



Appeal Decisions

Hearing held on 22 October 2024

Site visit made on 22 October 2024

by M Savage BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 February 2025

Appeal A Ref: APP/A3010/X/24/3344229

Land off the Green, Dunham on Trent, Nottinghamshire NG22 0TU

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr and Mrs Danise Owusu-Yeboah against the decision of Bassetlaw District Council.
 - The application ref 23/01486/CTP, dated 2 January 2024, was refused by notice dated 22 February 2024.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
 - The development for which a certificate of lawful use or development is sought is the construction of 2 No. Two storey semi detached dwellings as previously approved on the site under planning permission 18/01629/FUL on 23 May 2019.
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Appeal B Ref: APP/A3010/W/23/3336071

Land off The Green, Dunham on Trent, Nottinghamshire, NG22 0TU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms Josephine Owusu against the decision of Bassetlaw District Council.
 - The application Ref is 23/00785/FUL.
 - The development proposed is Proposed 2 No Two Storey Semi-Detached Dwellings (Resubmission of 22/00417/FUL).
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Decision: Appeal A

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the proposed operation which is found to be lawful.

Decision: Appeal B

2. The appeal is allowed and planning permission is granted for Proposed 2 No Two Storey Semi-Detached Dwellings at Land off The Green, Dunham on Trent, Nottinghamshire NG22 0TU in accordance with the terms of the application, Ref 23/00785/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

3. The Bassetlaw Local Plan 2020-2038 was adopted on 29 May 2024. The Council advise that the policies it considers of particular relevance to the appeal are policies ST2 and ST50. The appellant has had the opportunity to consider the implications of these policies on Appeal B prior to and during the hearing.
4. The appeal form submitted in support of Appeal B, identifies the appellant as Mr and Mrs Danise Owusu-Yeboah. However, the application form is submitted in the name of Ms Josephine Owusu only. Since it is the applicant who has a right of appeal, I have taken the name of the appellant from the application form.
5. The National Planning Policy Framework (the Framework)(December 2024) has been published since the Hearing was closed. The parties have been given the opportunity to comment on the implications of the new Framework and I have taken their submissions into account when determining the appeal.

Appeal A

Reasons

6. The main issue is whether the Council's refusal to grant a LDC was well founded.
7. An application under S192(1)(b) of the Act seeks to establish whether any operations proposed to be carried out in, on, over or under land, would have been lawful at the time of the application. S191(2)(a) and (b) sets out that uses and operations are lawful at any time if: i) No enforcement action may be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and ii) They do not constitute a contravention of any enforcement notice then in force.
8. Planning merits form no part of the assessment of an application for a lawful development certificate (LDC) which must be considered in the light of the facts and the law. In an application for a LDC, the onus is firmly on the applicant to demonstrate on the balance of probabilities that the development is lawful. An appellant's evidence should not be rejected simply because it is not corroborated. If there is no evidence to contradict their version of events, or make it less than probable, and their evidence is sufficiently precise and unambiguous, it should be accepted.
9. There are a number of planning permissions which have been granted relating to the site. Notwithstanding the wording on the application form, I clarified with the appellant which planning permission it considers has been lawfully begun, since the evidence appears to relate to planning permission granted in 2011, reference 14/11/00003/R. The appellant has confirmed it is the 2011 permission which they would like me to consider and, as the Council considered the 2011 permission, I shall consider it on this basis.
10. The 2011 permission included a number of conditions, including that the development must be begun not later than the expiration of three years beginning with the date of this permission. Application 14/11/00003/R was

granted on 15 September 2011, to erect two semi-detached dwellings and construct new access re-submission of P/A 14/11/00001, subject to conditions, including that the development must be begun not later than the expiration of three years beginning with the date of this permission.

