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Town and Country Planning Act 1990 (Section 191) Certificate of Lawful Use or Development

Reference: H17-0095-15 Received: 6th February 2015

Type: S191 LAWFUL USE CERT

Name: Mr P Collier
The Squirrels
26 Woods Lane
Surfleet
Spalding
Lincs
PE11 4AN

Agent: R Longstaff & Co
5 New Road
Spalding
Lincs
PE11 1BS

Description: Occupation of dwelling by persons not employed in agriculture (Condition 5 of SR273-64)

Location : THE SQUIRRELS 26 WOODS LANE
SURFLEET SPALDING

South Holland District Council hereby CERTIFY that on the date of the application the use, operations or matter described below was LAWFUL within the meaning of Section 191 for the reasons set out below:

Schedule 1 - Description of Use or Operation

Occupation of dwelling by persons not employed in agriculture (Condition 5 of SR273-64).

Schedule 2 - Land Specified

The Squirrels, 26 Woods Lane, Surfleet, Spalding (as outlined in red on the attached plan).

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

The use of the dwelling as an unrestricted dwelling has occurred for more than ten years and is, therefore, lawful by reason of Section 191 of the Town and Country Planning Act 1990. Planning permission is not therefore required.

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Notes:

This certificate is issued solely for the purpose of Section 191 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 plan. 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 determined plans are:

Statement of Facts (dated 4 February 2015) and accompanying Appendices A-E.



Paul Jackson
Planning Manager

4th March 2015

H17-0095-15

This decision refers only to that required for the purposes of the Town and Country Planning Acts and not for Building Regulations or any other legislation.

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		
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 Authority 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 developments 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 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 Sections 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.



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Scale: 1:2500

March 2015

Planning & Development
Council Offices, Priory Road, Spalding, Lincolnshire
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