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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
(GENERAL DEVELOPMENT PROCEDURE) ORDER 1995: ARTICLE 24

NOTICE OF REFUSAL OF CERTIFICATE OF EXISTING LAWFUL USE

The **Amber Valley Borough Council** hereby certify that on 2 May 2023 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, is not lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reasons:

The evidence submitted does not clearly show that there has been a material change of use of the land and the siting of the containers nor is the evidence sufficiently clear and precise to justify the grant of a Certificate of Lawful Use based on the balance of probability that the use submitted under this application commenced more than 10 years ago and therefore the application for the certificate of existing use is refused.

Simon Gladwin

Executive Director (Operations)
Date

First Schedule

Application for a lawful development certificate the siting of two secure storage containers onto the land for the purpose of storing domestic household items that have a direct association with the enjoyment of the dwelling. The two secure storage containers have been on the land, utilised continuously for the storage of domestic household items, for a period exceeding 4 years.

Second Schedule

The Edge Killis Lane Kilburn

NOTES

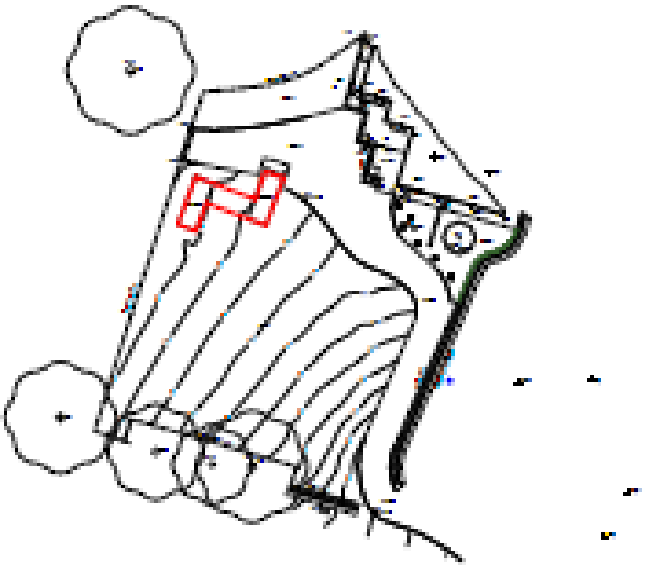
If the applicant is aggrieved by the decision of the Local Planning Authority to refuse to issue a Certificate of Existing Lawful Use or Development, he/she may appeal to the Secretary of State for the Environment in accordance with Section 191/192 of the Town and Country Planning Act 1990.

Notes

1. This certificate is issued solely for the purpose of section 191/192 of the Town and Country Planning Act 1990 (as amended).

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

Plan Type	Reference	Version	Date Received
Block Plan	102-348-AR-(F)001		2 May 2023
Planning Statement			2 May 2023
Statutory Declaration			2 May 2023



Site Location Plan, 1:1250