



**North
Herts
Council**

Correspondence address:

PO Box 10613, Nottingham, NG6 6DW

Telephone: 01462 474000

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 (as amended)

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.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number

28

Suffix

Property Name

Address Line 1

Nightingale Road

Address Line 2

Address Line 3

Hertfordshire

Town/city

Hitchin

Postcode

SG5 1QU

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

Easting (x)

518824

Northing (y)

229786

Description

Applicant Details

Name/Company

Title

Mr

First name

Jiang

Surname

He

Company Name

Address

Address line 1

28 Nightingale Road

Address line 2

Address line 3

Ilford

Town/City

Hitchin

County

Hertfordshire

Country

United Kingdom

Postcode

SG5 1QU

Are you an agent acting on behalf of the applicant?

- ☒ Yes
- ☐ No

Contact Details

Primary number

***** REDACTED *****

Secondary number

***** REDACTED *****

Fax number

***** REDACTED *****

Email address

***** REDACTED *****

Agent Details

Name/Company

Title

Miss

First name

Patricia

Surname

Goh

Company Name

Woodford Wise Solicitors

Address

Address line 1

55 Perth Road

Address line 2

Gants Hill

Address line 3

Town/City

Ilford

County

Essex

Country

England

Postcode

IG2 6BX

Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

***** REDACTED *****

Email address

***** REDACTED *****

Reason for Lawful Development Certificate

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.

Other

Other (please specify)

Hot food takeaway on the ground floor with ancillary living accommodation on the upper floor.

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

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

Grounds for application for a Lawful Development Certificate

Under what grounds is the certificate being sought

- ☒ 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

Please state why a Lawful Development Certificate should be granted

We act for Mr Jiang He and Ms Xuejiang Chen (the Applicants) who on 13th March 2024 purchased the property in question from the previous owners, Chung Wah Yip, Chung On Yip, Kam Fung Ip and Chow-Mui Yip (the Sellers). A condition of the purchase is that a successful application for a Lawful Development Certificate should be made before an agreed retained sum from the sale price is released to the sellers. Hence, we now make this application on the Applicants' behalf.

You will note from the attached Statutory Declaration of the said Mr Chung Wah Yip a detailed account of the continuous use of the premises as a Chinese takeaway hot food shop on the ground floor with ancillary living accommodation on the upper floor from the year 1977 and from the title documents and information supplied by the Sellers, we have no reason to doubt the said continuous use, which continues to this date and which the Applicants wish to continue.

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)?

29-09-1977

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

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

Pre-application Advice

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

- ☐ Yes
☒ No

Interest in the Land

Please state the applicant's interest in the land

- ☒ Owner
☐ Lessee
☐ Occupier
☐ Other

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.

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?

- ☐ Yes
☒ No

Declaration

I/We hereby apply for Lawful development: Existing use as described in the questions answered, details provided, 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.

I/We also accept that, in accordance with the Planning Portal's terms and conditions:

- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

☒ I / We agree to the outlined declaration

Signed

Patricia Goh

Date

08/12/2024

Amendments Summary

I omitted to include the Agent's Details previously and these have now been inserted. I also amended the "Description" to "Continuous use as a hot food takeaway on the ground floor with ancillary living accommodation on the upper floor."