

Lawful Development Certificate

Mr and Mrs Murphy
c/o Mr Alan Folkes
AFA Planning (Agricultural) Ltd
4 Fenice Court
Phoenix Business Park
St Neots
PE19 8EP

Application Number:
21/02322/LDC

31 August 2021

Town and Country Planning Act 1990 Section 191 and 192 Town and Country Planning (Development Management Procedure) Order 2015

Proposal: Continued occupation in excess of 10 years in breach of condition 7 on planning permission 4/23895/D and Condition 4 of 4/22078/O

Location: Pillmoss Farm, Pillmoss Lane, Whitley, Northwich, Cheshire, WA4 4DW



The Council hereby certify that on 28 May 2021, the use/operation(s) described in the First Schedule, in respect of the land specified in the Second Schedule, as detailed below, and edged red on the plan attached to this certificate, was/would be lawful within the meaning of section 191 or 192 (as applicable) of the Town and Country Planning Act 1990 for the following reason(s):

It is considered that the evidence submitted with the application demonstrates that on the balance of probabilities the building has been occupied in breach of Condition 7 of planning permission 4/23895/D and 4 of permission 4/22078/O for the 10 year period preceding the application date. At the date of application this continuous breach of condition had therefore become lawful by reason of being immune from planning enforcement action. A certificate may be issued.

First Schedule:

Continued occupation in excess of 10 years in breach of condition 7 on planning permission 4/23895/D and Condition 4/22078/O

Second Schedule:

Pillmoss Farm, Pillmoss Lane, Whitley, Northwich, Cheshire, WA4 4DW

Signed:

Date: 31 August 2021



Rob Charnley

Head of Planning

Cheshire West and Chester Borough Council 4 Civic Way Ellesmere Port CH65 0BE

Please read the notes on the following page, they will explain your rights and other important matters about this decision.

NOTES

This certificate is issued solely for the purpose of section 191 or 192 of the Town and Country Planning Act 1990.

It certifies that the lawfulness of the use/operations/matter specified in the First Schedule taking place on the land described in the Second Schedule on the relevant date.

Any use/operations/matter different from that/those described, or which relates to other land, may render the owner or occupier liable to enforcement action.

The effect of the certificate is also qualified by the proviso in section 192(4) of the 1990 Act, 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 are begun, in any of the matters relevant to determining such lawfulness.

If you are aggrieved by the decision of the local planning authority you may appeal to the Secretary of State.

Appeals must be made within the specified time limit. Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>
If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000. If you intend to submit an appeal that you would like examined by **inquiry** then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

Any Environmental Statement submitted with the application, together with any related information, has been taken into account by the Council in arriving at this decision.

Street Naming and Numbering – It is a legal function of the Council to allocate property numbers and street names to new developments and conversions. This service is chargeable, please visit the Street Naming and Numbering page on our website and use the online form to submit an application. The charging scheme, guidance and contact details are also available on our Street Naming and Numbering web page.