



## TENDRING DISTRICT COUNCIL

### Planning Services

Council Offices, Thorpe Road, Weeley, Clacton-on-Sea, Essex CO16 9AJ

**AGENT:**

Miss Danielle Eley - Ellisons  
Solicitors  
Headgate Court  
Head Street  
Colchester  
CO1 1NP

**APPLICANT:**

Mrs Carol Weller  
Kalm Oak Nursery  
Hunters Chase  
Ardleigh  
Colchester  
Essex  
CO7 7LW

### CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

#### TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) SECTION 191

**APPLICATION NO:** 19/01071/LUEX

**DATE REGISTERED:** 18th July 2019

Town and Country Planning (Development Management Procedure) Order 2010: Article 35

#### CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

The Tendring District Council certify that on 18th July 2019 the described in the First Schedule in respect of the land specified in the Second Schedule and edged 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 reason(s):

The evidence submitted with the application is sufficiently clear and unambiguous to demonstrate that, on the balance of probabilities, the nursery offices and propagation room at Kalm Oak Nursery have been used as residential use for a period of 10 years, that this use has not been supervened by another material change of use and nor has it been abandoned. This therefore demonstrates a clear and continuous breach of Condition 3 of TEN/1959/87.

**DATED:** 12<sup>th</sup> September 2019

**SIGNED:**

*Catherine Bicknell*

\_\_\_\_\_  
Catherine Bicknell  
Head of Planning

#### FIRST SCHEDULE

Occupation of the site address in non-compliance with condition 3 of planning permission TEN/1959/87.

#### SECOND SCHEDULE

Kalm Oak Nursery Hunters Chase Ardleigh Colchester

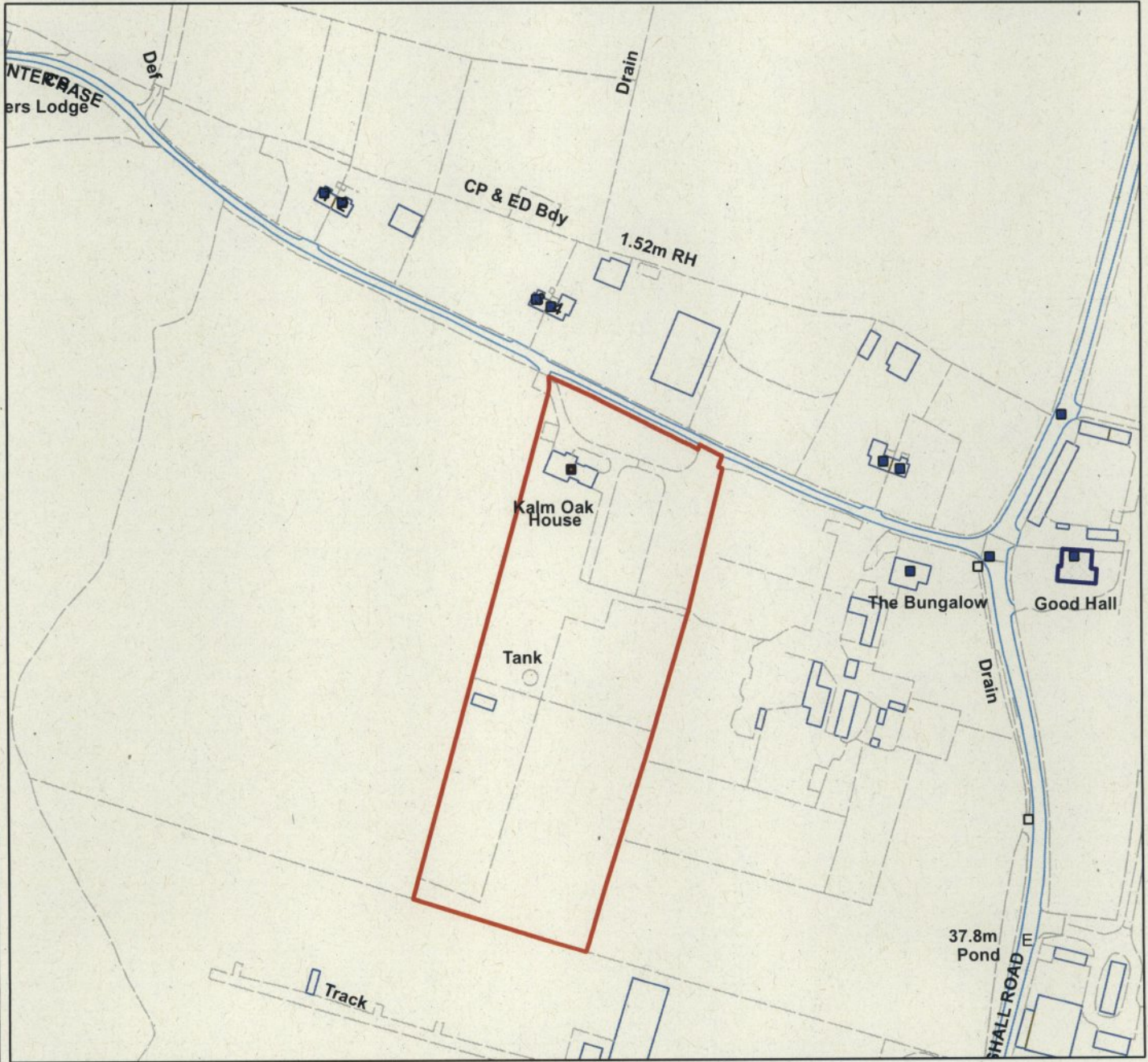
*Notes*

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 specified in the First Schedule taking place on the land described in the Second Schedule was lawful on the specified date and thus was not liable to enforcement action under Section 172 of the 1990 Act on that date.
3. This certificate applies only to the extent of the described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any [use] [operations] [matter]\* which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.

19/01071/LUEX



Kalm Oak Nursery Hunters Chase Ardleigh



Scale: 1:2,500

Reproduced from the Ordnance Survey map with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2012.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	Tendring District Council
Department	Planning Department
Comments	Not Set
Date	12/09/2019
MSA Number	100018684