


**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> Certificate of lawful existing use for land used as residential garden for Orchard's Croft, Long Street, Bulkington, Bedworth CV12 9JZ	
<u>DECISION REFERENCE</u> DO/41/2024 (MW)	<u>SOURCE OF AUTHORITY AND REFERENCE</u> (i.e. Committee/ Constitution/Minute No. etc. Part 3E.3 a)
<u>DATE OF DECISION</u> 15 th October 2024	<u>DECISION MAKER</u> (Name and Job Title)  Matt Wallbank <u>Assistant Director – Democracy & Governance</u>
<u>RECORD OF THE DECISION</u>	
<p>a) The issue</p> <p>Under section 191 of the Town and Country Planning Act 1990, an applicant can ascertain whether—</p> <p>(a) any existing use of buildings or other land is lawful;</p> <p>(b) any operations which have been carried out in, on, over or under land are lawful; or</p> <p>(c) any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful. This can be done by applying for a certificate of lawfulness. This application is seeking to ascertain that the existing use of the garden area on the site is legal on the basis that the use has subsisted for in excess of 10 years and is now immune from enforcement.</p> <p>b) The Decision</p> <p>The Certificate be issued for the use as requested.</p>	

REASON FOR THE DECISION

The assessment is a matter of fact and degree. The applicants have submitted sufficient evidence to demonstrate that the use has subsisted for a considerable period of time, well in excess of 10 years. A use that has existed for 10 years or more unchallenged by the Local Planning Authority is rendered immune from enforcement and is deemed to be lawful.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED IN MAKING THE DECISION

Reject the application. This was not an option in view of the submitted evidence.

WARD RELEVANCE

Bulkington

FINANCIAL AND BUDGET IMPLICATIONS

None

CONSULTATION UNDERTAKEN WITH MEMBERS/OFFICERS

This is a legal determination but is published on the weekly list to all Councillors.

ANY CONFLICT OF INTEREST DECLARED BY ANY MEMBER CONSULTED

None

IN RESPECT OF ANY DECLARED CONFLICT BY A CABINET MEMBER, ANY DISPENSATION GIVEN BY THE HEAD OF PAID SERVICE (Note if the decision is a non-executive decision, no dispensation can be given).

Not applicable

EQUALITIES IMPLICATIONS

None

HUMAN RESOURCES IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

HEALTH EQUALITIES IMPLICATIONS

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 191 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