



**Sal Khan CPFA, MSc  
Head of Service (Section 151 Officer)**

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTIONS 191 & 192  
(AS AMENDED BY SECTION 10 OF THE PLANNING & COMPENSATION ACT 1991)  
CERTIFICATE OF LAWFULNESS OF EXISTING USE OR DEVELOPMENT**

Date valid application received:  
26/08/2022

Application No: P/2022/00764

Name and address of Agent  
CT Planning  
Three Spires House  
Station Road  
Lichfield  
WS13 6HX

Name and address of Applicant  
Mr D Kershaw  
c/o agent

**EAST STAFFORDSHIRE BOROUGH COUNCIL** hereby certifies that on 26/08/2022 the operations/use described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate 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:

The works would be permitted development under Class E of part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Signed *Gary Shilton* (Council's Authorised Officer)

On behalf of East Staffordshire Borough Council

Dated 7th October 2022

**First Schedule**

**Application for a Certificate of Lawfulness for the retention of a detached outbuilding/garden room** in accordance with drawings 9345-1 Hut Survey scaled at 1:50 dated as received on 26 August 2022, 6055.88 Existing and Proposed Site Plan scaled at 1:500 dated as received 23 June 2022 and Planning Statement dated as received on 23 June 2022.

**Second Schedule**

**The Tarns Roost Hill, Thorney Lanes, Hoar Cross, Staffordshire, DE13 8QT** as edged  
red on drawing 6055.99 Location Plan scaled at 1:1250 dated as received on 23 June.

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/operation/other matters\* specified in the First Schedule taking place on the land described in the Second Schedule was 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 The certificate applies only to the extent of the use/operation/other matters\* described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use/operation/other 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 The effect of the certificate is also qualified by the proviso in Section 192(4) 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/operation/other matters\* is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.

## 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.
- In the case where we refuse planning permission or grant it subject to conditions decision if you want to appeal then you must do so within 6 months of the date of this notice. (Unless the application is for a minor commercial application, please see the criteria for a minor commercial application below). In the case where we refuse planning permission or grant it subject to conditions for a minor commercial application, if you want to appeal against your decision then you must do so within 12 weeks of the date of this notice.
- Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at <https://www.gov.uk/appeal-planning-inspectorate>.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him 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.

### Minor Commercial Development Uses

#### Shops

1. Use for all or any of the following purposes—

- (a) for the retail sale of goods other than hot food,
- (b) as a post office,
- (c) for the sale of tickets or as a travel agency,
- (d) for the sale of sandwiches or other cold food for consumption off the premises,
- (e) for hairdressing,
- (f) for the direction of funerals,
- (g) for the display of goods for sale,

- (h) for the hiring out of domestic or personal goods or articles,
- (i) for the washing or cleaning of clothes or fabrics on the premises,
- (j) for the reception of goods to be washed, cleaned or repaired,
- (k) as an internet café, where the primary purpose of the premises is to provide facilities for enabling members of the public to access the internet, where the sale, display or service is to visiting members of the public.

### **Financial and professional services**

#### **2. Use for the provision of—**

- (a) financial services,
- (b) professional services (other than health or medical services), or
- (c) any other services (including use as a betting office) which it is appropriate to provide in a shopping area, where the services are provided principally to visiting members of the public.

### **Restaurants and cafes**

#### **3. Use for the sale of food and drink for consumption on the premises.**

### **Drinking establishments**

#### **4. Use as a public house, wine-bar or other drinking establishment.**

### **Hot food takeaways**

#### **5. Use for the sale of hot food for consumption off the premises.”**