



**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY
COUNCIL OF THE ISLES OF SCILLY**

Planning Department
Town Hall, The Parade, St Mary's, Isles of Scilly, TR21 0LW
01720 424455
planning@scilly.gov.uk

Town and Country Planning Act 1990
Section 191 as amended by Section 10 of the Planning and Compensation Act 1991

Town and Country Planning [General Development Procedure] Order 1995: Article 24

**DECISION ON APPLICATION FOR CERTIFICATE OF LAWFUL USE OR DEVELOPMENT:
PARTIALLY APPROVED**

Applicant: Mr Luke Thompson
6 Bay View Terrace
St Mary's
Isles Of Scilly
TR21 0NE

Agent:

Use applied for: Application for a Certificate of Lawful Use of the dwelling (Use Class C3) as two separate dwellings flats.

Location: 6 Bay View Terrace
St Mary's
Isles Of Scilly
TR21 0NE

Date of Application: 18th May 2021

Application No: P/21/031/CLE

The Council of the Isles of Scilly, in pursuance of their powers under the above act, hereby **MODIFY** the description of the development set out above and **APPROVE** the use as described in the **First Schedule (AMENDED)** below for the following reasons.

The use of the dwelling, in respect to the land in the Second Schedule and as shown as edged red on the plan attached to this certificate, **as a two separate dwelling flats**, has not been evidenced for a continuous period exceeding 4 years prior to the date of this application and as such the use as described in the First Schedule is not lawful by virtue of the time limit set out in Section 171B(3).

The Council of the Isles of Scilly, in pursuance of their powers under the above act hereby certify that on **18th May 2021** the **use of the dwelling (Use Class C3) as a single dwelling with an ancillary and self-contained short-let holiday accommodation use at first floor** as described in the First Schedule (AMENDED) in respect of the land specified in the Second Schedule and as shown edged red on the plan attached to this certificate was the lawful use within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended).

Signed:  **Chief Planning Officer**

On behalf of the Council of the Isles of Scilly

Date: 15th July 2021

continued.....



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FIRST SCHEDULE

The use of the dwelling (Use Class C3) as two separate dwellings flats.

FIRST SCHEDULE (AMENDED)

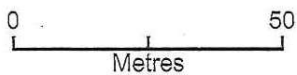
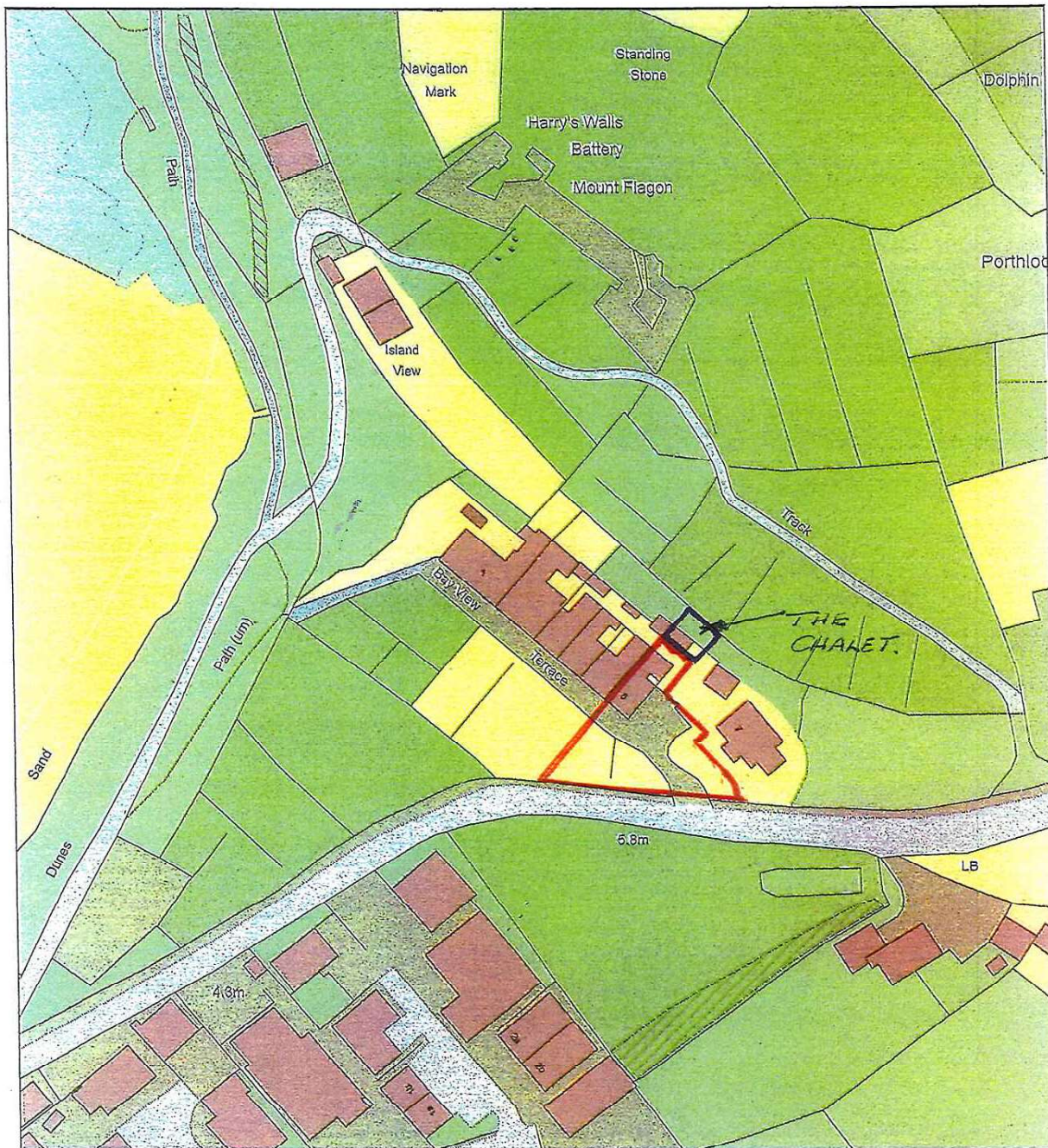
The use of the dwelling (Use Class C3) as a single dwelling with an ancillary and self-contained short-let holiday accommodation use at first floor.

SECOND SCHEDULE

6 Bay View Terrace Telegraph Road Porth Mellon St Mary's, TR21 0NE

NOTES

1. This certificate is issued solely for the purpose of section 191 of the Town and Country Planning Act 1990 (as amended).
2. It certifies the use specified in the **First Schedule** taking place on the land described in the Second Schedule was **not lawful**, on the specified date and, thus, such a use as described remains liable to enforcement action under section 172 of the 1990 Act on that date.
3. It certifies the use specified in the **First Schedule (AMENDED)** 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.
4. This certificate applies only to the extent of the use described in the First Schedule (AMENDED) 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.
5. 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 operation 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.



Plan Produced for: Luke Thompson
Date Produced: 02 Apr 2021
Plan Reference Number: TQRQM21092163836534
Scale: 1:1250 @ A4