

Supplementary Committee Agenda



**Epping Forest
District Council**

Area Planning Subcommittee South Wednesday, 16th February, 2011

Place: Roding Valley High School, Brook Road, Loughton, Essex
IG10 3JA

Time: 7.30 pm

Democratic Services: Mark Jenkins (The Office of the Chief Executive)
Tel: 01992 564607 Email: mjenkins@eppingforestdc.gov.uk

7. DEVELOPMENT CONTROL (Pages 3 - 6)

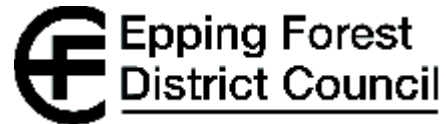
(Director of Planning and Economic Development) To consider the attached **Draft** Decision Notice in regard to Item 1 under Development Control (agenda item 7) EPF/1606/10 The Grange, 75 High Road, Chigwell IG7 6DL. This draft document is for members to see the format of the draft decision notice in advance of the meeting.

It is **not** intended that a member of Legal Services to be present at the meeting.

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Our Ref: PL/EPF/1606/10 CLD

TOWN AND COUNTRY PLANNING ACT 1990
Sections 191 and 192
PLANNING DECISION NOTICE



Directorate of Planning & Economic Development

Civic Offices,
323 High Street,
Epping,
Essex CM16 4BZ

An electronic version of this decision notice is available on our website:

www.eppingforestdc.gov.uk/iplan

To: DHA Planning
Eclipse Huse
Eclipse Park
Sittingbourne Road
Maidstone
Kents
ME14 3EN

Proposal: Certificate of lawful development for existing use of buildings and land for the sale and display of motor vehicles and the repair and restoration of motor vehicles.

In pursuance of the powers exercised by the Local Planning Authority this Council do hereby certify that on 05 August 2010 the use or works described above (subject to any particulars specified in the Third Schedule below) in respect of the land specified in the First Schedule below are **LAWFUL** within the meaning of s.191 or s.192 of the Town and Country Planning Act 1990 (as amended) for the reason (s) expressed in the Second Schedule below.

Signed

Date:

First Schedule:

Location Land to the rear of, The Grange, 75 High Road, Chigwell, Essex, IG7 6DL (as shown edged red on Drawing DHA/7615/01).

Second Schedule:

1. Evidence has been submitted to demonstrate that the use described within the Third Schedule has taken place continuously for a period exceeding ten years.

Third Schedule:

This decision is made with reference to plan numbers: DHA/7615/01

The primary use of the land identified within the red line on drawing DHA/7615/01 (and buildings on the land) for the purposes of car sales, on an appointment only basis.

Only the buildings referred to on drawing DHA/7615/01 (site plan) as 1 and 3 can be used for the display of motor vehicles.

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Only the building referred to on drawing DHA/7615/01 (site plan) as 2 can be used for the ancillary repair and restoration of cars which are related to the primary sales use of the site.

Only the building referred to on drawing DHA/7615/01 (site plan) as 4 can be used as an ancillary office, in relation to the primary use of the site for car sales.

For your information:

This certificate is issued solely for the purpose of section 191 or 192 of the Town and Country Planning Act 1990 (as amended). It certifies that the use or works described as taking place on the land described in the First Schedule was or would have been lawful on the specified date and thus not liable to enforcement action. The certificate only applies to the extent of the use or works described above subject to any qualifications in the Third Schedule. Any use or operations materially different from those described or which relate to other land may render the owner/occupier liable to enforcement action.

Notes:-

- a. **This permission is for planning purposes only and for no other purpose including Building Regulations. Separate approval may be required for these works.**
- b. Applicants must satisfy themselves that **all further consents** have been obtained including, where appropriate, those regarding listed buildings, advertisements, site licences for caravans, vehicular accesses to the highway, Environmental Health legislation, and Public Rights-of-Way.
- c. Applications relating to **Council-owned or former Council-owned dwellings** must meet the requirements of covenants of their lease or deeds by obtaining consent for any works from the Housing Directorate.
- d. Attention is drawn to the nationally agreed code re: **hours of construction work**.
- e. The Council encourages all developers to follow the principles of **Sustainable Drainage Systems (SuDS)** in designing facilities for the handling of rainwater run-off. Furthermore, if storm drainage discharges to an existing ditch or watercourse, then Land Drainage Consent is required from the Council under its byelaws.
- f. Applicants are advised **not to store building materials** on the highway nor to damage highway verges, so avoid parking construction vehicles and machinery on verges. If any damage occurs, the Council will require verges to be restored at the applicant's expense

NOTES RELATING TO PLANNING APPLICATIONS TOWN AND COUNTRY PLANNING ACT 1990

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or approval for the proposed development, he may appeal to the Secretary of State for Communities and Local Government, in accordance with Section 78 of the Town and Country Planning Act 1990, within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN Tel. 0117 372 6372.) The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could have not been granted by the Local Planning Authority or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provision of the development order, and to any directions given under the

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order. He does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him. There is no time limit for appealing against a decision relating to a Certificate of Lawful Use or Development.

2. If permission to develop land is refused, or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for Communities and Local Government and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council of the County District in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
3. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of an application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.



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