



Town and Country Planning Act 1990: Section 191 and 192

**Town and Country Planning (Development Management Procedure) (England)
Order 2015: Article 39**

LAWFUL DEVELOPMENT CERTIFICATE

Name and address of applicant

Mr Neill Taylor
Pury Hill Limited
c/o Agent

Name and address of agent (if any)

Mr Jamie Pyper,
Nineteen47 Ltd,
106 Micklegate,
York
YO1 6JX

Part I - Particulars of application

Date of Application

15 March 2019

Application No.

NCC Ref: 19/00017/WASLAE
SNC Ref: S/2019/0672/PC

Part II - Particulars of decision:

The Northamptonshire County Council

Hereby certify that on the 15 March 2019 the development described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and edged in 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(s):

The Waste Planning Authority considers that from the evidence available and submitted and forming part of the application dated 15 March 2019 (and subsequently amended by application plan Drawing no. 2998/01 C dated 05/19 received on 17/06/2019) that the use described in the First Schedule would be lawful.

Date: 19/06/2019

Signed

For Assistant Director of Environment,
Planning and Transport

Note: This permission only relates to planning permission and does not include consent under the Building Regulations for which separate permission may be required. The requirements of the Chronically Sick and Disabled Persons Act 1970, the Disability Discrimination Act 1995 and the Special Education Needs and Disability Act 2001 should also be adhered to wherever appropriate.

FIRST SCHEDULE

Certificate of Existing Lawful Use for outdoor storage and processing of waste materials and the parking of machinery and vehicles, on land at Pury Hill Farm Business Park, Alderton Road, Paulerspury, NN12 7LS, subject to the following restrictions:

- The site area approved in this Certificate is restricted to the southern part of the initial submitted application area as identified on amended application plan Drawing no. 2998/01 C dated 05/19 received on 17/06/2019.
- The materials for storage and processing shall be restricted to inert construction and demolition waste.

SECOND SCHEDULE

Land north east of Pury Hill Business Park, Alderton Road, Paulerspury NN12 7LS; as identified on amended application plan Drawing no. 2998/01 C dated 05/19 received on 17/06/2019.

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 operation specified in the First Schedule taking place on the land specified 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. This certificate applies only to the extent of the operation in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any operation 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 provisions 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 is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.

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1. *If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or the grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Sections 78 and 79 of the Town and Country Planning Act 1990 within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Planning Inspectorate, 3/08a Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them having regard to the statutory requirements (a), to the provisions of the development order, and to any direction given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.*
2. *If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted he may serve on the Council of the district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.*
3. *In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.*
 - (a) *The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely sections 70 and 72(1) of the Act.*
4. *Guidance on using the Planning Portal's online appeals service, see leaflet PCS4 available at http://www.planningportal.gov.uk/PpWeb/jsp/redirect.jsp?url=http%3A//www.planningportal.gov.uk/uploads/pins/pcs_a5_leaflet.pdf*

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