be made using an Appeal Form which you can get from The Planning Inspectorate at Temple Quay House, 2 The Square, Bristol, BS1 6PN (tel: 0303 444 5000) or you can submit your appeal online at:

http://www.planningportal.gov.uk/planning/appeals/online/makeanappeal

The Secretary of State can allow a longer period for giving notice of an appeal but he 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 him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the

provisions of the development order and to any directions given under the order. In practice the Secretary of State does not refuse to consider appeals solely because the Local Planning Authroity based its decision on a direction given by him.

For detailed information on appeals, appeal types and guidance on the appeals process please visit:

http://www.planningportal.gov.uk/planning/appeals/planningappeals

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.