



TENDRING DISTRICT COUNCIL

Planning Services

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

AGENT:	Colin Smith Down Ampney Well Hill Yaxham Dereham NR19 1RX	APPLICANT:	S Hillard Lonwale Developments Ltd & Let's Move In Ltd C/o Agent
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CERTIFICATE OF LAWFULNESS OF PROPOSED USE OR DEVELOPMENT

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

APPLICATION NO: 19/00266/LUPROP **DATE REGISTERED:** 14th March 2019

Tendring District Council certify that on 28th January 2020 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) and subject to the following condition(s):

- 1 The proposed development constitutes permitted development by virtue of the provisions of Schedule 2, Article 3, Part 3, Class G (a) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Development permitted by Class G is subject to the following conditions -

- (a) some or all of the parts of the building used for any purposes within Class A1 as the case may be, of the Schedule to the Use Classes Order is situated on a floor below the lowest part of the building used as a flat;
- (b) where the development consists of a change of use of any building with a display window at ground floor level, the ground floor must not be used in whole or in part as a flat;
- (c) a flat must not be used otherwise than as a dwelling (whether or not as a sole or main residence) –
 - (i) by a single person or by people living together as a family, or
 - (ii) by not more than 6 residents living together as a single household (including a household where care is provided for residents).

DATED: 31st January 2020

SIGNED:

Catherine Bicknell

Catherine Bicknell
Head of Planning

FIRST SCHEDULE

Change of Use from 2 no. Class A1 Retail units to a mixed use comprising 2 no. Class A1 Retail units (ground floor) and 3 no. C3 flats above (2 flats at first floor and 1 flat at second floor).

SECOND SCHEDULE

3 Rosemary Road Clacton On Sea Essex CO15 1NY

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.

19/00266/LUPROP



3 Rosemary Road, Clacton on Sea, Essex, CO15 1NY



Scale: 1:625

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Organisation	Tendring District Council
Department	Planning Department
Comments	
Date	31/01/2020
MSA Number	100018684