



## **Town and Country Planning Act 1990: Section 191**

### **Town and Country Planning (Development Management Procedure)(England) Order 2015**

#### **Approval of Certificate of Lawfulness**

**First Schedule:** CERTIFICATE OF LAWFUL DEVELOPMENT FOR EXISTING USE OF LAND TO SITE  
TWO RESIDENTIAL CARAVANS

**Second Schedule:** 2 & 6 PINE WAY, MOWBRECK CARAVAN PARK, MOWBRECK LANE, MEDLAR  
WITH WESHAM, PRESTON, PR4 3HA

**Application Number:** 18/0140

The Fylde Borough Council hereby give notice that the development described in the First Schedule in respect of the land/premises specified in the Second Schedule and edged red on the plan(s) listed in the informative note below and validly received on 27 February 2018 is **lawful** in accordance with the provisions of the above section of the Town and Country Planning Act 1990 (as amended), for the following reason:

- 1 The Council considers that on the evidence provided and on the balance of probabilities, it has been sufficiently demonstrated that the land known as No.2 and No.6 Pine Way in Mowbreck Caravan Park has been used for the siting of residential caravans for a period of at least 10 years prior to 20 February 2018. As such the use of the land for the siting of two residential caravans is now immune from enforcement action under s172 of the Town & Country Planning Act 1990 (as amended).
- 2 This certificate relates to the caravan pitches referred to as No.2 and No.6 Pine Way in Mowbreck Caravan Park, Medlar with Wesham PR4 3HA, as shown the site location plan submitted with the application.

#### **Informative Notes:**

1. This certificate is issued solely for the purpose of Section 191/ Section 192 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the use /operations described in the First Schedule taking place of the land specified in the Second Schedule were lawful, on the certified date and, thus, were not liable to enforcement action, under section 172 of the 1990 Act, on that date.
3. This certificate applies only to the extent of the use /operations described in the First Schedule and to the land specified in the Second Schedule and identified on the listed plan. Any use /operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

Date of Decision: 20/04/2018

Signed:



Mr P. Walker  
Director of Development Services  
Fylde Borough Council  
Town Hall  
Lytham St Annes, FY8 1LW

Mr Barrs  
Barrs & Co Chartered Surveyors  
Barrs & Co Chartered Surveyors  
Prospect House  
Sovereign Street  
Leeds  
LS1 4BJ

**IMPORTANT – PLEASE CAREFULLY READ THE NOTES BELOW AS FAILURE TO COMPLY COULD  
MAKE THE DEVELOPMENT UNAUTHORISED**

- 1) These notes should be read in conjunction with the decision notice issued by the Local Planning Authority in respect of the application which you have recently submitted to the Council.

**IN CASES WHERE PERMISSION/CONSENT HAS BEEN GRANTED**

- 2) Any permission/consent is granted on the basis of the approved plans listed in the decision notice. The development should be undertaken in strict accordance with the approved plans, as any deviation will constitute unauthorised development which may be liable to enforcement action. Any amendments to the approved plans are likely to require the submission of a further application to the Council. Should such changes be desired, you are advised to contact the Development Management Service to determine the most appropriate means by which any revisions could be considered.
- 3) Any permission/consent granted is subject to the conditions set out in the decision notice and it is the responsibility of the developer to ensure that these conditions are fully complied with. Any conditions that require work to be carried out or details to be approved before any development can take place form a “condition precedent”. If a condition precedent is not complied with, the whole of the development will be unauthorised and may result in enforcement action being taken by the Council.
- 4) The applicant is reminded of the need to obtain formal approval of those details required by the conditions of any planning permission/consent before development may lawfully commence on the site (or any other relevant trigger as set out in each condition). Formal applications for the approval of matters reserved by condition are currently subject to fees (per request) of £34 for householder applications and £116 in all other cases. Any breach of the imposed conditions may leave you liable to enforcement action or may require you to submit a new application in order to regularise any unauthorised works.
- 5) If the applicant is aggrieved by any of the conditions imposed as part of the planning permission, they may appeal to the Planning Inspectorate. Any appeal against the grant of permission subject to conditions to which the applicant objects needs to be made within 6 months of the date on the decision notice.
- 6) In undertaking any development you should ensure that you have also secured any necessary approval under the Building Regulations or any other approvals or consents required including consent from the landlord or obligations under the Party Wall Act.
- 7) For developments that need a new address or address change, please contact [addresses@fylde.gov.uk](mailto:addresses@fylde.gov.uk) or 01253 658515. New addresses need to be made as early as possible to arrange for Utility connections.

**IN CASES WHERE PERMISSION/CONSENT HAS BEEN REFUSED**

- 8) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse planning permission/consent, they may appeal to the Planning Inspectorate. The relevant time limits to lodge an appeal following the Local Planning Authority's refusal of permission/consent are as follows:
- a) For **householder** planning applications – **12 weeks** from the date on the decision notice.
  - b) For **advertisement** consent applications – **8 weeks** from the date on the decision notice.
  - c) For **minor commercial** development applications – **12 weeks** from the date on the decision notice.
  - d) For **any other** types of planning application – **6 months** from the date on the decision notice.

**SAVE THAT** in circumstances where an enforcement notice has been served for the same or very similar development, the time limit to lodge an appeal (in all cases) is:

- within **28 days** from the date of the Local Planning Authority's decision if the enforcement notice was served before the decision was made, yet not longer than 2 years before the application was made.
- within **28 days** from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the normal appeal period).

Appeals must be made directly to the Planning Inspectorate and can be dealt with by exchange of written statements or heard before an Inspector at an Informal Hearing or at a Public Inquiry. Further information regarding the appeals process (including application forms) can be obtained from the Planning Inspectorate via their website - <https://www.gov.uk/planning-inspectorate>.

