

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

**Agent:**

Mr Robert Harrison  
Arrow Planning Ltd  
Clarks Barn  
Bassetsbury Lane  
High Wycombe  
HP11 1QX

**Applicant:**

Hampton Sport and Leisure Ltd  
Hampton Sport and Leisure Ltd  
Hamptons Sport And Leisure  
Tydemans (off Beehive Lane)  
Great Baddow  
Chelmsford  
CM2 9RX

**REFUSAL OF CERTIFICATE OF LAWFUL USE OR DEVELOPMENT**

APPLICATION NO: **21/01429/CLEUD**  
DATE RECEIVED: **14 July 2021**  
DRAWING NO(s): **/;**

Chelmsford City Council hereby **REFUSES** to certify that on 7<sup>th</sup> July 2021 the use, operations or matter 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 this Notice, would have been lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason(s):

**Reason 1**

In the opinion of the City Council the lawful planning use of The Hamptons is a sui generis mixed community use. Planning permission was granted to this effect in 2006 with amendments in 2009 and 2012. The Use Classes Order 1987 (as amended) has no application to such a mixed use. The Council cannot therefore issue a certificate for the mix of use class terms sought.

**Reason 2**

The construction of the Hamptons, completed in 2012, in accordance with planning permission, resulted in the construction of a new planning unit. A new chapter in the planning history opened at this time. The use of the former Marconi Social Club building prior to 2012 cannot be relied upon to establish a continuous 10 years of religious use as required by s.171B (3) and s.191 (2) of the Town and Country Planning Act 1990 (as amended)

**Reason 3**

Irrespective of whether the Council is correct in its assertion that a new planning was created in 2012 it is not satisfied on the submitted evidence that the use of the Marconi and/or of the Hamptons for the purposes of religious worship/ instruction was at a level which exceeded that permitted as 'community use' or that the claimed use was continuous for a ten-year period.

**FIRST SCHEDULE**

The use of the Community Facility (Hamptons Sport and Leisure) to be used for a range of primary uses falling within use Classes E, F1 and F2 of the 1987 Use Classes Order (as amended). This includes (but not exclusively limited to):

21/01429/CLEUD

- The provision of indoor sport, recreation and fitness,
- The provision of health and medical services to visiting members of the public,
- A creche, day nursery or day centre to visiting members of the public,
- For the provision of education,
- For the display of works of art,
- For public reading,
- A public hall or exhibition hall,
- For, or in connection with, public worship or religious instruction,
- A hall or meeting place for the principal use of the local community, and,
- An area or place for outdoor sport or recreation.

## SECOND SCHEDULE

Marconi Athletic And Social Club Tydemans Great Baddow Chelmsford Essex  
CM2 9FH

---

Date: 29 October 2021

Signed:

*David Green*

**DAVID GREEN**

Director of Sustainable Communities

**IMPORTANT - YOUR ATTENTION IS DRAWN TO THE NOTES ATTACHED**

**NOTICE TO APPLICANT**

**Appeals to the Secretary of State**

- If you are aggrieved by this decision of your Local Planning Authority then you can appeal to the Secretary of State for the Department for Communities and Local Government under Section 195 of the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991).
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.  
If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

**Notification of Appeals to the Council**

- You must send a copy of your appeal to the local authority. In accordance with appeal procedures, when forwarding copies of appeal forms and additional information, plans or drawings direct to the local authority, please send electronic copies to [planning.appeals@chelmsford.gov.uk](mailto:planning.appeals@chelmsford.gov.uk) or address to the Director of Sustainable Communities, Chelmsford City Council, P.O. Box 7544, Civic Centre, Duke Street, Chelmsford, Essex, CM1 1XP.

[illegible]