

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

Applicant:

Mr Anthony Matthews
White Oak Cottage
Eardisley
Hereford
HR3 6LU

Agent:

Miss Emma Harding
Asbri Planning Ltd.
Unit 9
Oak Tree Court
Cardiff Gate Business Park, Ca
CF23 8RS

Date of Application: 17 May 2021

Application No: 211971

Grid Ref:329840:249690

THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL hereby certify that on 26th July 2021, 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, was lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

Having regard to Section 191 of the Town and Country Planning Act (1990), it is considered that sufficient evidence has been provided to demonstrate on the balance of probabilities that the property known as White Oak Barn, White Oak Cottage, Great Oak, Eardisley, Herefordshire, HR3 6LU has been occupied as an independent residential dwelling in continuous breach of the restrictions imposed by Condition 3 of planning permission DCH980560/F for a period in excess of 10 years. It is thereby immune from enforcement action and the use is considered lawful in accordance with Section 191 (B) of the Town and Country Planning Act (1990).

FIRST SCHEDULE:

Certificate of lawfulness for existing use of barn as a separate C3 dwelling.

SECOND SCHEDULE:

White Oak Barn, White Oak Cottage, Great Oak, Eardisley, Hereford, HR3 6LU



**ANDREW BANKS
DEVELOPMENT MANAGER**

DECISION DATE: 27 July 2021

On behalf of THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

INFORMATIVE:

It is highlighted that this certificate relates to the use of the building and land only. It does not confirm lawfulness of any operational development or works to the curtilage listed building which may have been carried out to facilitate that use.

YOUR ATTENTION IS DRAWN TO THE FOLLOWING NOTES

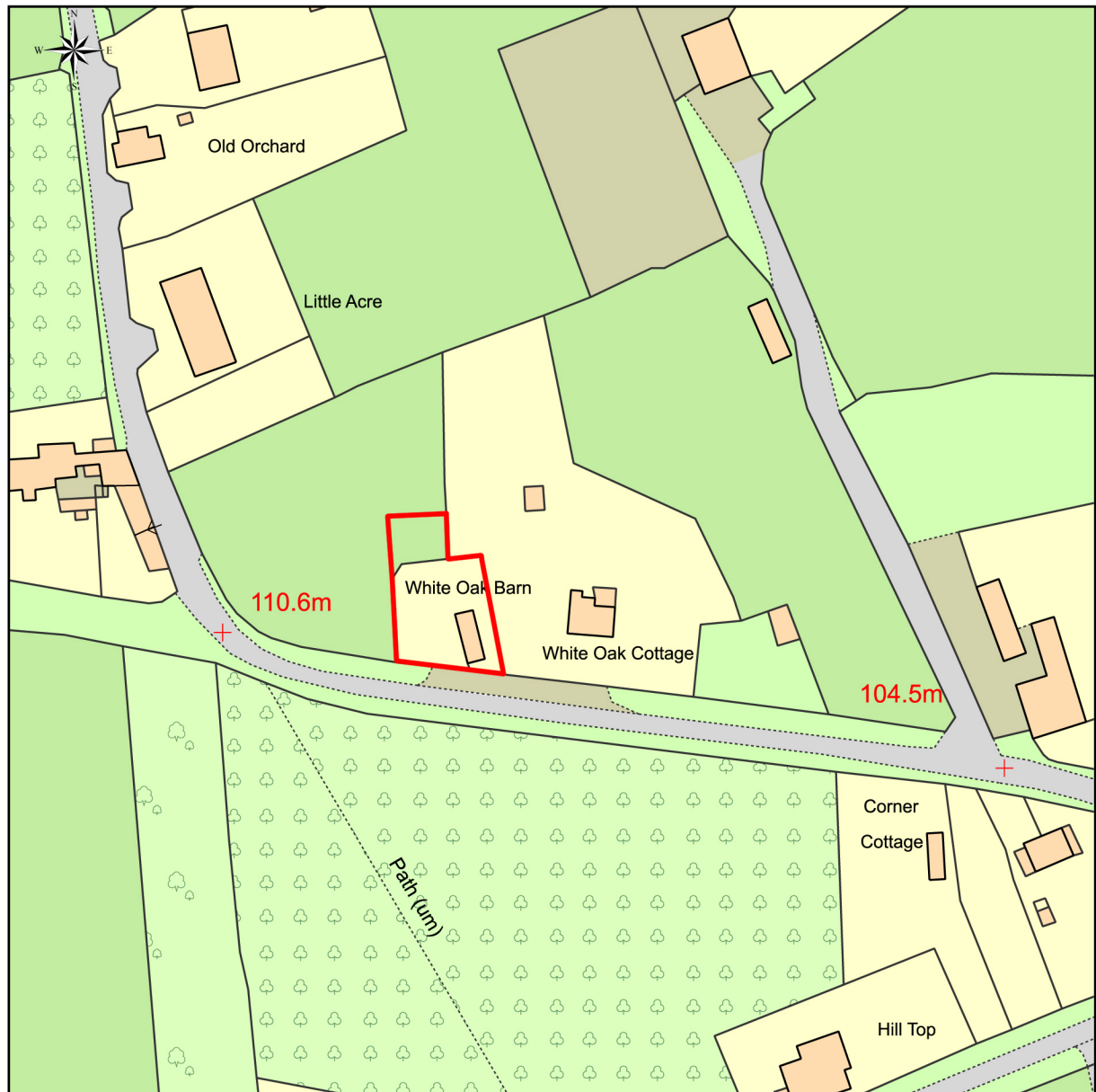
NOTES:

- (a) This Certificate is issued solely for the purpose of Sections 191 of the Town and Country Planning Act 1990 (as amended).
- (b) It certifies that the use specified in the First Schedule taking place on the land described in the Second Schedule was lawful, on the specified date and, thus would not have been liable to enforcement action under Section 172 of the 1990 Act on that date.
- (c) 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.
- (d) The effect of this 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 operations 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 under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within 6 months of the date of this notice, using a form which you can get from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he 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 him 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.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Site Location Plan



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0m 20m 40m 60m 80m 100m

Scale: 1:1250, paper size: A4



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plans

Prepared by: Kate Stevens, 26-02-2021