



TENDRING DISTRICT COUNCIL

Planning Services

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

APPLICANT: Sandra Dance
17 Park Square West
Jaywick
Clacton On Sea
Essex
CO15 2NS

AGENT:

CERTIFICATE OF LAWFULNESS OF PROPOSED USE OR DEVELOPMENT

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) SECTION 192

APPLICATION NO: 19/01365/LUPROP

DATE REGISTERED: 18th September 2019

The Tendring District Council certify that on 18th September 2019 the use 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, would have been lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason(s):

1 Section 55 of the Town and Country Planning Act 1990 defines operational development as "...the making of any material change in the use of any buildings or other land".

More often than not the dwelling would accommodate only 2 or 3 clients. In regards to the ratio of time that the property will be deemed as a C3 dwellinghouse in comparison to the time spent and number of clients accommodated would not be tantamount to a material change of use and an express grant of planning permission is not therefore required.

DATED: 13th November 2019

SIGNED:

Catherine Bicknell
Head of Planning

FIRST SCHEDULE

Certificate of Lawfulness to determine whether the use of the dwelling for respite care for a maximum of 5 clients and 2 carers for weekends (Friday evening through to Sunday morning) is lawful.

SECOND SCHEDULE

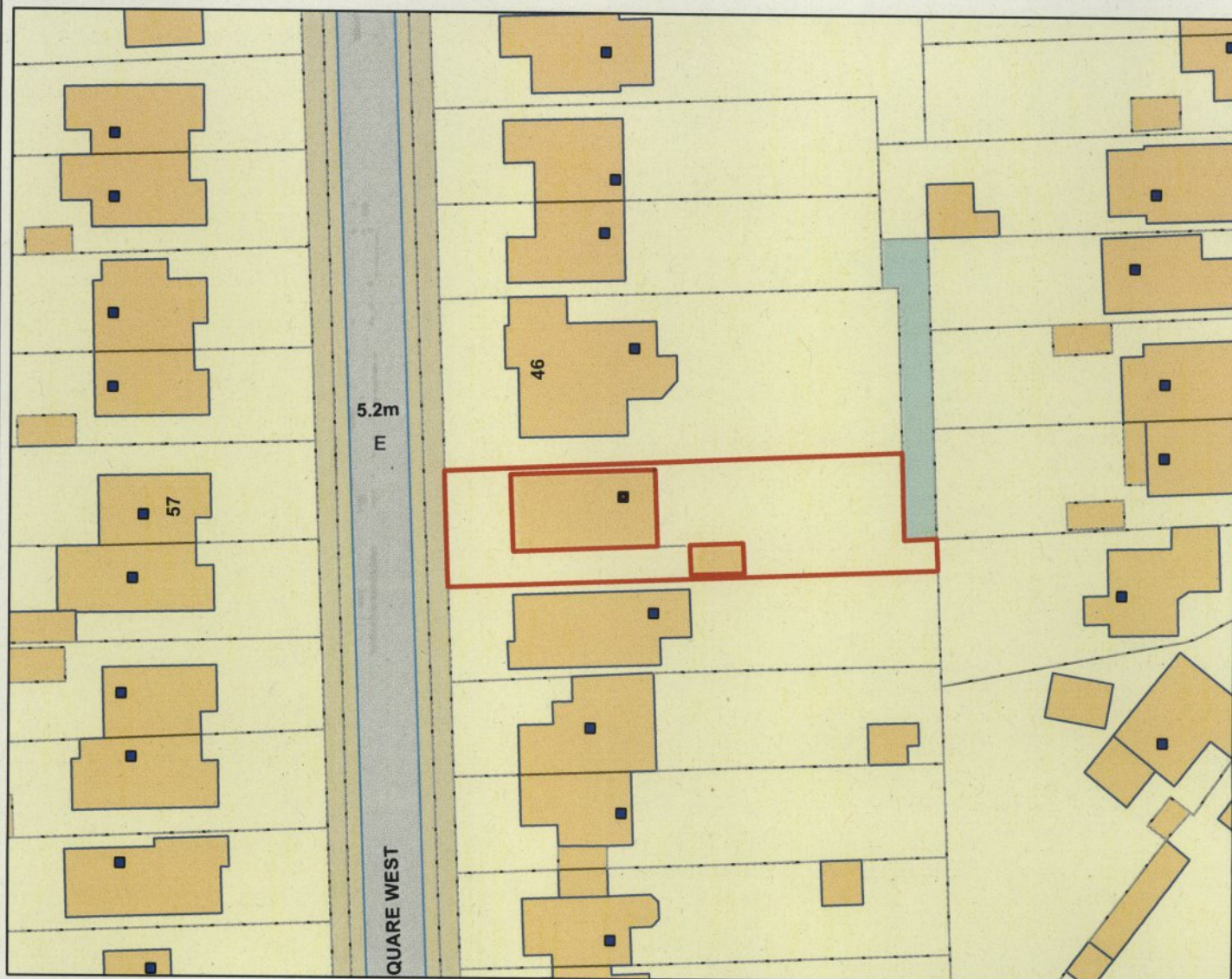
44 Park Square West Jaywick Clacton On Sea Essex

Notes

1. This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the use specified in the First Schedule taking place on the land described in the Second Schedule would have been 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 use described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.
4. The effect of the certificate is also qualified by the proviso on Section 192 (4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.

19/01365/LUPROP

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Legend

Scale: 0 0.005 0.01 0.02 KM

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Organisation	Tendring District Council
Department	Planning Department
Comments	
Date	13/11/2019
MSA Number	100018684