



Development Management
Council Offices
Furzehll
Wimborne
Dorset
BH21 4HN

Town and Country Planning Act 1990

Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016

JN Planning Consultants Ltd
5, SEYMER CLOSE
SHILLINGSTONE
DT11 0PH

Refusal of a Certificate of Lawfulness for an Existing Use or Development

Application reference no: **3/16/1460/CLE**

The East Dorset District Council hereby certify that on 26 July 2016 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 red on the plan attached to this certificate, would not be lawful within the meaning of section 191 of the Town and Country Planning Act 1990 for the following reasons;

It is considered that this application for a certificate of lawfulness should be refused because the applicant has not on the balance of probabilities satisfied the Local Planning Authority that the “use of the land, including 9 self-contained brick and timber chalets, as bed and breakfast holiday accommodation” has continued for 10 years preceding the date of the application.

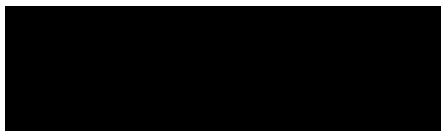
First Schedule

Use of the land, including 9 self-contained brick and timber chalets, as bed and breakfast holiday accommodation

Second Schedule

Anchor Paddock, Batchelors Lane, Holt, Wimborne, Dorset, BH21 7DS

Signed



Development Management Manager

Decision Date: *10 October 2016*

NOTES TO THE APPLICANT

Town and Country Planning (Development Management Procedure) (England) Order 2015 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012)

In accordance with the above, East Dorset District Council has worked with the applicant in a positive and proactive way by offering to engage in pre-application discussions and, where possible, by enabling problems to be resolved within applications in accordance with its Development Management Charter. Where the applicant chooses to engage in pre-application discussions, these will be referred to in the application report. In responding to pre-application enquires and determining formal applications, East Dorset District Council always seeks to look for solutions rather than problems so that applications for sustainable development can be approved, thereby resulting in improvements to the economic, social and environmental conditions of the area.

Policy considerations and reasons

In reaching this decision the policies in the Development Plan for the area, which currently comprises the Christchurch and East Dorset Local Plan Part 1 – Core Strategy 2014, were taken into account. Saved policies within the East Dorset Local Plan 2002 were also taken into account. These include specifically the following policies:

None

Appeals to the Secretary of State

- If you are aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development, or to grant it subject to conditions, then you may appeal to the Secretary of State under Section 195 of the Town and Country Planning Act 1990. The appeal will be dealt with, on behalf of the Secretary of State, by The Planning Inspectorate.
- There is currently no time limit within which to appeal however this is normally expected to be received within 6 months.
- 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 on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within six months of the date of this notice, whichever period expires earlier.
- Appeals must be made using the Appeals Casework Portal which is available at <http://www.planningportal.gov.uk/planning/appeals/> alternatively, please call The Planning Inspectorate on 0303 444 5000.
- The Planning Inspectorate 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 Planning Inspectorate need not consider an appeal if it seems 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.
- In practice the Planning Inspectorate does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the Secretary of State.

Purchase Notice

If either the local planning authority or the Planning Inspectorate refuse permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the *Town and Country Planning Act 1990*.