



Havant
BOROUGH COUNCIL

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For: Mr Ruffell

Ref No.: APP/15/01234

**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 28 October 2015 the use described in the First Schedule to this certificate in respect of land described in the Second Schedule and as shown edged red on the plan attached to this certificate was lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended) for the following reason:

It appears to the Local Planning Authority on the balance of probability that the uses described in the First and Second Schedules and plan attached to this Certificate, as modified by the Local Planning Authority have taken place for a continuous period of at least ten years up to the date of the current application.

The Authority has considered evidence and additional information submitted by the applicant, representations received in response to the Certificate of Lawfulness application and aerial photographs.

FIRST SCHEDULE:

This Certificate relates to the following uses or operations:

(i) for the provision of Horse Box and associated Coachwork business.

In association with (i) above, the use/operation in the area edged red on the attached plan A is considered to have been demonstrated over the relevant 10 year period.

The use/operations demonstrated are for activities associated with the Horse Box business and the Coachwork relates to work to Horse box and Horse box related vehicles only.

The works associated with the business relate to the modification, repair and maintenance of the Horse Boxes and associated vehicles.

SECOND SCHEDULE:

For the purposes of the first schedule (i) above, this relates to the land edged red on the attached Plan A at Land Adjacent to, 132 Havant Road, Hayling Island.

Definitions:

Horse box:

A lorry, van or trailer used for carrying horses

Associated Coachwork Business:

Business related to the modification, repair and maintenance of Horse boxes and associated vehicles.

OTHER IMPORTANT INFORMATION:

- (1) This Certificate is issued solely for the purpose of Sections 191 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 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 specified in the First Schedule taking place on land described in the Second Schedule was lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended) on the specified date and thus was not liable to enforcement action under section 172 of the 1990 Act on 28 October 2015.

The certificate only applies to the extent of the use specified in the First Schedule taking place on land described 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/occupier liable to enforcement action under section 172 of the 1990 Act.
- (3)
- (4) 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.

Andrew Biltcliffe

Andrew Biltcliffe
Head of Planning

29 April 2016



Public Service Plaza Civic Centre Road Havant Hampshire PO9 2AX tel 023 9247 4174 fax 023 9248 0263 www.havant.gov.uk	Title: Plan A Land adjacent to 132 Havant Road Hayling Island Hants APP/15/01234	Drawn By: Scale: 1:1000 Drawing No:
Havant BOROUGH COUNCIL	Cleaner, Safer, More Prosperous	
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TOWN AND COUNTRY PLANNING ACT 1990

NOTIFICATION TO BE SENT TO AN APPLICANT WHEN A LOCAL PLANNING AUTHORITY REFUSE PLANNING PERMISSION OR GRANT IT SUBJECT TO CONDITIONS

- These notes are for information only and do not purport to set out the law on the subject.
- Only the applicant possesses the right of appeal.

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice and you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- If this is a decision to refuse planning permission for a householder application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse planning permission for a minor commercial application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse express consent for the display of an advertisement and you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.
- If this is a decision to refuse consent to work on a tree which is subject to a Tree Preservation Order and you want to appeal against your local planning authority's decision then you must do so within 28 days of the date of this notice.
- If this is a decision to refuse any other type of application and you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- **Appeals must be made using a 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 0000) or online at www.planningportal.gov.uk/pcs.**
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.