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Business Unit : **DEVELOPMENT CONTROL**
Our Ref : SARAHP-AVA/2021/0187
Your Ref : 4732
Date : 12th April 2021
Ask For : Sarah Pearce
Direct Dial : 01773 841658
Email : sarah.pearce@ambervalley.gov.uk

Dear Sir/Madam

Proposal **Certificate of lawful development for the construction of an ancillary building containing a private swimming pool and gym**
Location **117 Main Road Smalley Ilkeston**
Applicant

AMBER VALLEY BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990
SECTIONS 191 AND 192 (as amended by section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING
(DEVELOPMENT MANAGEMENT PROCEDURE) 2015: ARTICLE 39

General Permitted Development Order 2015

CERTIFICATE
OF
PROPOSED LAWFUL USE OR DEVELOPMENT

The **Amber Valley Borough Council** hereby certify that on 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(s):

The proposal is in accordance to the General Permitted Development Order 2015 Part 1 Class E therefore the works constitute as permitted development

Signed:

Julian Townsend ***Executive Director (Operations)***

First Schedule

Certificate of lawful development for the construction of an ancillary building containing a private swimming pool and gym

Second Schedule

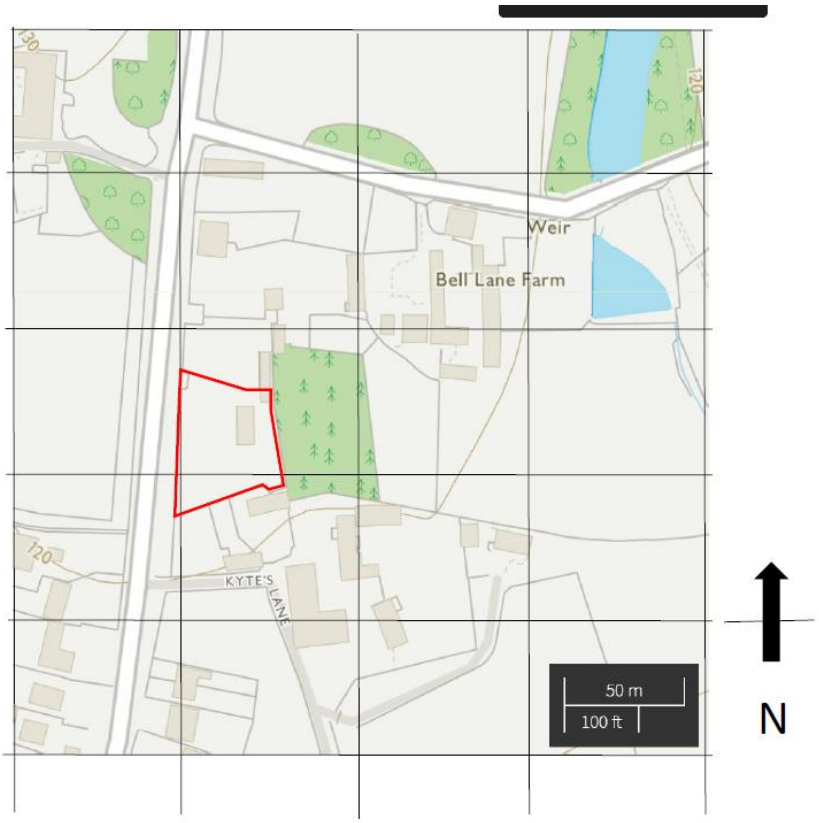
117 Main Road Smalley Ilkeston

Notes

1. This certificate is issued solely for the purpose of section 191/192 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, was 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 and identified on the attached plan. Any use which is materially different from that described or which relates 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 operations 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.

This decision is based on the following submitted plans/documents:

Plan Type	Reference	Version	Date Received
Elevations and floor plans	1003c	-	18 February 2021
Proposed Block Plan	1002f	-	18 February 2021
Location Plan	10000b	-	18 February 2021



Location Plan - Scale 1:1500

The Croft – Smalley Village – DE7 6DT	
Pool and Gym project – Location Plan	
Scale - As shown	
Dated 31st December 2020	DRWG No – 1000b