



TENDRING DISTRICT COUNCIL

Planning Services

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

AGENT: Mr Vincent Gabbe - Lambert
Smith Hampton
United Kingdom House
180 Oxford Street
London
W1D 1NN

APPLICANT: Anglia Maltings (Holdings) Limited

CERTIFICATE OF LAWFULNESS OF PROPOSED USE OR DEVELOPMENT

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

APPLICATION NO: 19/01899/LUPROP **DATE REGISTERED:** 13th December 2019

The Tendring District Council certify that on 13th 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 On the basis of the legal submissions, and confirmation that all relevant conditions have been discharged to allow for the commencement of work on the base to the telecommunications mast, that implementation of the outline planning permission can lawfully occur in advance of the 3 May 2020 time limit for implementation required by condition 2 of detailed approval ref. 17/01310/DETAIL.

Accordingly, it is considered that a Certificate of Lawfulness for Proposed Use or Development (CLOPUD) can be issued to confirm that the following is lawful:

This certificate seeks to confirm that the outline planning permission granted on 4 August 2014 granted under reference 13/00745/OUT permitting the following development will be lawfully implemented by construction of the base to a telecommunications mast in accordance with the approved drawings 66-2014-01P; 66-2014-02P and 66-2014-03P:

Development of site to provide a new industrial park with up to 28,280 m² of floorspace for B2 and B8 uses, a bus depot and 30m high telecommunications mast. All with associated access, landscaping, parking and highway improvements.'

DATED: 11th March 2020

SIGNED:

Catherine Bicknell

Catherine Bicknell
Head of Planning

FIRST SCHEDULE

This certificate seeks to confirm that the outline planning permission granted on 4 August 2014 granted under reference 13/00745/OUT permitting the following development will be lawfully implemented by construction the base to a telecommunications mast in accordance with the approved drawings 66-2014-01P; 66-2014-02P and 66-2014-03P: Development of site to provide a new industrial park with up to 28,280 m² of floorspace for B2 and B8 uses, a bus depot and 30m high telecommunications mast. All with associated access, landscaping, parking and highway improvements.

SECOND SCHEDULE

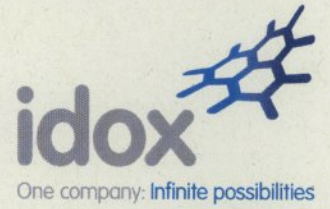
Land South West of Horsley Cross Roundabout Clacton Road Horsley Cross Essex

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.

19/01899/LUPROP

Land South West of Horsley Cross Roundabout Clacton Road Horsley Cross



Scale: 1:4,082

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	
Date	11/03/2020
MSA Number	100018684