


RECORD OF EXERCISE OF DELEGATED AUTHORITY BY OFFICER PURSUANT TO REGULATION 13 OF THE LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012 & THE OPENNESS OF LOCAL GOVERNMENT BODIES REGULATIONS 2014

<u>SUBJECT OF DECISION</u> Application for a Lawful Development Certificate for a Proposed Change of Use from Class E(g)(iii)(light industrial) to Class E(d) for padel courts - Planning application reference: 041589			
<u>DECISION REFERENCE</u> DO/05/2026 (MW)	<u>SOURCE OF AUTHORITY AND REFERENCE</u> (i.e. Committee/ Constitution/Minute No. etc. Part 3E.3 a) <table border="1"> <tr> <td>Ss.191 to 194, Town and Country Planning Act 1990</td> <td>Certificate of lawful use or development except when called in for decision by Planning Applications Committee pursuant to the process outlined in Part 3E.7 iv.</td> </tr> </table>	Ss.191 to 194, Town and Country Planning Act 1990	Certificate of lawful use or development except when called in for decision by Planning Applications Committee pursuant to the process outlined in Part 3E.7 iv.
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<u>DATE OF DECISION</u> 03/06/2026	<u>DECISION MAKER (Name and Job Title)</u>  Matt Wallbank <u>Assistant Director – Democracy & Governance</u>		
<u>RECORD OF THE DECISION</u>			
a) The issue Under section 192 of the Town and Country Planning Act 1990, an applicant can ascertain whether any development carried out in, on, over or under land is lawful. This can be done by applying for a certificate of lawfulness. This application is seeking to ascertain that the proposed development outlined in the application is lawful (without the need for a formal planning application) by virtue of Schedule 2 Part A of The Town and Country Planning (Use Classes) Order 1987 (as amended). The key issues to assess in the determination of this Certificate are the definition of E(d) and E(g)(iii) in light of the Town and Country Planning (Use Classes) Order 1987 and whether the changes would constitute development in view of the Town and Country Planning Act 1990.			
b) The Decision The certificate be issued.			

<p><u>REASON FOR THE DECISION</u></p> <p>The assessment is a matter of law, fact and degree. The applicants have submitted proposals that satisfy the requirements of the 1987 Order (as amended).</p>
<p><u>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED IN MAKING THE DECISION</u></p> <p>Reject the application. This was not an option in view of the submitted proposals.</p>
<p><u>WARD RELEVANCE</u></p> <p>Eastboro</p>
<p><u>FINANCIAL AND BUDGET IMPLICATIONS</u></p> <p>None</p>
<p><u>CONSULTATION UNDERTAKEN WITH MEMBERS/OFFICERS</u></p> <p>Consultation has been undertaken with the Legal Services Team and the Planning Services Team.</p>
<p><u>ANY CONFLICT OF INTEREST DECLARED BY ANY MEMBER CONSULTED</u></p> <p>None</p>
<p><u>IN RESPECT OF ANY DECLARED CONFLICT BY A CABINET MEMBER, ANY DISPENSATION GIVEN BY THE HEAD OF PAID SERVICE</u> (Note if the decision is a non-executive decision, no dispensation can be given).</p> <p>Not applicable</p>
<p><u>EQUALITIES IMPLICATIONS</u></p> <p>None</p>
<p><u>HUMAN RESOURCES IMPLICATIONS</u></p> <p>None</p>
<p><u>FINANCIAL IMPLICATIONS</u></p> <p>None</p>
<p><u>HEALTH EQUALITIES IMPLICATIONS</u></p> <p>None</p>
<p><u>SECTION 17 CRIME & DISORDER IMPLICATIONS</u></p> <p>None</p>
<p><u>RISK MANAGEMENT IMPLICATIONS</u></p> <p>None</p>

SME (SMALL/MEDIUM ENTERPRISES) & LOCAL ECONOMY IMPLICATIONS

None

ENVIRONMENTAL IMPLICATIONS

None

LEGAL IMPLICATIONS

This decision complies with Section 192 of the Town & Country Planning Act 1990 (as amended by section 10 of the Planning and Compensation Act 1991

ANY OTHER COMMENTS

In summary - The proposed change of use from Use Class E(g)(iii) to Use Class E(d) in respect of the former tenants at Hemdale Business Park would be lawful within the meaning of Section 192 of the Town and Country Planning Act 1990. This is because the lawful use of the site for the past 10+ years, and the proposed lawful use as padel courts, both fall with the Class E of the Use Class Order. The proposal therefore does not amount to development, as set out in Section 55 of the Town and Country Planning Act, meaning it does not require planning permission. This therefore confirms that proposal would be lawful, on the specified date and thus, would not be liable to enforcement action under Section 172 of the Town and Country Plan Act 1990.

PLEASE RETURN TO THE MONITORING OFFICER AS SOON AS A DECISION IS MADE OR AS REASONABLY PRACTICABLE THEREAFTER