

WESTMORLAND AND FURNESS COUNCIL

STAINTON

Reference: **SL/2023/0370**

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 (England) 2015

NOTICE OF GRANT OF PROPOSED USE OR DEVELOPMENT

To: Peter Jones - The Lancaster Canal Trust CIO
14 Blencathra Gardens
KENDAL
LA9 7HL

Name and Address of applicant
(if different from above)

Site of proposal: Disused Lancaster Canal from Sellet Hall Bridge to a point
about 55m short of where its line would intersect with the A590
Embankment, KENDAL

Westmorland and Furness Council ("the Council") **HEREBY CERTIFY** that on **14 June 2023** the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged red on the plan attached to the certificate, **would have been lawful** within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason:

A Lawful Development Certificate is sought for the restoration and re-watering of a section of the Lancaster Canal. The proposed development accords with the provisions of Schedule 2, Part 8, Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Therefore planning permission is not required and it is recommended that this application for a Lawful Development Certificate is approved.



Lowther Street
Kendal

Assistant Director of Inclusive and Green Growth

14 June 2023

FIRST SCHEDULE:

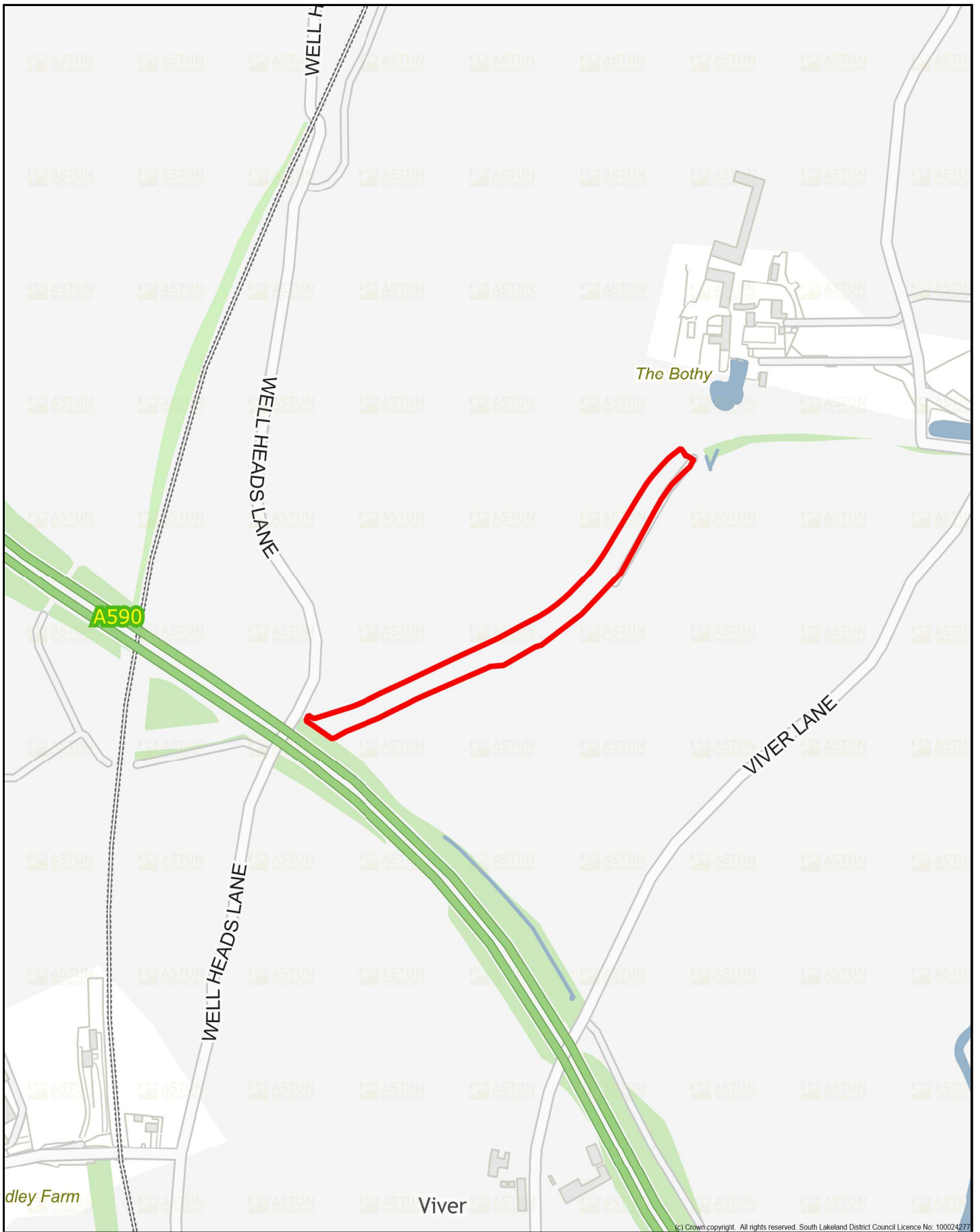
Application for a Lawful Development Certificate (Proposed) to re-line and install a retaining structure (e.g. sheet piles) the canal will then be re-watered and connected to the existing restored section towards Stainton. It will then be accessible by small leisure craft, running along the short length of canal from Millness.

SECOND SCHEDULE:

Land known as Disused Lancaster Canal from Sellet Hall Bridge to a point about 55m short of where its line would intersect with the A590 Embankment, KENDAL, shown edged **red** on the attached plan.

Notes

1. This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990. It is not a planning permission and it is not a Building Regulations approval.
2. It certifies that the use specified in the First Schedule taking place on the land described in the Second Schedule would be lawful on the specified date and, thus, would not be liable to enforcement action under Part 7 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, 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 are begun, in any of the matters relevant to determining such lawfulness.



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Red Edge Plan

Disused Lancaster Canal from Sellet Hall Bridge to a point about 55m short of where its line would intersect with the A590 Embankment, KENDAL



N Scale: 1:5000

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