

South Kesteven District Council

Development Management

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SOUTH
KESTEVEN
DISTRICT
COUNCIL

Miss Loren Cahill
Dove Adolescent Services LTD
Malvern View
Saxon Business Park
Hanbury Road
Bromsgrove
Worcestershire
B60 4AD

REFUSAL OF CERTIFICATE OF LAWFUL USE OR DEVELOPMENT (PROPOSED)

Town and Country Planning Act 1990 (Section 192)
(as amended by Section 10 of the Planning & Compensation Act 1991)
Town and Country Planning (General Development Procedure) (England) Order 2015

Application No:	S24/2063
Date Received:	6th December 2024
Applicant:	Miss Loren Cahill
FIRST SCHEDULE Use/operations/other matter	Application for a Lawful Development Certificate regarding a change of use of a residential dwelling house (Use Class C3) to a care home
SECOND SCHEDULE Location:	Latte Lodge Pump Lane Fenton
Decision/Date	31st January 2025

The **South Kesteven District Council** hereby certify that, on the 6th December 2024, the details specified in the First Schedule above in respect of the land referred to above is **NOT LAWFUL** within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason(s):

- 1 The proposed development would result in a change of use from a C3 Residential Dwellinghouse to a C2 Residential Institution, and would not be lawful for planning purposes under section 192 of the Town and Country Planning Act 1990, as this would represent a material change of use requiring planning permission.

Standard Note(s) to Applicant:

1. Your attention is drawn to the attached notes explaining your rights of appeal regarding this decision.

Emma Whittaker
Assistant Director Of Planning
31st January 2025

NOTICE OF DECISION FOR REFUSAL OF CERTIFICATE OF LAWFUL USE

TOWN AND COUNTRY PLANNING ACT 1990

Notes to Applicant

Appeals to the Secretary of State

- ◆ If you are aggrieved by the decision of your Local Planning Authority to refuse the Certificate of Lawful Use then you can appeal to the Secretary of State for the Environment under section 195 of the Town and Country Planning (General Development Procedure) Order 1995.
- ◆ 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 Appeals Registry, 315A Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN. The appeals Helpline is Tel: 0303 444 5000.**
- ◆ The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances that excuse the delay in giving notice of appeal.

GENERAL DEVELOPMENT PROCEDURE ORDER 2015 TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

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 Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same, or substantially the same, land and development as is already the subject of an enforcement notice and you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same, or substantially the same, land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of the service of the enforcement notice **or** within six months of the date of this notice (whichever period expires earlier).

If you want to appeal against other decisions, except for Householder which are 12 weeks, then you must do so within 6 months of the date of this notice. Appeals should be submitted using a form that you can get from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.

Tel: 0303 444 5000

Email: enquiries@planning-inspectorate.gsi.gov.uk

Website: <https://www.gov.uk/planning-inspectorate>

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State 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 they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

If either the local planning authority or the Secretary of State for the Environment 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 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 District Council 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 VI of the Town and Country Planning Act 1990.