

CERTIFICATE OF LAWFULNESS DECISION NOTICE



Economy & Infrastructure Directorate
Development Management
Planning Services, Solihull MBC
Council House, Manor Square
Solihull, B91 3QB
Telephone 0121 704 8008
planning@solihull.gov.uk

DETERMINATION OF APPLICATION FOR CERTIFICATE OF LAWFULNESS OF EXISTING USE OR DEVELOPMENT

TOWN AND COUNTRY PLANNING ACT 1990
SECTION 191 (AS AMENDED BY SECTION 10 OF THE PLANNING AND COMPENSATION
ACT 1991)
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 2015 -
ARTICLE 39

Application No:	PL/2023/00732/CLEUD
Case Officer:	Ian Hiscock
Date of Decision:	22.06.2023
Location:	The Orchards, Walsal End Lane, Hampton In Arden, Solihull
Proposed Development:	Certificate of lawful development for existing dwelling occupied in breach of the agricultural occupancy condition.
Date Registered:	3rd April 2023
Applicant:	Mr Simon Jenner
Agent:	Mr Anthony Atkinson

The Solihull Metropolitan Borough Council hereby **CERTIFY** that on the specified date the development described in the First Schedule thereto in respect of the land specified in the Second Schedule hereto shown on the plan attached to this Certificate was/would have been lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended) for the following reason:-

Sufficient evidence has been submitted to show that, on the balance of probability, the land edged red on the submitted drawing nos. 100_01 and 100_02 has been in continuous use as a residential property in contravention of the agricultural tie set out at condition 5 of planning permission F/C/86/1971 for a period of at least 10 years. The restrictions of that condition therefore do not apply.

Informatives

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For the avoidance of doubt, this decision relates to drawing nos. 100_01 and 100_02.

Signed



Mark Andrews
Head of Planning, Design and Engagement
Services

The First and Second Schedule are attached hereto together with a plan. Please read the footnotes including your rights of appeal. A separate leaflet is available on these matters. Please ask for a copy if you require further information.
Schedules and Notes attached to:

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APPLICATION NO.: PL/2023/00732/CLEUD

Applicant: Mr Simon Jenner

Location: THE ORCHARDS

FIRST SCHEDULE

Description of use/operation/matters certified

Certificate of lawful development for existing dwelling occupied in breach of the agricultural occupancy condition.

SECOND SCHEDULE

Land specified in the Certificate:

THE ORCHARDS

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 use/operations/matters* specified in the First Schedule taking place on land described in the Second Schedule would have been lawful, on the specified date and, thus, was not/would not have been* liable to enforcement action under Section 172 of the 1990 Act (as amended) on that date.
- 3) This Certificate applies only to the extent of the use/operations/matters* described in the First Schedule and to the land specified in the Second Schedule and shown in the plans and drawings attached to this Certificate and identified on the attached plan. Any use/operations/matters* which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.
- 4) If this Certificate has been granted in a different form from the application and you are aggrieved by that decision by the Council, you may appeal to the Secretary of State for the Environment. A copy of the statutory provisions, for appealing are contained in a separate leaflet available from the Council.

Appeal forms can be obtained from:
The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, BRISTOL BS1 6PN.

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TOWN AND COUNTRY PLANNING ACT 1990

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 this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision of your application, then you must do so within: 28 days of the date of the service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.

If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local authority's decision then you must do so within 12 weeks of the date of this notice.

If this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of this notice.

If this is a decision to refuse planning permission other than those specified above, if you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice,

If this is a decision to refuse permission for works to a TPO tree, if you want to appeal against your local authority's planning decision then you must do so within 28 days of the date of this notice.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at <https://www.gov.uk/appeal-planning-decision>.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of the appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State 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.

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