



TENDRING DISTRICT COUNCIL

Planning Services

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

APPLICANT: Smit - Darconna Ltd
Parsonage House
School Lane
Broomfield
CM1 7DS

AGENT:

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: 20/00583/LUEX

DATE REGISTERED: 15th June 2020

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):

- 1 Insufficient evidence has been submitted with the application. It is not therefore sufficiently clear and unambiguous to demonstrate that, on the balance of probabilities, 16 Maria Street, Harwich, CO12 3HT has been used as a residential dwellinghouse Use Class C3 for a period of 10 years.

No plans have been submitted that identify the extent of the lower level. Further; the ordnance survey extract outlines the extent of the entire building with no mechanism in place for the Planning Authority to ascertain that the lawful development certificate pertains to the lower levels only.

DATED: 10th August 2020

SIGNED:

Graham Nourse
Acting Assistant Director
Planning Service

FIRST SCHEDULE

Application for existing lawful use of lower level of entire property as a separate address (16A).

SECOND SCHEDULE

16 Maria Street Harwich Essex CO12 3HT

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.**