



Havant
BOROUGH COUNCIL

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Mr Tutton
Robert Tutton Town Planning Consultants Ltd
23 Romsey Avenue
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For: St. Hermans Estate Company Ltd

Ref No.: APP/14/00707

**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 (General Development Procedure) Order 1995
Article 24**

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

Havant Borough Council, as Local Planning Authority, certifies that on 04 July 2014 the use/development described in the First Schedule to this certificate in respect of land described in the Second Schedule and coloured red on the plan attached to this certificate would have been 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 that, on the balance of probability, the occupation described in the First Schedule taking place on the land described in the Second Schedule has taken place for a continuous period of at least ten years up to the date of the current application. The Authority has considered evidence submitted by the applicant, third parties, Council Tax records and evidence obtained by the Authority during a site inspection.

Service Manager (Planning Development)

30 October 2014

FIRST SCHEDULE:

This certificate relates to the following use:

Application for Lawful Development Certificate relating to the occupation of the dwelling in breach of Condition 2 of Planning Permission 15118/3 as described in the written particulars, plans and other documents submitted with regard to your application.

SECOND SCHEDULE:

This certificate relates to land at Ferndale, Gutner Lane, Hayling Island, PO11 0RN.

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 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 04 July 2014.
- (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 identified on the attached 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.