

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

Applicant:

Mr & Mrs A J & P J Prior
Garth Care Services
The Garth Residential Care Home
The Square
Kington
Herefordshire
HR5 3BA

Agent:

Mr Bryan Thomas
Architectural Design Ltd
The Malthouse
Shobdon
Leominster
HR6 9NL

Date of Application: 22 June 2023

Application No: 231931

Grid Ref:329575:256779

THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL hereby certify that on 22/06/2023 the operations described in the First Schedule to this Certificate in respect of the land specified in the Second Schedule to this Certificate and hatched 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(s):

1. The local planning authority considers that sufficient evidence has been provided to demonstrate that the referenced decking was on the balance of probabilities implemented as part of the approved scheme (151025), and as such can be considered lawful.



ANDREW BANKS
DEVELOPMENT MANAGER

DECISION DATE: 24 August 2023

On behalf of THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

FIRST SCHEDULE:

Certificate of Lawfulness for existing timber decking area of 67 sqm, including access ramp, installed to provide level access to garden from two new conservatories approved under application number 151025 and constructed in 2015.

SECOND SCHEDULE:

The Garth Residential Care Home, The Square, Kington, Herefordshire, HR5 3BA

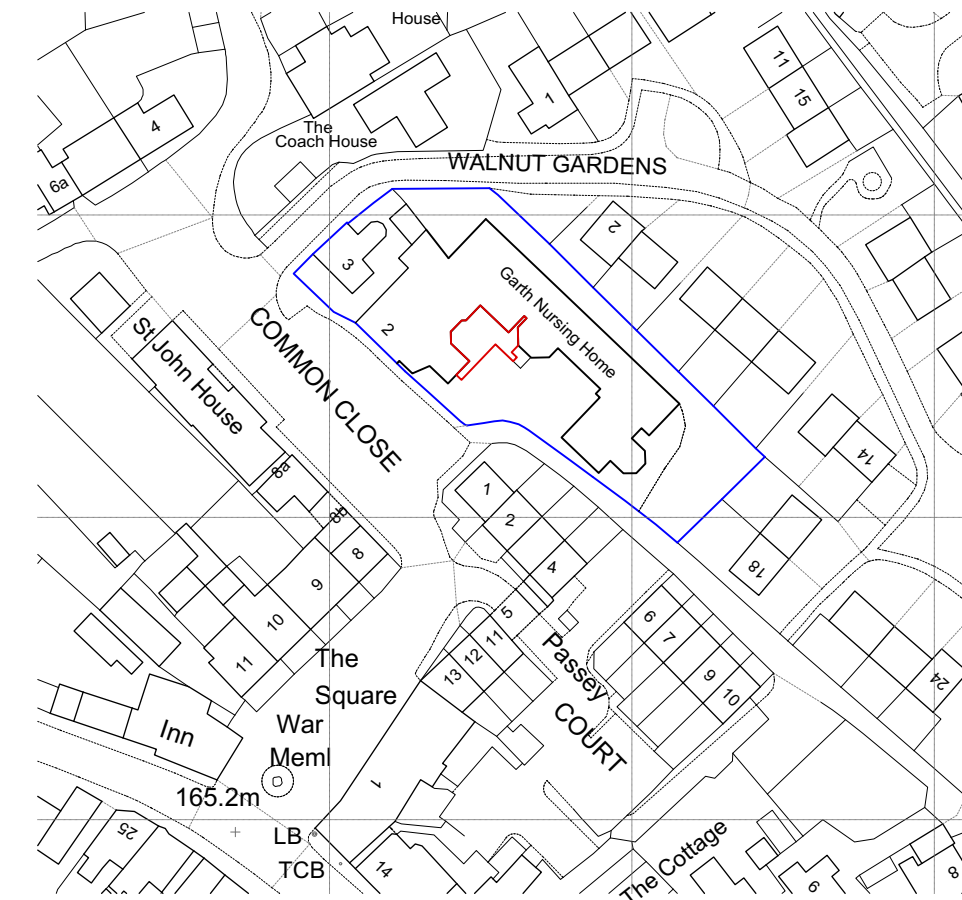
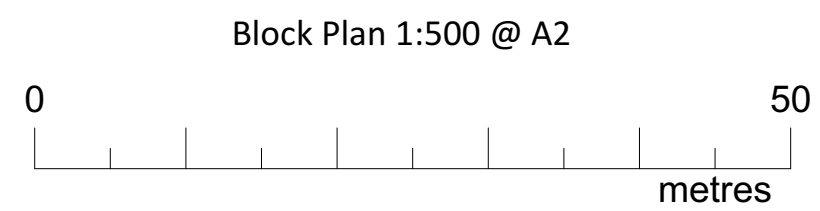
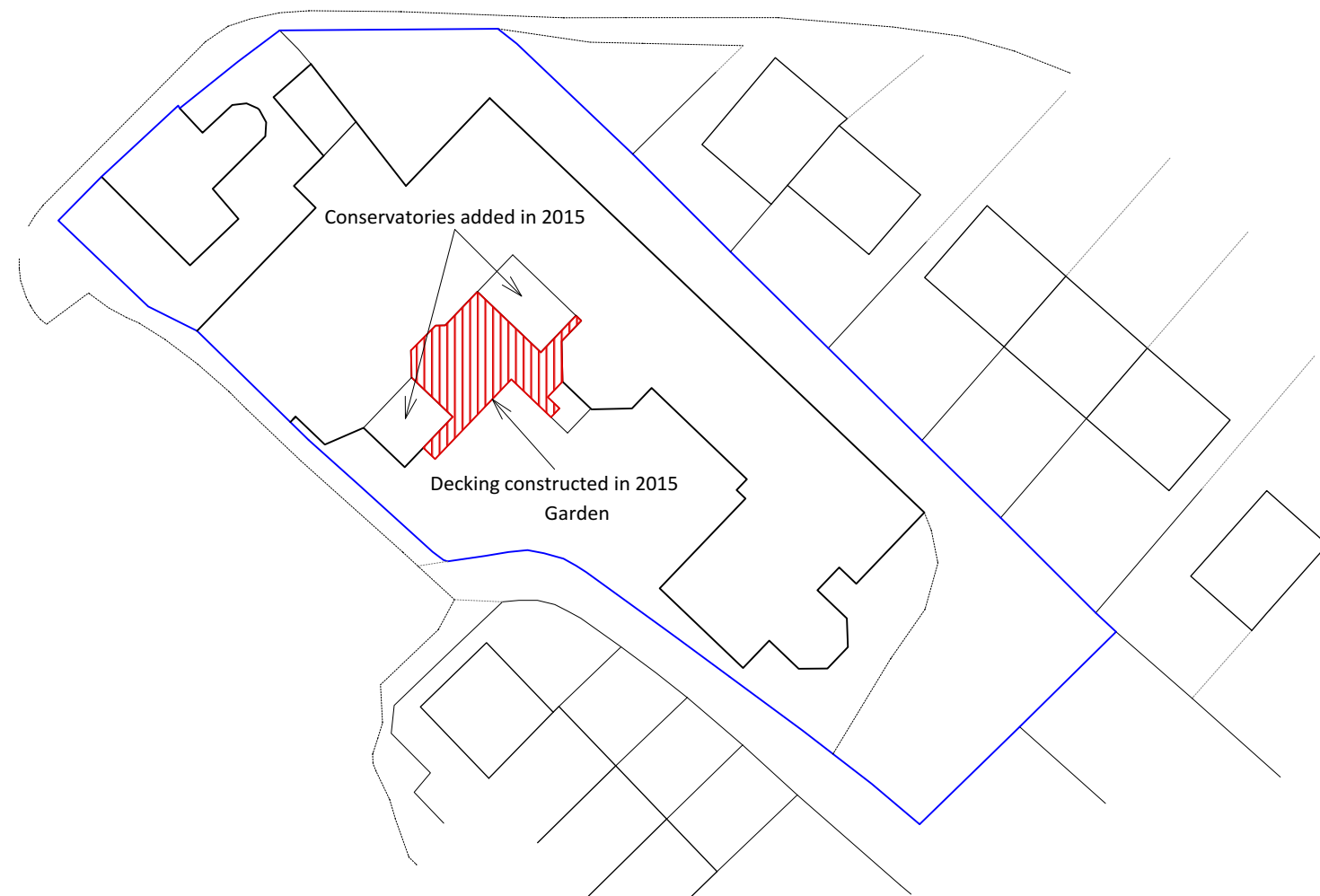
YOUR ATTENTION IS DRAWN TO THE FOLLOWING NOTES

NOTES:

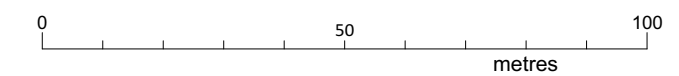
- (a) This Certificate is issued solely for the purpose of Sections 191 of the Town and Country Planning Act 1990 (as amended).
- (b) It certifies that the use specified in the First Schedule taking place on the land described in the Second Schedule was lawful, on the specified date and, thus would not 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.



Location Plan 1:2500 @ A2



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Revisions:

Client: Garth Care Services
 Job: The Garth Care Home, The Square, Kington
 Title: Block Plan & Site Location Plan
 Scale: As Shown
 Date: June 2023
 Drawing No: 2358/01

Bryan Thomas
 Architectural Design Limited
 The Malt House
 Shobdon, Leominster
 Tel/Fax 01568 708238