



## TENDRING DISTRICT COUNCIL

### Planning Services

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

**AGENT:** Mr Chris Loon - Springfields  
Planning and Development  
15 Springfields  
Great Dunmow  
CM6 1BP

**APPLICANT:** Mr J Smith - Property Building  
Solutions Limited  
C/o Agent

### CERTIFICATE OF LAWFULNESS OF PROPOSED USE OR DEVELOPMENT

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

**APPLICATION NO:** 19/01867/LUPROP

**DATE REGISTERED:** 10th December 2019

The Tendring District Council certify that on 10th December 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 The Local Planning Authority are satisfied on the basis of the information provided to them that both the proposed use of the former day care centre at the Former Ernest Luff Homes, Luff Way, as a care home for up to 6 children, and the existing lawful use of the premises are for purposes falling within Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended). The proposed use would therefore not amount to development within the meaning of Section 55 of the Town and Country Planning Act 1990 and would therefore be lawful.

**DATED:** 4th February 2020

**SIGNED:**

Catherine Bicknell  
Head of Planning

#### FIRST SCHEDULE

Proposal to use the building as a Care Home for up to 6 children with learning disabilities aged 11 to 18.

#### SECOND SCHEDULE

Day Care Centre at The Former Ernest Luff Homes Luff Way Walton On The Naze Frinton On Sea

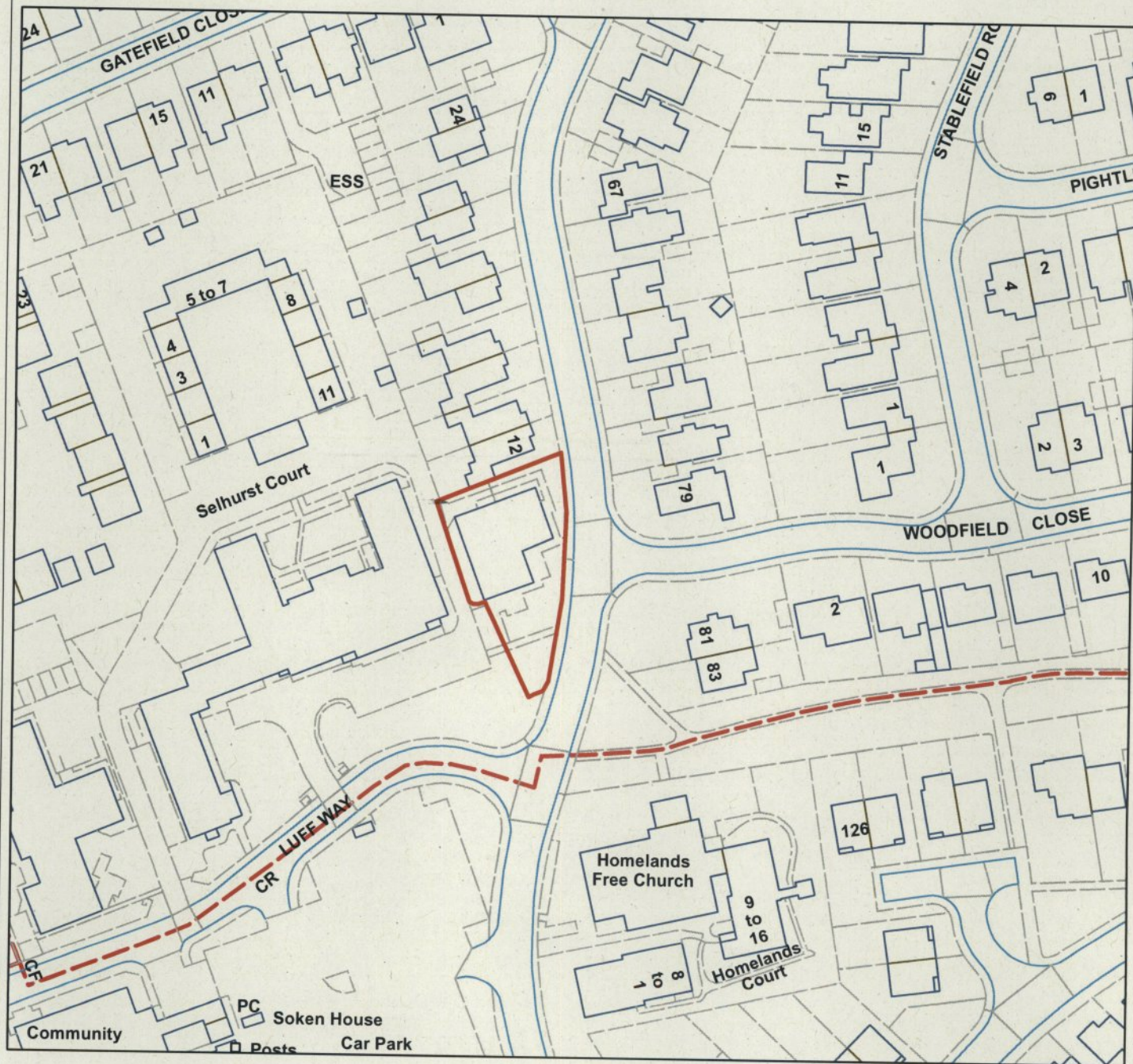
*Notes*

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.



# 19/01867/LUPROP

Day Care Centre at The Former Ernest Luff Homes, Luff Way, Walton on the Naze



**Scale:** 1:1,250

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Organisation	Tendring District Council
Department	Planning Department
Comments	
Date	04/02/2020
MSA Number	100018684