



## TENDRING DISTRICT COUNCIL

### Planning Services

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

<b>AGENT:</b>	Miss Danielle Eley - Ellisons Solicitors Headgate Court Head Street Colchester CO1 1NP	<b>APPLICANT:</b>	Mrs Carol Weller Kalm Oak Nursery Hunters Chase Ardleigh Colchester Essex CO7 7LW
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### CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

**TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191**  
(AS AMENDED BY SECTION 10 OF THE PLANNING AND COMPENSATION ACT 1991)

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

**DATE REGISTERED:** 18th July 2019

### NOTIFICATION OF REFUSAL OF CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

Tendring District Council hereby REFUSE the application for a Certificate of Lawful Existing Use in respect of the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto for the following reason(s):

The applicant has failed to provide sufficient and precise evidence to demonstrate that the occupation of the application site has not been limited to persons wholly or mainly or last employed locally in agriculture or in forestry. The onus is on the applicant to provide the necessary factual information in order to substantiate the application. In this case the evidence submitted demonstrates that Mrs Weller was last employed at Kalm Barn Nursery until 2000, with no evidence of any later employment provided, and therefore does not demonstrate that Condition 2 of TEN/1959/87 has been breached.

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

**SIGNED:**

*Catherine Bicknell*

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Catherine Bicknell  
Head of Planning

### FIRST SCHEDULE

Occupation of the site address in non-compliance with condition 2 of planning permission TEN/1959/87.

### SECOND SCHEDULE

Kalm Oak Nursery Hunters Chase Ardleigh Colchester

*Notes*

- Your attention is drawn to the fact that if you are aggrieved by this determination you have a right of appeal against it to the Planning Inspectorate under Section 195 of the Town and Country Planning Act 1990. Notice of the appeal should be made using a **Lawful Use or Development Appeal 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://www.gov.uk/planning-inspectorate>. **Please note, only the applicant possesses the right of appeal.**

19/01071/LUEX



Kalm Oak Nursery Hunters Chase Ardleigh



Scale: 1:2,500

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