11. A letter, dated 22 March 2012, to the Council, details an application for the approval of details reserved by condition. A letter from the Council, dated 29 March 2012, in respect of the application to discharge conditions, confirms details of materials, eaves and rainwater goods and boundary treatments are acceptable.
12. Section 56(2) of the Act states development shall be taken to be begun on the earliest date on which any material operation comprised in the development begins to be carried out. It is necessary for the works carried out to be comprised in the planning permission and be more than *de minimis*.
13. Section 56(4) of the Act defines 'material operation' as (a) any work of construction in the course of the erection of a building; (aa) any work of demolition of a building; (b) the digging of a trench which is to contain the foundations, or part of the foundations, of a building; (c) the laying of any underground main or pipe to the foundations, or part of the foundations, of a building or to any such trench as is mentioned in paragraph (b); d) any operation in the course of laying out or constructing a road or part of a road; (e) any change in the use of any land which constitutes material development.
14. The main thrust of the appellant's case is that the levelling of the site and the construction of a retaining wall with drainage outlets (pipes) were works of construction in the course of the erection of a building within section 56 of the Act and as such, the 2011 permission was begun and remains extant.
15. The plans approved under the 2011 permission do not show a retaining wall along the rear boundary, rather they show a Hawthorn hedge. The application, dated 22 March 2012, reference HTR02-126-11, seeking to discharge pre-commencement conditions for the site, refers to landscaping and fencing but not a retaining wall.
16. The 2011 permission included a condition requiring that the development is carried out in accordance with the agreed Flood Risk Assessment (FRA), which sets out mitigation measures to protect the properties from risk of flooding, including the use of soakaways. However, the document states that, should the soakaway testing prove negative we would propose that surface water from the development is discharged to the nearby ditch on the eastern boundary of the site, via appropriate outfall structure and scour protection.
17. The Council suggests that the works appear to be a means of draining a vacant site and that none of the drainage appears to tie in with the drainage on the submitted scheme. However, although the pipes are not shown on the approved plans, they are clearly intended to address surface water management within the site, which in my view is within the scope of what is allowed by the 2011 permission, given the wording in the FRA. From the evidence, it seems likely that works were carried out in connection with the 2011 planning permission.

18. I have been provided with a number of letters sent to the Council by the occupants of a neighbouring property. One of the letters, dated 23 January 2014, states that plastic drainage pipes have already been let into the retaining wall. Mrs Cook explained to the hearing that originally, the land within the appeal site sloped down with a post and wire fence between her rear garden and the rear of the plot. She explained that the land was levelled, and a retaining wall put in. Bulldozers and diggers were used to move the soil around, the pipework was put in and wooden pegs were put in. Mrs Cook explained that she was able to recall this all because the works cut through the roots of a poplar tree within her garden, and she employed a tree surgeon to look at it when she returned from a cruise in October 2013. It therefore seems likely that the works were carried out within 3 years of the grant of the 2011 permission.
19. I was able to see the plastic drainage pipes which have been constructed during my visit. While it is not clear from my inspection how far into the site the pipes extend, Mr Taylor advised he considered it likely the pipes would have to go under the garages and would therefore extend to the foundations of a building. Given their position within the site and their likely purpose, I see no reason to disagree with Mr Taylor's professional view in this regard. Even if the pipes do not currently extend to the foundations of a building, it is only necessary for the 'material operation' to be begun to be carried out for the whole development to be taken to be begun under section 56(2). A material operation does not have to be completed.
20. Mrs Cook also advised during the hearing that there were trenches across the site, which she recalls because she had to walk around them to get the poplar tree in 2013. Mrs Cook commented that she assumed the trenches were footings for the garage, because that's where they were within the site. I have no reason to doubt Mrs Cook's evidence in this regard. An email from the contractor who is stated to have carried out the works at the site, advises that they carried out a percolation test and incorporated all the land drainage that had been recommended for the site as the percolation test had not satisfied requirements. The contractor advises they were asked to dig a test hole for the foundation, which is consistent with Mrs Cook's suggestion that trenches had been constructed.
21. Since the 'test hole' was for the foundation, it is likely that it would have been constructed in the location of the proposed foundations and, is likely to have begun the process of digging a trench which was to contain the foundations, or part of the foundations of a building. No trenches are visible within the site now and there is no photographic evidence to show where they would have been or what they would have comprised. Nevertheless, the fact that a trench is subsequently backfilled does not prevent an application (or appeal) from succeeding, so long as it was related to the planning permission involved.
22. The appellant suggests that the land was raised: the land is stated to have been sloping, something which the Council does not dispute. The extent to which the site sloped is not clear and the plans provided do not greatly assist in this regard, since they show proposed elevations, not existing. It was suggested during the hearing that the retaining wall is necessary to maintain the site level and is clearly part of implementing the approved development.

