

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

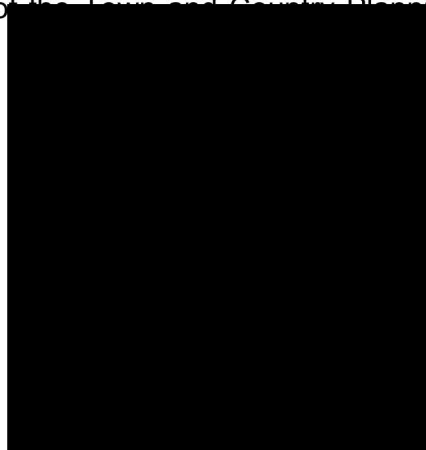
Certificate of Existing Lawful Use or Development

Application number: 1/0787/2021/CPE

Torrige District Council hereby certify that on 2nd July 2021 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto 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:

It is deemed that on the balance of probabilities, the applicant's evidence demonstrates that the property known as 2 South View has been occupied continuously as an unrestricted open market dwelling for a period in excess of 10 years in breach of condition 1 of planning permission N.N147. On this basis, it is considered to meet the requirements of Section 171B(3) of the Town and Country Planning Act 1990 and therefore the use is considered lawful.

Signed:



Helen Smith, Development Manager - authorised officer

On behalf of Torrige District Council

Date: 19 July 2021

FIRST SCHEDULE

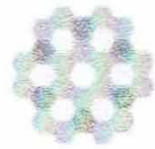
Certificate of lawfulness application for occupation of dwelling in breach of agricultural occupancy condition, relating to Condition 1 of permission NN 147

SECOND SCHEDULE

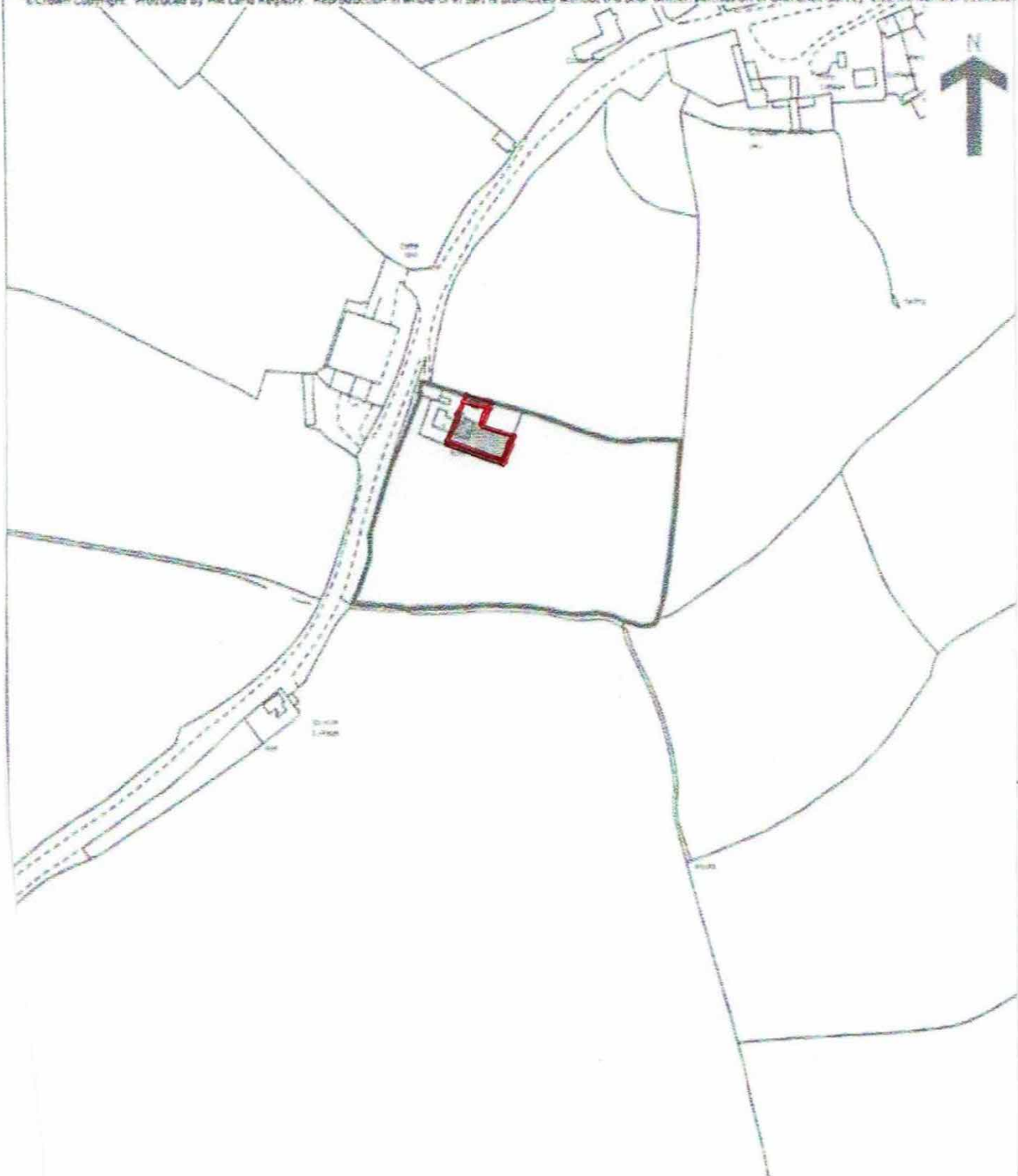
2 South View, Frithelstock, Torrington, Devon, EX38 8JJ

HM Land Registry
Official copy of
title plan

Title number **DN604029**
Ordnance Survey map reference **SS4619SW**
Scale **1:2500**
Administrative area **Devon : Torridge**



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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 development specified in the First Schedule taking place on the land described in the Second Schedule would have been 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.**
 - 3 This certificate applies only to the extent of the development described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any development which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.**
 - 4 The effect of the certificate is also qualified by the proviso in section 191(6) 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.**
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