



Havant
BOROUGH COUNCIL

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For: -
The Southern Co-operative Ltd

Ref No.: APP/18/00439

**Town and Country Planning Act 1990: Section 191 and 192 (as amended by
Section 10 of the Planning and Compensation Act 1991)
Town and Country Planning (Development Management Procedure) (England) Order
2015
Article 24
CERTIFICATE OF LAWFUL USE OR DEVELOPMENT**

Havant Borough Council, as Local Planning Authority, certifies that on 25 April 2018 the development described in the First Schedule to this certificate in respect of land described in the Second Schedule and edged in red on submitted Location Plan Drawing Number 18-060-101 (scale 1:1250) dated 09/01/2018 and proposed First Floor Plan Drawing Number 18-XXX-200 dated 06-03-2018 would have been lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended) for the following reason:

The proposed development falls within permitted development allowance as set out in Schedule 2, Part 3, Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015.

FIRST SCHEDULE:

This certificate relates to the following development:

Change of use from Class A1 (retail) to a mixed use for any purpose within Class A1 and a single first floor residential flat as shown on submitted drawings Location Plan Drawing Number 18-060-101 (scale 1:1250) dated 09/01/2018 proposed First Floor Plan Drawing Number 18-XXX-200 dated 06-03-2018.

SECOND SCHEDULE:

This certificate relates to land at 76 London Road, Widley, Waterlooville, PO7 5AB, as shown edged red on the submitted Location Plan Drawing Number 18-060-101 (scale 1:1250) dated 09/01/2018

OTHER IMPORTANT INFORMATION:

- (1) This Certificate is issued solely for the purpose of Sections 191/192 of the Town and Country Planning Act 1990 (as amended). It does not relate to any other application that may be required under any other part of the Town and Country Planning Act, the Building Regulations or under any other Act, Regulation, Byelaw or Order where the Council's

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approval may be needed. For further guidance as to the need for consent under the Building Regulations please phone 023 9244 6571.

- (2) It certifies that the use/development specified in the First Schedule taking place on land described in the Second Schedule was/were/would have been lawful within the meaning of section 191/192 of the Town and Country Planning Act 1990 (as amended) on the specified date and thus was not/were not/would not have been liable to enforcement action under section 172 of the 1990 Act on 24 April 2018.
- (3) The certificate only applies to the extent of the use/development specified in the First Schedule taking place on land described in the Second Schedule and as shown edged in red on the submitted location plan. Any use/development which is materially different from that described or which relates to other land may render the owner/occupier liable to enforcement action under section 172 of the 1990 Act.
- (4) The effect of the certificate is also qualified by the provision in 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 matter relevant to determining such lawfulness.
- (5) Your attention is drawn to the attached information regarding your right to appeal to the Department for Transport Local Government and the Regions, if you are aggrieved by the Council's decision.
- (6) You are advised that under the Habitats Regulations 2017 the creation of this new residential flat is subject to mitigation against the additional recreational pressure on the SPA. To be fully compliant with the Solent Recreation Mitigation Partnership Definitive Strategy, a financial contribution of £373. 85 via a Unilateral Undertaking is required prior to implementation.

Simon Jenkins

Simon Jenkins
Head of Planning (East Hampshire and Havant)

20 June 2018