

Application for a Lawful Development Certificate for an Existing use or operation or activity including those in breach of a planning condition.

Town and Country Planning Act 1990: Section 191 as amended by section 10 of the Planning and Compensation Act 1991.

Town and Country Planning (Development Management Procedure) (England) Order 2015

Publication of applications on planning authority websites.

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

1. Site Address

Number	
Suffix	
Property name	Cricket Pavilion
Address line 1	Sea Road
Address line 2	East Preston
Address line 3	
Town/city	East Preston
Postcode	

Description of site location must be completed if postcode is not known:

Easting (x)	507034
Northing (y)	102179

Description	Cricket Pavilion Warren Recreation Ground
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2. Applicant Details

Title	
First name	Rachel
Surname	Gregory
Company name	East Preston Village Pre School
Address line 1	East Preston Village Pre School
Address line 2	Cricket Pavilion
Address line 3	Sea Road

2. Applicant Details

Town/city	East Preston
Country	United Kingdom
Postcode	BN161JP

Are you an agent acting on behalf of the applicant?

☐ Yes ☒ No

Primary number	
Secondary number	
Fax number	
Email address	

3. Agent Details

No Agent details were submitted for this application

4. Description of Use, Building Works or Activity

Please indicate why you are applying for a lawful development certificate

- ☐ An existing use
☐ Existing building works
☒ An existing use, building work or activity in breach of a condition

Being a use, building works or activity which is still going on at the date of this application

If Yes, to either 'an existing use' or 'an existing use in breach of a condition', please select the relevant Use Class.

Please note that following changes to Use Classes on 1 September 2020, the list includes the now revoked Use Classes A1-5, B1, and D1-2 that should not be used in most cases. Also, the list does not include Use Classes C2A and C4 or the newly introduced Use Classes E and F1-2. To provide details in relation to these or any 'Sui Generis' use, select 'Other' and specify the use where prompted. See help for more details on Use Classes.

Other

Other

Early Years Setting

5. Description of Existing Use, Building Works or Activity

Please fully describe each existing use, building works or activity for which you want the lawful development certificate. Where appropriate, show to which part of the land each use, building works or activity relates

We are an early Years setting who rent form the Cricket Club and in 1999 were originally giving planning permission for 16 children to attend each session. However Ofsted later said we could register for 26 children each session, which apparently was not changed at the time with the council. We have just become aware of this oversight. We therefore would like to rectify this and apply for a lawful development certificate to have 26 children per session in the Cricket Pavilion building and fenced off area, to enable the preschool to continue functioning at its current levels.

As per our telephone call to your offices on Tuesday 2nd November, we were advised that if we were to provide Ofsted reports and registers for the last ten years, this application should be successful.

6. Grounds for application of a Lawful Development Certificate

Under what grounds is the certificate being sought

6. Grounds for application of a Lawful Development Certificate

- ☐ The use began more than 10 years before the date of this application
- ☐ The use, building works or activity in breach of condition began more than 10 years before the date of this application
- ☐ The use began within the last 10 years, as a result of a change of use not requiring planning permission, and there has not been a change of use requiring planning permission in the last 10 years
- ☐ The building works (for instance, building or engineering works) were substantially completed more than four years before the date of this application.
- ☐ The use as a single dwelling house began more than four years before the date of this application
- ☐ Other - please specify (this might include claims that the change of use or building work was not development, or that it benefited from planning permission granted under the Act or by the General Permitted Development Order).

Is the certificate being sought for a use, operation, or activity in breach of a condition or limitation?

☐ Yes ☐ No

Reference number

EP/7/99/

Condition number

2

Date (must be pre-application submission)

06/04/1999

Please state why a Lawful Development Certificate should be granted

We have been operating with up to 26 children for nearly twenty years and have always provided high quality child care for the local community. We have never had any noise complaints from residents with either children playing inside or outside the building nor about parking or noise issues during pick up/ or drop off times. Ofsted advised that we could be registered for 26 children and we are providing evidence of our consistently good Ofsted reports and also our previous registers that will show evidence that we have had up to 26 children on the premises over the required 10 year period.

7. Information in support of a Lawful Development Certificate

When was the use or activity begun, or the building works substantially completed (date must be pre-application submission)?

06/07/2004

In the case of an existing use or activity in breach of conditions has there been any interruption?

☐ Yes ☐ No

In the case of an existing use of land, has there been any material change of use of the land since the start of the use for which a certificate is sought?

☐ Yes ☐ No

Residential Information

Does the application for a certificate relate to a residential use where the number of residential units has changed?

☐ Yes ☐ No

8. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

☐ Yes ☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- ☐ The agent
- ☐ The applicant
- ☐ Other person

9. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

☐ Yes ☐ No

10. Interest in the Land

Please state the applicant's interest in the land

10. Interest in the Land

- ☐ Owner
- ☐ Lessee
- ☐ Occupier
- ☐ Other

If Lessee or Occupier, please give details of the owner and state whether they have been informed in writing of this application

We rent the building from the Cricket Club who have a long term lease from the East Preston Parish Council. We are in the process of writing a letter to the Parish Council, the Cricket Club are aware of our application.

11. Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

☐ Yes ☐ No

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

12. Declaration

I/we hereby apply for a Lawful Development Certificate as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them. ☒

Date (cannot be pre-application) 09/11/2021