



Application for a Lawful Development Certificate for a Proposed 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

**Publication of applications on planning authority websites.**

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

## 1. Site Address

Number	<input type="text"/>
Suffix	<input type="text"/>
Property name	<input type="text" value="The Boatyard"/>
Address line 1	<input type="text" value="Shipyards Estate"/>
Address line 2	<input type="text" value="Brightlingsea"/>
Address line 3	<input type="text"/>
Town/city	<input type="text" value="Nr Colchester"/>
Postcode	<input type="text" value="CO7 0AR"/>

Description of site location must be completed if postcode is not known:

Easting (x)	<input type="text" value="609004"/>
Northing (y)	<input type="text" value="216221"/>

Description

The site comprises a family run boatyard with a longstanding reputation for new and used boat sales, engineering services, chandlery and storage facilities serving the recreational boating community around Essex and the East Coast of the UK as well as further afield. It is situated on the North bank of Brightlingsea Creek, which is one of five tidal branches of the River Colne.

## 2. Applicant Details

Title	<input type="text" value="Mr"/>
First name	<input type="text" value="Graham"/>
Surname	<input type="text" value="Miller"/>
Company name	<input type="text" value="L H MORGAN &amp; SONS (MARINE) LTD"/>
Address line 1	<input type="text" value="The Boatyard, Shipyards Estate"/>
Address line 2	<input type="text" value="Brightlingsea"/>
Address line 3	<input type="text"/>

## 2. Applicant Details

Town/city	<input type="text" value="Nr Colchester"/>
Country	<input type="text" value="United Kingdom"/>
Postcode	<input type="text" value="CO7 0AR"/>

Are you an agent acting on behalf of the applicant?  Yes  No

Primary number	<input type="text"/>
Secondary number	<input type="text"/>
Fax number	<input type="text"/>
Email address	<input type="text"/>

## 3. Agent Details

No Agent details were submitted for this application

## 4. Description of Proposal

Does the proposal consist of, or include, the carrying out of building or other operations?  Yes  No

If Yes, please give detailed description of all such operations (includes the need to describe any proposal to alter or create a new access, layout any new street, construct any associated hard-standings, means of enclosure or means of draining the land/buildings) and indicate on your plans (in the case of a proposed building the plan should indicate the precise siting and exact dimensions)

Our application concerns the request for a Certificate of Lawfulness concerning the continued development of general berthing facilities as approved under planning consent TEN/241/85, which in turn refers to planning consent TEN/330/76. These works have been started, but not completed. Due to the passage of time, we are requesting the issue of a Certificate of Lawfulness as best practice and as part of desire to complete the approved works. The approved plans in their entirety under consent TEN/241/85 concern the "provision of general berthing facilities, changing rooms/store/office, car and boat parking, toilets and related boundary fencing, together with related engineering works to the waterfront". The engineering works, car and boat parking, toilets, and boundary fencing have been completed for sometime, but the general berthing facilities have not been implemented in line with the consent. The berthing arrangement was started, but not finished. We would now like to make plans to complete the berthing facilities as originally proposed and approved.

Within the Tendring Planning archives, there is a copy of a letter from correspondence about application TEN 97/00662 which refers to TEN/241/85. This correspondence says the 1985 permission is extant and still valid. The 1985 permission refers to the 1976 permission and thereby establishes the 1976 permission as extant.

In summary, we are applying for a Certificate of Lawfulness to complete an existing planning consent (TEN/241/85)

Does the proposal consist of, or include, a change of use of the land or building(s)?  Yes  No

Has the proposal been started?  Yes  No

## 5. Grounds for Application

### Information about the existing use(s)

Please explain why you consider the existing or last use of the land is lawful, or why you consider that any existing buildings, which it is proposed to alter or extend are lawful

Because planning consent was granted under TEN/241/85 and formally TEN/330/76. We are applying for a Certificate of Lawfulness for good order.

Please list the supporting documentary evidence (such as a planning permission) which accompanies this application

Planning Consent TEN/241/85  
Planning Consent TEN/330/76  
Correspondence TEN 97/00662 which states the 1985 permission is extant and valid. The 1985 permission refers to the 1976 permission and thereby establishes the 1976 permission as extant.

Select the use class that relates to the existing or last use. Please note that following changes to Use Classes on 1 September 2020, the list includes the now revoked Use Classes A1-5, B1, and D1-2 that should not be used in most cases. Also, the list does not include the newly introduced Use Classes E and F1-2. To provide details in relation to these or any 'Sui Generis' use, select 'Other' and specify the use where prompted. See help for more details on Use Classes.

Other

## 5. Grounds for Application

Other

Working boatyard as described, incorporating planning classes E(a); E(g)(i); E(g)(ii); E(g)(iii); B8

### Information about the proposed use(s)

Select the use class that relates to the proposed use. Please note that following changes to Use Classes on 1 September 2020, the list includes the now revoked Use Classes A1-5, B1, and D1-2 that should not be used in most cases. Also, the list does not include the newly introduced Use Classes E and F1-2. To provide details in relation to these or any 'Sui Generis' use, select 'Other' and specify the use where prompted. See help for more details on Use Classes.

Other

Other

Working boatyard as described, incorporating planning classes E(a); E(g)(i); E(g)(ii); E(g)(iii); B8

Is the proposed operation or use

Permanent  Temporary

Why do you consider that a Lawful Development Certificate should be granted for this proposal?

Because planning consent was granted under TEN/241/85 and formally TEN/330/76. We are applying for a Certificate of Lawfulness for good order.

## 6. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

Yes  No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- The agent  
 The applicant  
 Other person

## 7. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

Yes  No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title

First name

Surname

Reference

Date (Must be pre-application submission)

Details of the pre-application advice received

No formal advice given or sought, but recognition that the application for a Certificate of Lawfulness through this portal was the right course of action for us given our intention to complete the previously approved works. We are grateful to Mr Westlake for pointing us in the right direction.

## 8. Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

- (a) a member of staff  
(b) an elected member  
(c) related to a member of staff  
(d) related to an elected member

## 8. Authority Employee/Member

It is an important principle of decision-making that the process is open and transparent.

Yes  No

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

## 9. Interest in the Land

Please state the applicant's interest in the land

- Owner  
 Lessee  
 Occupier  
 Other

If Lessee or Occupier, please give details of the owner and state whether they have been informed in writing of this application

## 10. Declaration

I/we hereby apply for a Lawful Development Certificate as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

Date (cannot be pre-application)

26/08/2021