23. The 2011 plans show the dwellings would be constructed relatively level, while the garages would be constructed on sloping ground. I have been provided with a plan, reference HTR00-103-22, which shows levels within the site, however, it is dated March 2022 and is therefore likely to represent levels within the site after works had been carried out in 2013.
24. The appellant has drawn my attention to *Commercial Land Ltd and Imperial Resources SA v Secretary of State for Transport, Local Government & the Regions* [2002] EWHC 1264 (Admin), which concerned a block of flats. In that case, the matter in question was whether works which had been carried out constituted a material operation comprised in the development for the purposes of section 56(2). It was held that it is insufficient to simply consider the material differences between what has been built and what was approved. Similarities and the degree of compliance with the approved plans are also relevant, together with the extent to which the works are substantially usable in implementing the planning permission.
25. There is ambiguity regarding the levelling of the site. While I don't doubt Mrs Cook's evidence that earthworks were carried out which involved the use of a heavy machinery, whether this would have comprised any work of construction in the course of the erection of a building is very unclear. Nevertheless, the evidence points towards trenches being constructed within the site and pipes having been laid which are likely to extend to the foundations of a building, either of which are likely to have constituted material operations to begin the development.
26. Thus, I find, on the balance of probabilities, works have been undertaken within the site which are capable of constituting material operations to begin the development and that these works were carried out within the statutory period. Planning permission 14/11/00003/R dated 15 September 2011 is, in my view, extant and so at the date of the LDC application, the appellant could have lawfully constructed 2 No. Two storey semi-detached dwellings.

Appeal A Conclusion

27. For the reasons give above I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development in respect of 2 No. Two storey semi detached dwellings was not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

Appeal B

Main Issue

28. The main issue of the appeal is whether the proposed houses would be safe from flooding and would comply with national planning policy which seeks to steer new development away from areas at the highest risk of flooding.

Reasons

29. The appeal site is located in Dunham on Trent, within an area which is identified as at risk from flooding. Policy ST2 of the Bassetlaw Local Plan 2020-2038 (the BLP) identifies Dunham-on-Trent as a settlement that has zero housing requirement due to flooding constraints. Although policy ST2 does not

make provision for housing, unallocated sites can come forward within an identified settlement, where it meets the criteria in Part 2 of the policy.

30. Policy ST50 of the BLP states that proposals are required to consider and, where necessary, mitigate the impacts of the proposed development on flood risk, on site and off-site, commensurate with the scale and impact of the development. Proposals... must be accompanied by a Flood Risk Assessment (where appropriate), which demonstrates that the development, including the access and egress, will be safe for its lifetime, without increasing or exacerbating flood risk elsewhere and where possible will reduce flood risk overall. 2. Where relevant, proposals must demonstrate that they pass the Sequential Test and if necessary the Exceptions Test in Flood Zones 2 and 3 and ensure that where land is required to manage flood risk, it is safeguarded from development. 4. All development where practicable should incorporate sustainable drainage systems in line with national standards.
31. The appeal site is located approximately 425m to the west of the River Trent and is located in Flood Zone 3a, which is defined by the Planning Practice Guidance (PPG) as Land having a 1% or greater annual probability of river flooding; or Land having between a 0.5% and 0.1% annual probability of sea flooding. There are flood defences which are stated to hold the 1 in 200-year event 'in-channel' and prevent overtopping.
32. The Framework seeks to steer new development to areas with the lowest risk of flooding from any source. Paragraph 173 of the Framework advises that a sequential risk-based approach should be taken to individual applications in areas known to be at risk now or in future from any form of flooding. The Framework sets out that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
33. The PPG advises 'For individual planning applications subject to the Sequential Test, the area to apply the test will be defined by local circumstances relating to the catchment area for the type of development proposed'. The appellant has carried out a Sequential Test in support of the application, which took into account the size of the site (development site for two dwellings), rural location within a rural service centre, within walking distance of local services, low pollution levels, proximity to Tuxford Academy and the purchase price.
34. The appellant wrote to the Council prior to the Sequential Test, who advised that the area of search should be restricted to the district of Bassetlaw, as all residential schemes contribute to the housing need of the district. The Council suggests that personal search criteria such as requiring a rural location for reasons of air quality/pollution, and the need for falling within catchment area for Tuxford Academy would not be justifiable in this instance and, given the nature of the development, I would agree with the Council in this regard.
35. The appellant undertook an investigation using the Council's 5 year housing supply of small sites with full and outline permission published July 2022 for the period of 1 April 2022 to 31 March 2027. The appellant explained during the hearing that they also contacted local estate agents and utilised information on the internet to help determine land availability.

