



# TENDRING DISTRICT COUNCIL

## Planning Services

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

**AGENT:** Andrew Ransome –  
ADP Ltd  
Hopehouse  
Colchester Road  
West Bergholt  
Colchester  
United Kingdom  
CO6 3TJ

**APPLICANT:** Mr A Goode  
Hopehouse  
Colchester Road  
West Bergholt  
CO6 3TJ

### CERTIFICATE OF LAWFULNESS OF PROPOSED USE OR DEVELOPMENT

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

**APPLICATION NO:** 21/00740/LUEX

**DATE REGISTERED:** 10th May 2021

The Tendring District Council certify that on 10th May 2021 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 Town and Country Planning Act 1990, Section 56, sets out the legislative framework for ascertaining what amounts to commencement under the Section entitled 'Time When Development begun'. Section 56, paragraph (4) states that, in subsection (2) "material operation" means - (aa) any work of demolition of a building. Construction of the new dwelling could only begin once the original dwelling had been demolished and the description of development for the 1997 permission reflects this. As such, in accordance with Section 56 sub-paragraph (4) (aa) any work of demolition of a building would be the implementation of the planning permission, subject only to the consideration of the condition.

**DATED:** 23rd July 2021

**SIGNED:**

---

Graham Nourse  
Assistant Director  
Planning Service

**FIRST SCHEDULE**

Lawful Development Certificate for the commencement of planning permission TEN/97/1533 for the Demolition of existing house and the construction of a new house

**SECOND SCHEDULE**

1 North Wall St Osyth Clacton On Sea 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.

