



The Market Hall
Market Place
Whitehaven
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cumberland.gov.uk

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

Suffix

Property Name

Address Line 1

Address Line 2

Address Line 3

Town/city

Postcode

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

Easting (x)

Northing (y)

Description

Applicant Details

Name/Company

Title

First name

Surname

Company Name

Address

Address line 1

Address line 2

Address line 3

Town/City

County

Country

Postcode

Are you an agent acting on behalf of the applicant?

☒ Yes

☐ No

Applicant Contact Details

Primary number

Secondary number

Fax number

Email address

Agent Details

Name/Company

Title

First name

Surname

Company Name

Address

Address line 1

Address line 2

Address line 3

Town/City

County

Country

Postcode

Contact Details

Primary number

***** REDACTED *****

Secondary number

***** REDACTED *****

Fax number

Email address

***** REDACTED *****

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.

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

Engineering operations undertaken at Plot 4 comprising:

1. The excavation of a drainage trench adjacent to the approved Plot 4 access and North Lane frontage;

2. The installation of a perforated surface-water drainage pipe within a stone-filled drainage channel, undertaken on 4 September 2026 to intercept and manage surface water at the access;

3. The excavation and preparation of the approved driveway and access; and

4. The laying and compaction of the stone sub-base forming the driveway and access, completed on 11 September 2026.

The location and extent of the works are shown on the submitted plans and accompanying dated photographic evidence.

The certificate is sought to confirm that these engineering and building operations were lawfully undertaken in accordance with planning permission reference 4/26/2057/OB1, including the requirements of Conditions 4, 5 and 6, and constitute a material operation commencing the approved development within the meaning of section 56(4) of the Town and Country Planning Act 1990.

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 engineering and building operations benefit from express planning permission reference 4/26/2057/0B1 and were undertaken within the period allowed for commencement of that permission.

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

- ☐ Yes
- ☒ No

Please state why a Lawful Development Certificate should be granted

Planning permission reference 4/26/2057/0B1 authorises the residential development of the site, including the approved access, driveway and associated surface-water drainage works serving Plot 4. The permission requires development to commence before 13 October 2026.

The engineering and building operations described in this application were physically undertaken within the application site and before the commencement deadline. They form an integral part of the development expressly authorised by the planning permission and are shown on the approved plans.

The works included excavation of the drainage trench, installation of the surface-water drainage pipe and stone-filled channel, preparation of the approved access and driveway, and the laying and compaction of its stone sub-base. The drainage operations were undertaken on 4 September 2026 and the access and driveway groundworks were completed on 11 September 2026. Their location, nature and extent are demonstrated by the submitted plans, dated photographs and supporting evidence.

The works were undertaken specifically to implement the surface-water measures required by Condition 4 before further development proceeded. Condition 5 required the approved visibility splays to be available and free from obstruction; the submitted evidence demonstrates that the required visibility is unobstructed. Condition 6 concerns the lowering of an existing boundary wall along North Lane. No such wall exists within the Plot 4 frontage, which is defined by stock-proof fencing, and no physical work was therefore required on Plot 4 to satisfy that condition.

Conditions 4, 5 and 6 do not require the submission and formal approval of details by the local planning authority. They impose physical requirements which were either implemented or were already satisfied before further development commenced.

The operations constitute a material operation within section 56(4) of the Town and Country Planning Act 1990, including operations undertaken in the course of laying out and constructing the approved access and driveway. They were more than preliminary or preparatory works and were carried out pursuant to the planning permission.

On the balance of probabilities, the submitted evidence demonstrates that a lawful material operation was undertaken before the permission's commencement deadline. Planning permission reference 4/26/2057/0B1 has therefore been lawfully commenced and the Lawful Development Certificate should be granted.

For more information please see the attached Supporting Statement

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)?

05-09-2026

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

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

David Wright

Date

16/09/2026