

**Rushcliffe Borough Council**  
**Communities**

Rushcliffe Arena  
 Rugby Road  
 West Bridgford  
 Nottingham NG2 7YG

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Application for a Lawful Development Certificate for an Existing Use or Operation or Activity,  
 including those in breach of a planning condition

Town and Country Planning Act 1990 (as amended)

**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.

## Site Location

**Disclaimer:** We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number	<input type="text"/>
Suffix	<input type="text"/>
Property Name	<input type="text" value="Colston Lodge"/>
Address Line 1	<input type="text" value="Langar Lane"/>
Address Line 2	<input type="text"/>
Address Line 3	<input type="text" value="Nottinghamshire"/>
Town/city	<input type="text" value="Colston Bassett"/>
Postcode	<input type="text" value="NG13 9HA"/>

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

Easting (x)	Northing (y)
<input type="text" value="470925"/>	<input type="text" value="333565"/>

Description

## Applicant Details

### Name/Company

Title

Mr

First name

Darren

Surname

Beale

Company Name

### Address

Address line 1

1

Address line 2

Fairlawns Place

Address line 3

Sherwood

Town/City

Nottingham

Country

Postcode

NG5 4DD

Are you an agent acting on behalf of the applicant?

Yes

No

### Contact Details

Primary number

\*\*\*\*\* REDACTED \*\*\*\*\*

Secondary number

Fax number

Email address

## Agent Details

### Name/Company

Title

First name

Surname

Company Name

### Address

Address line 1

Address line 2

Address line 3

Town/City

Country

Postcode

### Contact Details

Primary number

Secondary number

Fax number

Email address

\*\*\*\*\* REDACTED \*\*\*\*\*

## Reason for Lawful Development Certificate

Please indicate why you are applying for a lawful development certificate

- An existing use
- Existing building works
- An existing use, building work or activity in breach of a condition

**Being a use, building works or activity which is still going on at the date of this application.**

## Description of Existing Use, Building Works or Activity

Please fully describe each existing use, building works or activity for which you want the lawful development certificate. Where appropriate, show to which part of the land each use, building works or activity relates

We wish to have confirmed formally that the start on site that has been made (demolition of the existing house and outbuildings) relative to the Planning Permissions 21/00037/DISCON - 20/02258/VAR - 19/00209/FUL are considered by Rushcliffe Borough Council to be sufficient to secure the Planning Permission in perpetuity.

## Grounds for application for a Lawful Development Certificate

Under what grounds is the certificate being sought

- The use began more than 10 years before the date of this application
- The use, building works or activity in breach of condition began more than 10 years before the date of this application
- The use began within the last 10 years, as a result of a change of use not requiring planning permission, and there has not been a change of use requiring planning permission in the last 10 years
- The building works (for instance, building or engineering works) were substantially completed more than four years before the date of this application.
- The use as a single dwelling house began more than four years before the date of this application
- Other - please specify (this might include claims that the change of use or building work was not development, or that it benefited from planning permission granted under the Act or by the General Permitted Development Order).

If the certificate is sought on 'Other' grounds please give details

To confirm that a start on site is agreed to have been made (demolition of the house and outbuildings) relative to Planning Permissions 21/00037/DISCON - 20/02258/VAR - 19/00209/FUL - at Colston Lodge Langar Lane Colston Bassett Nottinghamshire NG13 9HA

Is the certificate being sought for a use, operation, or activity in breach of a condition or limitation?

- Yes
- No

Please state why a Lawful Development Certificate should be granted

It is our opinion the fact that RBC have advised the following;

Nevertheless, my informal opinion would be that the given the description of development which includes demolition and the conditional requirements relating to demolition, then should the conditions have been complied with and the demolition have taken place, then it is likely that the requirements of condition 1 (commencement of development) have been met. You will however appreciate that this represents an informal opinion only offered without prejudice.

Condition 3 and 4 have been complied with and are the only Pre-commencement Conditions as other Conditions have been Approved from the first Consent and this second Consent 20/02258/VAR overrides 19/00209/FUL

## Information in support of a Lawful Development Certificate

When was the use or activity begun, or the building works substantially completed (date must be pre-application submission)?

30-03-2021

In the case of an existing use or activity in breach of conditions has there been any interruption?

- Yes  
 No

In the case of an existing use of land, has there been any material change of use of the land since the start of the use for which a certificate is sought?

- Yes  
 No

### Residential Information

Does the application for a certificate relate to a residential use where the number of residential units has changed?

- Yes  
 No

## 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

## 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

\*\*\*\*\* REDACTED \*\*\*\*\*

First Name

\*\*\*\*\* REDACTED \*\*\*\*\*

Surname

\*\*\*\*\* REDACTED \*\*\*\*\*

Reference

21/00037/DISCON - 20/02258/VAR - 19/00209/FUL

Date (must be pre-application submission)

02/03/2022

Details of the pre-application advice received

Condition 1 of the latest approval requires that:

The development hereby permitted shall be begun before 3 October 2022.

[As required by Section 91 of the Town and Country Planning Act 1990 (as amended)]

As such there is still circa 7 months with which to comply with this condition.

The description of development for this scheme was:

“Construction of a replacement dwelling with a basement garage following demolition of the existing house, outbuildings and stables (Amended Description).”

I also note that condition 3 of the approval has been discharged insofar as the submission and agreement aspects of the condition require. I have no details as to whether the recommendations of all pre-commencement conditions such as this and those relating to tree protection have been implemented prior to works commencing as required by the conditional requirements.

Nevertheless, my informal opinion would be that the given the description of development which includes demolition and the conditional requirements relating to demolition, then should the conditions have been complied with and the demolition have taken place, then it is likely that the requirements of condition 1 (commencement of development) have been met. You will however appreciate that this represents an informal opinion only offered without prejudice.

Should your client seek a legal determination then I would advise the applicant submit a Certificate of lawfulness application to demonstrate compliance.

## Interest in the Land

Please state the applicant's interest in the land

- Owner
- Lessee
- Occupier
- Other

## 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**

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

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?

- Yes
- No

## Declaration

I / We hereby apply for Lawful development: Existing use as described in this form and 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 options of the persons giving them. I / We also accept that: Once submitted, this information will be transmitted to the Local Planning Authority and, once validated by them, be made available as part of a public register and on the authority's website; our system will automatically generate and send you emails in regard to the submission of this application.

I / We agree to the outlined declaration

Signed

Martin Tucker

Date

03/03/2022