EASTLEIGH BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191
(as amended by section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015: ARTICLE 39

CERTIFICATE OF LAWFUL EXISTING USE OR DEVELOPMENT

Application number: **U/16/79642**

Eastleigh Borough Council certifies that on 22nd November 2016 the use described in the First Schedule to this Certificate in respect of the land specified in the Second Schedule to this Certificate and 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(s):

Planning consent and detailed plans were submitted for "Single storey front, side and rear extensions" on 26 February 2007 and validated on 27 February 2007. Permission was granted on 20 April 2007. Condition Number 5 states:
"No development shall take place until the applicant has carried out an adequate assessment of risks, to or arising from, the proposed development, and a report of this assessment, including recommendations for protection of the development, has been received and approved in writing by the LPA. [British Standard BS10175:2001 'Investigation of potentially contaminated sites – Codes of Practice' is a useful source of advice on site investigation] Any recommendations for protection of the development, the remediation scheme, must be supervised by a competent person and a completion certificate provided by that person to the LPA to certify that the works have been implemented in accordance with that scheme"

The single storey, front, side and rear extensions were completed in accordance with the submitted plans save that condition 5 (a pre-commencement condition) was never complied with. Given that over 4 years have elapsed, the breach of condition 5 is immune from enforcement.

Signed:.....

Ian Austin
Legal Services Manager
On behalf of Eastleigh Borough Council

Date: 30th March 2017

FIRST SCHEDULE

Single storey, front, side and rear extensions built in breach of Planning Consent Reference Number F/07/59436, Condition Number 05, dated 20th April 2007

SECOND SCHEDULE

12 Hazel Close, Chandler's Ford, Eastleigh, SO53 5RF

Notes

1. This certificate is issued solely for the purpose of section 191 of the Town and Country Planning Act 1990 (as amended).

2. It certifies that the use specified in the First Schedule taking place on the land described in the Second Schedule and identified on the attached plan was lawful on the specified date and therefore was not liable to enforcement action under section 172 of the 1990 Act on that date.

3. This certificate applies only to the extent of the use described in the First Schedule and to the land specified 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 or occupier liable to enforcement action.



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EASTLEIGH BOROUGH COUNCIL

U/16/79642

Title:

12 Hazel Close

Chandler's Ford

Scale:

1:1250

Map Ref:

SU4322SW

Date:

28/02/2017

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