

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

SUBJECT OF DECISION

The installation of foul and surface water drainage infrastructure on the Land does constitute a material start to the development approved through planning permission reference 038512 pursuant to of the definition of 'a material start' within s56(4) of the Town and Country Planning (General Permitted Development) (England) Order 2015 and Part (2) (f) of S55 of the Town and Country Planning Act 1990 (as amended). ("the commenced development") – Planning application reference: **26/0038/CLUD**

DECISION REFERENCE

DO/39/2026 (MW)

SOURCE OF AUTHORITY AND REFERENCE (i.e. Committee/ Constitution/Minute No. etc.

Part 3E.3 a)

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.

DATE OF DECISION

17/09/2026

DECISION MAKER (Name and Job Title)



Matt Wallbank
Assistant Director – Democracy & Governance

RECORD OF THE DECISION

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 installation of foul and surface water drainage infrastructure on the Land does constitute a material start to the development approved through planning permission reference 038512 pursuant to of the definition of 'a material start' within s56(4) of the Town and Country Planning (General Permitted Development) (England) Order 2015 and Part (2) (f) of S55 of the Town and Country Planning Act 1990 (as amended).

b) The Decision

The Certificate be issued for the proposed development.
Planning application reference: 26/0038/CLUD

<u>REASON FOR THE DECISION</u> The assessment is a matter of law, fact and degree. The applicants have submitted proposals that satisfy the requirements of the 2015 Order.
<u>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED IN MAKING THE DECISION</u> Reject the application. This was not an option in view of the submitted proposals.
<u>WARD RELEVANCE</u> St Mary's.
<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 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
<u>SECTION 17 CRIME & DISORDER IMPLICATIONS</u> None
<u>RISK MANAGEMENT IMPLICATIONS</u> 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**