



# TENDRING DISTRICT COUNCIL

## Planning Services

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

**APPLICANT:** Mrs Samantha Goodman      **AGENT:**  
 Telstar  
 Holland Road  
 Little Clacton  
 Clacton On Sea  
 Essex  
 CO16 9QG

### CERTIFICATE OF LAWFULNESS OF PROPOSED USE OR DEVELOPMENT

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

**APPLICATION NO:** 20/01476/LUEX      **DATE REGISTERED:** 3rd November 2020

Town and Country Planning (Development Management Procedure) Order 2010: Article 35

#### CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

The Tendring District Council certify that on 3rd November 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):

1 The evidence submitted with the application is sufficiently clear and unambiguous to demonstrate that, on the balance of probabilities, Telstar, Holland Road, Little Clacton, Clacton On Sea, Essex CO16 9QG (Title number EX644562) has been occupied as an independent dwelling in breach of Condition 1 (agricultural occupancy condition) of application ENE/TEN/492/61 for a continuous period of in excess of 4 years; and that this use has not been supervened by another material change of use and nor has it been abandoned.

**DATED: 9th March 2021**

**SIGNED:**

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Graham Nourse  
 Assistant Director  
 Planning Service

**FIRST SCHEDULE**

Certificate of Lawfulness for use of the existing property as a dwellinghouse in breach of Condition 1 of application ENE/TEN/492/61 for a continuous period in excess of 4 years (relates to dwelling).

**SECOND SCHEDULE**

Telstar Holland Road Little Clacton Clacton 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.

