

	NORTH HERTFORDSHIRE DISTRICT COUNCIL Town and Country Planning Act 1990 Section 191 CERTIFICATE OF EXISTING LAWFUL USE OR DEVELOPMENT	Town Planning Ref.No. 24/01948/LDCE
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Correspondence Address:

Miss Patricia Goh
55 Perth Road
Gants Hill
Ilford
Essex
IG2 6BX

Applicant:

Mr Jiang He

Date of Receipt of Application: 09.12.2024

Site: 28 And 28A Nightingale Road, Hitchin, Hertfordshire, SG5 1QU

Description of development: Continuous use as a hot food takeaway on the ground floor with ancillary living accommodation on the upper floor.

The North Hertfordshire District Council, in pursuance of their powers under the above-mentioned Act and the associated Orders and Regulations, hereby CERTIFY that on the date of receipt of the application the matter described above in respect of the aforementioned land and edged in red on the plan would have been lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended).

The reason for this determination is as follows :-

The evidence submitted, on the balance of probabilities, shows that the site has been used as a hot food takeaway on the ground floor with ancillary living accommodation for a continuous and uninterrupted period of at least 10 years. In accordance with Section 171B of the Town and Country Planning Act 1990, no enforcement action can be taken upon a breach of planning control if a period of 10 years has passed from the date of the original breach. As such, a certificate of

lawfulness can be issued for continuous use as a hot food takeaway on the ground floor with ancillary living accommodation.

Signed:



Shaun Greaves
Development and Conservation Manager

Development Management
North Hertfordshire District Council
Council Offices
Gernon Road
Letchworth
Herts
SG6 3JF

Date: 4 February 2025

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NOTES

1. The 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 matter specified taking place on the land described would have been lawful, on the specified date and, thus, would not have been liable to enforcement action under section 172 of the 1990 Act on that date.
3. This certificate applies only to the extent of the matter described and to the land specified and identified on the attached plan. Any matter which is/are materially different from that/those described or which relate(s) 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.

Cadent Gas Informative:

Cadent Gas own and operate the gas infrastructure within the area of your development. Contact our Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to. Email plantprotection@cadentgas.com. Alternatively you can register on www.beforeyoudig.cadentgas.com This service is free of charge.