



AGENT: Mr Colin Smith
Down Ampney
Well Hill
Yaxham
Dereham
NR19 1RX

APPLICANT: Mr Mario Aristidou
200 Old Church Road
Chingford
London
E4 8BT

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: 23/01526/LUEX

DATE REGISTERED: 31st October 2023

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 **LAWFUL DEVELOPMENT CERTIFICATE - REFUSED**

The development fails to comply with Class G, Conditions G.1 Criterion (b) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) as the development consists of a change of use of a building with a display window at ground floor level and would involve use in part as a flat. The subdivision of the building internally to create separate units with no windows does not remove the display window from the 'building' and would involve use in part as a flat.

Regardless of the timings of any building operations undertaken or completed, or the commencement of the use as Class C3 Residential Dwellings, the development fails to comply with Class G Conditions.

DATED: 25th April 2024

SIGNED:

John Pateman-Gee
Head of Planning and Building Control

FIRST SCHEDULE

Application for an Existing Lawful Development Certificate for change of use from retail to one flat and one studio flat with retention of retail unit.

SECOND SCHEDULE

Kovalam 3 Rosemary Road Clacton On Sea Essex

INFORMATIVES:

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.**

Plans and Supporting Documents

The Local Planning Authority has resolved to refuse the application for the reason(s) set out above. For clarity, the refusal is based upon the consideration of the plans and supporting documents accompanying the application as follows, (accounting for any updated or amended documents):

- Application form
- Copy of letter: to Enforcement Officer (LDC evidence) dated 19th June 2023
- Copy of letter: to Planning Services notice of the intended development for change of use from A1 retail to provide 1 x one bed flat and 1 x studio flat with retention of retail unit dated 10th June 2021 which will commence 14th June 2021
- Copy of: Building Regulation completion certificate: Creation of 2 No Flats and 2 No Shop Units Ref: CBC/21/55483/HQ by Completed Building Control Ltd dated 17/05/2023
- 1:1250 Red Lined Site Plan
- Copy of: Statutory Instrument 2021 No. 814 of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021
- Copy of: Explanatory Memorandum to the Town and Country Planning (General Permitted Development Order 2021 No. 814
- Drawing number 1286/500 Floor Plans - Previously approved 19/00266/LUPROP, Stage 1 works, Stage 2 Works, and Stage 3 Works