

# Certificate of Lawful Use

APPEAL REFERENCE APP/W3005/X/24/3338913  
TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192

THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)  
ORDER 2015: ARTICLE 39 & SCHEDULE 8

---

**IT IS CERTIFIED** that on 22 December 2023 the use described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and shown edged in black on the plan attached to this certificate would have been lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990, for the following reason:

No enforcement action could then have been taken in respect of the proposed use since it would not have involved development within the meaning of section 55(1) of the Town and Country Planning Act 1990.

*D.A.Hainsworth*

INSPECTOR

Dated: 3<sup>rd</sup> December 2024

## First Schedule

The change of use of the house from a use within Class C3 of Part C of Schedule 1 to the Town and Country Planning (Use Classes) Order 1987 to a care home for three children within Class C2 of Part C of Schedule 1 to the Order.

## Second Schedule

29 Cedar Avenue, Kirkby in Ashfield, Nottinghamshire NG17 8BD

## Notes

1. This certificate is issued solely for the purpose of section 192 of the Town and Country Planning Act 1990.
2. It certifies that the use described in the First Schedule taking place on the land specified in the Second Schedule would have been lawful on the specified date and, therefore, would not have been liable to enforcement action under Part VII 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 that is materially different from that described or which relates to any other land may render the owner or occupier liable to enforcement action.
4. The effect of the certificate is qualified by section 192(4) of the Act, which states that the lawfulness of the use is only conclusively presumed where there has been no material change, before the use is instituted, in any of the matters relevant to determining such lawfulness.