

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 the erection of a single storey two classroom building ("the proposed development") – Planning application reference: 041591			
<u>DECISION REFERENCE</u> DO/24/2025 (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> 17 th July 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 7 Class M of The Town and Country Planning (General Permitted Development) (England) Order 2015. b) The Decision The Certificate be refused for the proposed development. Planning application reference: 041591			
<u>REASON FOR THE DECISION</u> The assessment is a matter of law, fact and degree. The applicant have submitted proposals that satisfy the requirements of the 2015 Order however it is considered that the proposal would not be lawful due to breaching condition 24 of planning approval 039665.			

<u>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED IN MAKING THE DECISION</u> Approve the certificate. This was not an option in view of the submitted proposals due to breaching condition 24 of planning approval 039665 which requires that the development be carried out in full accordance with the approved Landscape and Ecology Management Plan (LEMP) Rev. A. The LEMP forms part of the approved scheme and secures the provision and long-term management of landscaping and ecological features across the site, up to a period of 30 years. The proposed building, by reason of its siting, would result in the loss of and/or conflict with landscaping and ecological areas secured by the LEMP, such that the development would not be carried out in accordance with the approved details. As a result, the proposal would give rise to a breach of Condition 24. Permitted development rights under Schedule 2, Part 7, Class M of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) do not override planning conditions, and development which would be in breach of a condition cannot be lawful. Accordingly, the proposal fails to meet the requirements for a Certificate of Lawfulness.
<u>WARD RELEVANCE</u> Milby
<u>FINANCIAL AND BUDGET IMPLICATIONS</u> None
<u>CONSULTATION UNDERTAKEN WITH MEMBERS/OFFICERS</u> Consultation has been undertaken with the Legal Services Team and the Planning Services Team.
<u>ANY CONFLICT OF INTEREST DECLARED BY ANY MEMBER CONSULTED</u> None
<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). Not applicable
<u>EQUALITIES IMPLICATIONS</u> None
<u>HUMAN RESOURCES IMPLICATIONS</u> None
<u>FINANCIAL IMPLICATIONS</u> None
<u>HEALTH EQUALITIES IMPLICATIONS</u> None

SECTION 17 CRIME & DISORDER IMPLICATIONS

None

RISK MANAGEMENT IMPLICATIONS

None

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.

ANY OTHER COMMENTS

None

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