36. The PPG advises that 'reasonably available sites' are those in a suitable location for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development. These could include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development. Such lower risk sites do not need to be owned by the applicant to be considered 'reasonably available'.
37. When considering whether the site can be viably developed, the appellant has considered the purchase price of the appeal site and has discounted a number of sites on the basis that they are outside their budget. However, whether a site is reasonably available should not, in my view, be dependent upon a budget set by an appellant but whether it would be available for purchase at a fair market value. I have been provided no substantive evidence to show that the sites identified within the Sequential Test have been evaluated by an independent expert or local agent to ascertain whether the prices sought would reflect a fair market value.
38. During the hearing, the appellant also explained that they excluded towns from their search because they would like a rural location. While I appreciate the appellant would like a rural location for health reasons, excluding towns from their search potentially limits the scope of the assessment. I do not consider the sequential test before me is sufficiently robust, or that it demonstrates there are no sequentially preferable sites that are reasonably available.
39. The PPG makes it quite clear that the Exception Test should only be applied if the Sequential Test has shown that there are no reasonably available, lower risk sites suitable for the proposed development, to which the development could be steered. This is contrary to policy ST50 of the BLP, the requirements of which are set out above, and the Framework.
40. There was some discussion during the hearing as to whether the appeal scheme would accord with criterion (f) of policy ST2, because it is within an area at risk of flooding. Criterion (f) supports development where it provides well-designed, safe and convenient access for all, including where appropriate, connections and improvements to existing infrastructure to promote walking, cycling, and the use of public transport.
41. While the site is located within an area at risk of flooding, the Council has not objected on highways grounds and concluded that the appeal scheme would have no adverse implications for highway or pedestrian safety. I have no reason to disagree with its conclusion in this regard and therefore find there is no conflict with policy ST2 of the BLP. Nevertheless, for the reasons given above, I find the appeal scheme conflicts with policy ST50 of the BLP and the relevant expectations of the Framework.

Fallback

42. As set out above, I have found that the 2011 was begun for the purposes of section 56 of the Act. During the hearing, the appellant made it very clear that if this appeal does not succeed, they would seek to build out the 2011 permission. Given the appellant's need for housing and their desire to live in

this area, I don't doubt the appellant in this regard and consider that there is a greater than theoretical possibility that the development might take place.

43. The 2011 permission permits habitable living space at ground floor level, whereas the proposed plans show that habitable rooms would be located at the first floor, at a minimum of 8.6m AOD and the FRA recommends minimum first floor finished floor levels of 8.7m AOD. To mitigate flood risk, the 2011 permission requires finished floor levels are set no lower than 8.19m above Ordnance Datum (AOD). Habitable accommodation within the 2011 would be set lower than habitable accommodation within the proposed dwellings.
44. Having habitable rooms at first floor only removes the need to raise the land levels within the site by around 2m, which in my view is likely to be of benefit to the character and appearance of the area, as the level of the building would be more in keeping with other properties around the Green. Furthermore, the building would be constructed using flood resilient materials and includes the provision of a flood evacuation plan to ensure the safety of inhabitants.
45. The mitigation measures proposed, which could be secured via condition, would ensure that the development is safe for its lifetime, through minimum finished floor levels and the provision of a safe area of refuge within the dwelling. Given the above, the fallback position is a matter to which I attribute significant weight.

