

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

Town and Country Planning Act 1990 : Section 192
(as amended by section 10 of the Planning and Compensation Act 1991)

Town and Country Planning (Development Management Procedure) (England) Order 2015:
Article 39

THIS CERTIFICATE OF LAWFUL USE DOES NOT RELATE TO ANY REQUIREMENT
UNDER THE BUILDING REGULATIONS

(Please see notes at end of this letter)

To
Calderdale MBC
c/o Atkins
FAO Mr M Sidebottom
Chadwick House
Birchwood Park
Warrington
WA3 6AE

This Council hereby certifies that on 25.09.2020 the operations described in the First
Schedule hereunder

**New footway / kerb and retaining wall adjacent to adopted highway (Lawful
Development Certificate)**

in respect of the land specified in the Second Schedule hereunder

**Land Adjacent To Christ Church
Tuel Lane
Sowerby Bridge
Calderdale**

Plan Type	Reference	Version	Date Received
Location Plan			05.08.2020

and edged red on the location plan listed above, would be lawful within the meaning of
Section 192 of the Town and Country Planning Act 1990 (as amended), for the following
reason(s)

1. The proposed highway works have been assessed under the criteria of Classes A (b) of Part 9 of Schedule 2 of The General Permitted Development) (England) Order 2015 (Amended) and have been found to be compliant. As such the proposal is considered to be permitted development.

DATED: 25 September 2020

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Richard Seaman
For and on behalf of
Director of Regeneration and Strategy

TOWN AND COUNTRY PLANNING ACT 1990

1. This certificate is issued solely for the purposes of Section 192 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the use / operations / matter specified in the First Schedule taking place on the land described in the Second Schedule was / would have been lawful, on the specified date and thus, was not / would not have been liable to enforcement action under Part 7 of the 1990 Act on the date.
3. This certificate applies only to extent to the use / operations / matter described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use / operations / matter which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.
4. The effect of the certificate is also qualified by the proviso 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 operation begun, in any of the matters relevant to determining such lawfulness.

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 for Communities and Local Government under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal then you should use forms which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 4445000). A copy of the completed appeal form should be sent to the Planning Inspectorate at the above address as well as Calderdale MBC Planning Services, C/O the Town Hall, Crossley Street, Halifax, West Yorkshire, HX1 1UJ. **There is a time limit of 6 months for a making an appeal from the issue date of the decision.**

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 her that the Local Planning Authority could not have granted it without the conditions imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by her.

ONLINE APPEAL SERVICE

The Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal – see www.planningportal.gov.uk/pcs. The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.