

NORTHAMPTON BOROUGH COUNCIL

Agent Name And Address

**Mr Philip Marsden
Savills (Commercial) Limited
Fountain Court
68 Fountain Street
Manchester
Lancashire
M2 2FE**

Applicant Name And Address

**Mr Philip Marsden
c/o agentSavills Commercial Limited
Fountain Court, 68 Fountain Street
Manchester
M2 2FE**

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191 AND 192
(as amended by section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995:
ARTICLE 24

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

That Northampton Borough Council certifies that the use described in the FIRST SCHEDULE hereto in respect of the land specified in the SECOND SCHEDULE hereto and edged in red in the plan attached to this Certificate, are lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason:

- a) the operations are only internal and therefore do not constitute operational development for the purpose of Section 55 (1) of the Town and Country Planning Act 1990 (as amended)
- b) the proposed use of an area not exceeding 15 per cent of the gross floor space of the retail unit with no separate customer access is considered to be ancillary to the primary retail use of the unit and therefore does not constitute a material change of use for the purpose of Section 55(1) of the Act.

Signed



**Susan Bridge
BSC (Hons), Dip TP, MRTPI
Head of Planning**

On behalf of Northampton Borough Council

Cliftonville House, Bedford Road, Northampton NN4 7NR

FIRST SCHEDULE

Use of part of the retail unit for a pet care and treatment facility (the total area of which, excluding plant area, will not exceed 15 per cent of the gross floor space of the existing

retail unit)

SECOND SCHEDULE

Unit C, 127 St James Mill Road East

1 This certificate is issued solely for the purpose of section 192 of the Town and Country Planning Act 1990 (as amended).

2 It certifies that the use specified in the First schedule taking place on the land described in the Second Schedule was is lawful, on the specified date and, thus, is not liable, to enforcement action under section 172 of the 1990 Act on that date.

3 This certificate applies only to the extent of the use described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.

*4 The effect of the certificate is also qualified by the proviso in section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.

Appeals to The Planning Inspectorate

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to The Planning Inspectorate under Section 78 of the Town and Country Planning Act, 1990.

If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from the Customer Services Team, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN, Tel: 0117 372 6372, or alternatively you can submit your appeal online via the Planning Inspectorate website at: www.planning-inspectorate.gov.uk.

The Inspectorate can allow a longer period for giving notice of an appeal, but they 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 Inspectorate need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice The Inspectorate does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by them.

In accordance with the Town and Country Planning General Development Order 1988 you are required to send a copy of the notice of appeal to the Council at the same time as you submit the appeal to The Planning Inspectorate. The appeal form should be sent to the Council at the following address:

**Planning and Regeneration
Northampton Borough Council,
Cliftonville House,
Bedford Road,
Northampton. NN4 7NR**

Purchase Notices

If either the local planning authority or The Planning Inspectorate refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he 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 (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of part IV of the Town and Country Planning Act, 1990.

Compensation

In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by The Inspectorate on appeal or on reference of the application to him.

These circumstances are set out in sections 114 and related provisions of the Town and Country Planning Act, 1990.

NOTES: This consent relates solely to planning control. If the development includes the erection or alteration of a building or a change of use the work must not be carried out nor the change of use take place until the Building Regulations have been complied with.

WHERE by any act of Parliament, statutory instrument or other authority, other CONSENTS, LICENCES, PERMISSIONS OR APPROVALS IN ADDITION TO THOSE SPECIFIED IN THIS PERMISSION ARE REQUIRED in respect of the development or notice thereof is required to be given to any person, (including a local authority), THE APPLICANT MUST COMPLY with such requirements BY SEPARATE APPLICATION OR NOTICE. This includes applications for ADVERTISEMENT CONSENT and LISTED BUILDING CONSENT.