



**Hinckley & Bosworth
Borough Council**

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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	69
Suffix	
Property Name	Windhover House
Address Line 1	Main Street
Address Line 2	
Address Line 3	Leicestershire
Town/city	Carlton
Postcode	CV13 0BZ

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

Easting (x)	Northing (y)
439837	305107
Description	

Applicant Details

Name/Company

Title

Mr

First name

Kenneth

Surname

Salisbury

Company Name

Address

Address line 1

Windhover House

Address line 2

69 Main Street

Address line 3

Town/City

Carlton, Nuneaton

County

Country

GB

Postcode

CV13 0BZ

Are you an agent acting on behalf of the applicant?

☐ Yes

☒ No

Applicant Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

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.

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

Physical building and engineering works carried out to create the vehicular access expressly approved under planning permission 20/00421/FUL between Nos. 67 and 69A Main Street, Carlton. The works included removal of the existing boundary wall/enclosure at the approved access location and opening of the access route shown on approved Drawing 4654/01. The works were undertaken in implementation of planning permission 20/00421/FUL and remain in place.

Grounds for application for a Lawful Development Certificate

Under what grounds is the certificate being sought

Where the use, building works or activity began **before 25 April 2024**

- ☐ 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 change of use to 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).

Where the use, building works or activity began on or after 25 April 2024

- ☐ The use, building works or activity 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.
- ☐ 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).

If the certificate is sought on 'Other' grounds please give details

The building and engineering works benefited from planning permission 20/00421/FUL. The works were undertaken to implement the new vehicular access expressly approved as part of that permission between Nos. 67 and 69A Main Street, Carlton. The approved access works had been carried out by May 2021 at the latest, before expiry of the three-year commencement period on 9 September 2023. The certificate is sought to confirm that these works lawfully commenced and implemented planning permission 20/00421/FUL.

Is the certificate being sought for a use, operation, or activity in breach of a condition or limitation?

- ☒ Yes
- ☐ No

Please give the reference number of any existing planning permission, lawful development certificate or enforcement notice affecting the application site. Include its date and the number of any condition being breached.

Reference number

20/00421/FUL

Condition number

Condition(s) being breached: Conditions 9 and 10

Date (must be pre-application submission)

09/09/2020

Please state why a Lawful Development Certificate should be granted

Planning permission 20/00421/FUL was implemented before expiry of Condition 1 by physical works undertaken to create the expressly approved vehicular access between Nos. 67 and 69A Main Street, Carlton. The works included removal of the existing boundary wall/enclosure and opening of the approved access route shown on Drawing 4654/01. Independent dated Google Street View evidence shows that the access had been physically opened by May 2021 at the latest, well before the commencement deadline of 9 September 2023.

When considering application 23/00503/CONDIT in November 2023, Hinckley & Bosworth Borough Council expressly recorded that: "No conditions have been discharged since but the permission was implemented so condition 1 of that permission has been removed."

The certificate is therefore sought to confirm that the works lawfully commenced planning permission 20/00421/FUL before expiry of Condition 1, notwithstanding that Conditions 9 and 10 had not been discharged at that time. Full supporting evidence is provided in the accompanying Planning Statement and exhibits.

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)?

31-05-2021

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

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title

***** REDACTED *****

First Name

***** REDACTED *****

Surname

***** REDACTED *****

Reference

23/00503/CONDIT

Date (must be pre-application submission)

13/12/2023

Details of the pre-application advice received

David Spring confirmed by email that Condition 1 of planning permission 20/00421/FUL required development to begin within three years and stated that "the applicant has begun the development within this time period so the time limit condition is no longer required."

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

Kenneth Salisbury

Date

04/09/2026