Other Matters

46. It is not disputed that the appeal site is within the setting of St Oswald's Church (Grade I listed) and Marples Cottages (Grade II listed). Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The Council concluded that, subject to conditions, the development would have no adverse impact on the setting of the heritage assets detailed above. I agree that, subject to conditions discussed below, the appeal scheme would preserve the setting of the aforementioned listed buildings.

Conditions

47. I have considered the conditions put forward by the Council and other parties against advice in the Framework and Planning Practice Guidance. In the interests of certainty and proper planning I have included conditions relating to commencement, plans and materials.
48. Conditions to secure details regarding windows, brick bonding, eaves and verge treatment, guttering and down pipes are necessary because the appeal site is within the setting of the listed buildings, St Oswald's Church and Marples Cottages. I shall modify the wording suggested by the parties, to ensure the appellant is clear when they must submit details by.
49. It is necessary to include a condition to secure the construction of the driveway / parking / manoeuvring areas and associated drainage measures, in

the interests of highway safety. I shall also include a condition regarding the gradient of the site, in the interests of highway and pedestrian safety.

50. The Council has requested a condition to restrict permitted development rights so that no windows other than those shown on the approved drawings shall be formed in the development. However, the Framework advises that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. The windows condition discussed above would control windows in the elevation facing the highway and would therefore preserve the setting of the listed buildings. Whilst there are neighbouring properties, this is not unusual and is not, in my view, sufficient justification for restricting permitted development rights.
51. I shall include a boundary treatment condition, in the interests of the character and appearance of the site and to preserve the setting of the listed buildings St Oswald's Church and Marples Cottages.
52. I shall include a condition to secure flood mitigation and ensure the development is carried out in accordance with the approved Flood Risk Assessment, in the interests of ensuring the safety of occupants and future occupants of the dwellings.
53. The appeal site is located between two residential dwellings and so construction works have the potential to disturb neighbouring occupants. As such, I consider it necessary to include a condition which restricts the hours that construction works can be carried out. I note that the appellant has concerns about the proposed hours being restrictive, however, given the proximity to neighbouring occupants, I consider it is reasonable to impose the condition as suggested by the Council.
54. I shall include a condition to secure the provision of bird and bat boxes, in the interests of the biodiversity of the site.

Appeal B Conclusion

55. As set out above, I have found that the appeal scheme conflicts with policy ST50 of the BLP and the relevant expectations of the Framework because the requirements of the Sequential Test have not been met. However, I consider the 2011 permission to be a significant factor which outweighs the conflict with policy in this case. Material considerations indicate that the appeal should be decided other than in accordance with the development plan and so, for the reasons given above, I find that Appeal B should succeed.

M Savage

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Kevin Leigh	of 33 Bedford Row
Roger Eyre	Fellow of the Institution of Civil Engineers
David Taylor	of Henry Taylor Building Surveyors
Mr Owusu-Yeboah	
Mrs Owusu-Yeboah	

FOR THE LOCAL PLANNING AUTHORITY:

Jamie Elliott	Senior Planner at Bassetlaw Council
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INTERESTED PARTIES:

Madeline Barden	Chairman of Dunham Ragnall Fledborough and Darlton Parish Council
Jo Cook	Member of the public

DOCUMENTS SUBMITTED DURING THE HEARING

1. Photographs 1-6 of the appeal site and other land around The Green.
2. Existing Block Plan Showing Levels, drawing number HTR00-103-22 dated March 22.
3. Sequential Test for Land at Rose Cottage, The Green, Dunham on Trent, dated 26 June 2023.
4. Flood Risk Assessment, document reference MA10979-FRA-R06, dated June 2023.

