



**North Warwickshire
Borough Council**

Mr Graham Lea
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Date: 22 May 2024

**The Town & Country Planning Acts
The Town and Country Planning (Listed Buildings and
Conservation Areas) Act 1990
The Town & Country Planning (General Development)
Orders
The Town and Country Planning (Control of
Advertisements) Regulations 1992 (as amended)**

DECISION NOTICE

Certificate of Lawfulness Application

Application Ref: PAP/2024/0107

Site Address

Field Rear Of Fox & Dogs Public House, Orton Road, Warton,

Grid Ref: Easting 428624.57
Northing 303154.29

Description of Development

Certificate of lawfulness for proposed siting of of a shipping container related to agricultural use of field

Applicant

T And CPP Ltd

Your application was valid on 28 March 2024. It has now been considered by the Council. I can inform you that:

I hereby certify that on 28 March 2024, the use described in the First Schedule to this Certificate, in respect of the land specified in the Second Schedule to this Certificate and edged red on the plan attached to this Certificate, was lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

1. I hereby certify that on 4 March 2024, the use described in the First Schedule to this Certificate, in respect of the land specified in the Second Schedule to this Certificate and edged red on the plan attached to this Certificate, would be lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason:

The proposed siting of a container for agricultural purposes would be ancillary to the lawful agricultural use of the land and would not constitute development for which the grant of planning permission would be required.

Section 55(1) of the Town and Country Planning Act 1990 (as amended) states that ""development"" means the carrying out of building engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land. Section 55(e) of the Act sets out that the use of any land for the purposes of agriculture shall not to be taken for the purposes of the Act to involve development of the land.

Authorised Officer Andrew Colinson

Date **22 May 2024**

FIRST SCHEDULE: The siting of a container for use ancillary to the lawful use of the land for agricultural purposes shown edged red on the Location Plan known as 'Martin Location Plan 3' received by North Warwickshire Borough Council Planning Authority on 4 March 2024.

SECOND SCHEDULE: Land edged red on the Location Plan known as 'Martin Location Plan 3' and the plan entitled 'Container plans and elevations' drawing number NW/001 received by received by North Warwickshire Borough Council Planning Authority on 4 March 2024, and known as Field Rear of Fox and Dogs, Orton Road, Warton, B79 0HT.

NOTES

1. This Certificate is issued only for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the use specified in the First Schedule taking place on the land described in the Second Schedule was lawful, on the specified date and thus, is not liable to enforcement action under Section 172 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, identified on the attached plan. Any use which is materially different from that described or which relate(s) to other land may render the owner liable to enforcement action.
4. A report has been prepared that details more fully the matters that have been taken into account when reaching this decision. You can view a copy on the Council's web site via the Planning Application Search pages <http://planning.northwarks.gov.uk/portal>. It will be described as 'Decision Notice and Application File'. Alternatively, you can view it by calling into the Council's Reception during normal opening hours (up to date details of the Council's opening hours can be found on our web site <http://www.northwarks.gov.uk/site/scripts/contact.php>).
5. Plans and information accompanying this decision notice can be viewed online at our website <http://www.northwarks.gov.uk/planning>.

Informatives

1. The container must be used ancillary to the use of the agricultural land.
2. The container must not be placed on hardstanding
3. The County Rights of Way team has no objection to the proposals but the applicant should be aware of the following requirements which we request are carried as advisory notes on any decision:
 - Public footpath AE13 must remain open and available for public use at all times unless closed by legal order.
 - The applicant must make good any damage to the surface of public footpath AE13 caused by the proposals.
 - The Highway Authority are required to maintain public footpath AE13 to a standard required for its public use by pedestrians only and not to a standard required for private vehicular use.
 - Any disturbance or alteration to the surface of public footpath AE13 requires the prior authorisation of Warwickshire County Council's Rights of Way team, as does the installation of any new gate or other structure on the public footpath.

Authorised Officer Andrew Colinson

Date 22 May 2024