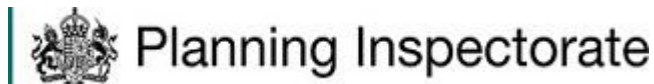
SCHEDULE OF CONDITIONS

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with details and specifications included on the submitted application form and shown on the following approved plans: Site Plan, Drawing No. SP1; Block Plan, Drawing HTR00-103-22, drawing No. BP1; drawing No. P1-01; drawing No. P1-02; drawing No. P1-03; drawing No. P1-04(A); drawing No. P1-05.
3. No development above slab level shall take place until details of the facing and roofing materials to be used in the development hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
4. No development above slab level shall take place until details of the design, specification, method of opening, method of fixing and finish of all windows in the front elevations of the dwellings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter.
5. No development above slab level shall take place until details of the brick bonding to be used in the construction of the front elevations of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter.
6. Prior to their installation, details of eaves and verge treatment and guttering and down pipes, including the method of fixing to be used in the construction of the dwelling hereby permitted, shall submitted to and approved in writing by the Local Planning Authority. The installation of the eaves, verge treatment and guttering and down pipes shall be carried out in accordance with the approved details.
7. The dwellings hereby permitted shall not be occupied until the driveway, parking and manoeuvring areas have been constructed in accordance with the approved plans, drawing number P1-05, surfaced in a hard bound material for a minimum of 5 metres behind the Highway boundary and drained to prevent surface water from running off the site onto the public highway. The driveway, parking and manoeuvring areas shall be maintained as approved thereafter.

8. Vehicular and pedestrian gradients shall be no steeper than 1:20 for the first 5m into each plot and 1:12 thereafter, unless otherwise agreed in writing with the local planning authority.
9. Prior to the occupation of the development hereby permitted details of the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed as in accordance with the approved details before the buildings are occupied.
10. The development hereby permitted shall be carried out in accordance with the details and specifications set out in the Flood Risk Assessment MA10979-FRA-R06 dated June 2023 and the following mitigation measures that it details:
 - Finished floor levels shall be set no lower than 6.0m Above Ordnance Datum (AOD) for the ground floor and no lower than 8.7m AOD for the first floor.
 - Living space shall be situated on the first floor only and the ground floor shall be limited to garages and utility spaces only as stated.

The mitigation measures shall be fully implemented prior to the occupation of the dwellings hereby approved. The measures detailed above shall be retained and maintained thereafter.
11. Construction works shall take place only between 8:00am - 6:00pm Monday to Friday, and between 9:00am - 1:00pm on Saturday and shall not take place at any time on Sundays or Bank Holidays.
12. No development shall commence above first floor level until a scheme for the provision of bird and bat boxes within the development has been submitted to and agreed in writing with the Local Planning Authority. The approved bird and bat boxes shall be completed and available for use before the dwellings hereby permitted are first occupied.

END OF SCHEDULE



Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192

(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)

ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 2 January 2024 the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate, would have been lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

The digging of a trench and the installation of drain pipes constitute material operations for the purposes of section 56 of the Town and Country Planning Act 1990 Act (as amended) and, as these works were carried out within 3 years of the date of permission 14/11/00003/R, the development was begun within the statutory period. The planning permission is extant and is capable of implementation in accordance with its conditions.

Signed

M Savage

Inspector

Date: **06 February 2025**

Reference: APP/A3010/X/24/3344229

First Schedule

The construction of 2 No. Two storey semi detached dwellings in accordance with planning permission 14/11/00003/R dated 15 September 2011.

Second Schedule

Land at Land off the Green, Dunham on Trent, Nottinghamshire NG22 0TU

IMPORTANT NOTES – SEE OVER

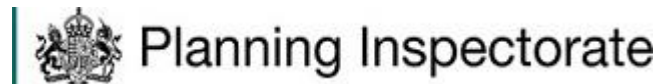
NOTES

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

It certifies that the use /operations described in the First Schedule taking place on the land specified in the Second Schedule would have been lawful, on the certified date and, thus, was /were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use /operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use /operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

The effect of the certificate is subject to the provisions in section 192(4) of the 1990 Act, as amended, which state that the lawfulness of a specified 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 which were relevant to the decision about lawfulness.



Plan

This is the plan referred to in the Lawful Development Certificate dated: 6 February 2025

by **M Savage**

Land at: Land off the Green, Dunham on Trent, Nottinghamshire NG22 0TU

Reference: APP/A3010/X/24/3344229

Scale: Not to Scale

