
Appeal Decision

Inquiry held and site visit made on 7 November 2017

by Martin Joyce DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 November 2017

Appeal Ref: APP/Z1510/X/17/3170733

67A Little Yeldham Road, Little Yeldham, Halstead, Essex C09 4LN

- The appeal is made under Section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a Certificate of Lawful Use or Development (LDC).
- The appeal is made by Mr David Brown against the decision of the Braintree District Council.
- The application, Ref: 16/01218/ELD, dated 13 July 2016, was refused by notice dated 5 October 2016.
- The application was made under Section 191(1)(a) of the Town and Country Planning Act 1990 as amended.
- The use for which a Certificate of Existing Lawful Use or Development (CLEUD) is sought is Class B8 storage use¹.

Summary of Decision: The appeal is allowed and a Certificate of Lawful Use or Development is issued, in the terms set out below in the Formal Decision.

Procedural and Preliminary Matters

1. All evidence to the Inquiry was given on oath.
2. It was clarified that the appellant is Mr David Brown, the owner of the land, and not Wild Boar Properties Ltd, as referred to in relevant appeal correspondence. The latter company are acting solely as Mr Brown's agents in this matter and have no interest in the land.
3. At the start of the Inquiry I sought clarification of the terms of the application for a CLEUD that was being sought. The appellant confirmed that he was seeking to establish that a lawful use exists for the building on the appeal site for Class B8 storage, with associated ancillary use of the surrounding land for the purposes of access and parking. This clarification formed part of the Statement of Common Ground² prepared by the parties and submitted at the Inquiry.

Background

4. The appeal site comprises a rectangular-shaped area of land, of about 0.1ha, on the south-eastern side of Little Yeldham Lane. Most of the land is undeveloped and covered in grass and other vegetation, but a timber building, the subject of the application for a CLEUD, measuring about 10m in length and 8m in width, with a floor area of about 86 sq m, is located adjacent to the

¹ This refers to Class B8 of the Town and Country Planning (Use Classes) Order 1987 as amended (UCO).

² Document 2.

south-western boundary towards the rear of the site. It is timber-framed, with weatherboard sides set on a low breeze-block wall, and has a corrugated asbestos sheet roof. There is a small lean-to extension at the rear, timber-walled with a corrugated metal roof. This currently provides the main access to the structure, but other doors have been used in the past.

5. The site was originally part of a plot that included the adjoining house to the north-east, No 67 Little Yeldham Lane, and the plot is one of a series established under the Land Settlement Scheme of the 1930's. The appeal site was sold to a firm run by the appellant's father and uncle in 1963, leaving No 67 in separate ownership. No planning permissions have been granted in respect of the land, but an application³ for the demolition of an existing storage shed and construction of a new dwelling and garage was made in 2014, with a subsequent appeal⁴ against the Council's non-determination of that application within the prescribed period dismissed on 6 May 2015.

The Case for the Appellant

6. The appellant's case is that a storage use of the building in question started in 1963, in connection with the family business of E & G Brown, a firm of building contractors and undertakers, who purchased the land on 17 September 1963. The building was used for storage purposes by the firm until the late 1980's or early 1990's when the business ceased trading, but materials kept there were not removed and remain there to this day. Additionally, domestic items including furniture have been brought onto the land and stored in the building since the cessation of the commercial use. Evidence of this use is given in both a Statutory Declaration made by the appellant and through various photographs submitted by the Council and local residents.
7. It is accepted that, in recent years, the taking in and out of materials may have been limited, but there is no question that storage has continued and it has not been abandoned, as alleged by the Council. For abandonment to have occurred, the items stored would have to be of no value with the owner having no further interest in them. That is not the case here, as the stored items have both sentimental value to the family and financial value, as some are now antique. Regular visits, at least annually, have been made to the property over the last 30 years, and the owner is well aware of the contents of the building.
8. The nature of storage is exactly that, and it is not a question of how often items are removed or added. The storage began in 1963 and many of these items remain. If at any time the building had been emptied it might be arguably that the use had been abandoned, but that is not the case here as the use has not ceased at any time. Therefore the test of abandonment set out in case law referred to by the Council has not been met and the storage remains current and lawful. The appeal should therefore be allowed and a CLEUD granted.

The Case for the Council

9. The Council draw attention to the fact that the burden of proof in appeals of this nature lies with the appellant, with the relevant test being to show, on the balance of probabilities, that the refusal of the Local Planning Authority was not

³ LPA Ref: 14/01384/FUL.

⁴ CLG Ref: APP/Z1510/W/14/3001975.

well-founded⁵. Attention is also drawn to the definition of Class B8 in the UCO as "Use for storage or as a distribution centre". "Storage" is not defined in the Order, or elsewhere in the Planning Acts, but the dictionary definition is "the action or method of storing something for future use". The latter phrase, "for future use", highlights the fundamental difference between storing goods with the intention of some future use and simply leaving them where they were last used, which is abandoning them. The Council, therefore submit that the leaving of goods, whatever they may be, in the place where they were last used is not the same as storing them, and does not amount to an active use within Class B8.

10. Support for this approach is taken from the judgement in *Hourhope Ltd*⁶, which concerned items left in a public house that had ceased to trade. It was found that leaving items behind on the premises in circumstances where there is no evidence of any intention to remove them constituted abandonment of those items rather than storage. Whilst it is accepted that the context of that decision is different from that under consideration in this appeal, it is relied on as an acceptance by the High Court of the rationality of making such a distinction.
11. The concept of abandonment has been considered in various judgements, and the Council draw attention to that in the Court of Appeal in *Hartley*⁷ and also in *Hughes*⁸. Reliance is placed on the former in the context of an objective test, based on the view of a reasonable man, as to whether a use had been abandoned, and also on the four tests set out in *Hughes*, albeit that all relevant circumstances must be taken into account. It is the Council's case that, applying an objective test, the use of the building on the appeal site for storage, if it ever was used as such, has been abandoned, and that it now has a nil use, therefore planning permission is required for any future use of that building.
12. In relation to the evidence that has been produced, the appellant's case is simple in that it is claimed that the building has been used for storage since it was purchased in September 1963, thus it is immune from enforcement action and a CLEUD should be granted. However, it is accepted that the active use associated with the business ceased in the late 1980's or early 1990's, and that much of the content is material still remaining from the original business. In fact the evidence of a neighbour is that there have been no comings and goings in terms of items since he moved there in 1983. No details have been provided of any storage activity since the business ceased, and there is no evidence to support the proposition that storage of those items was subsequent to that cessation. Indeed, the Statutory Declaration of the appellant, which was not tested by cross-examination, is very vague and without specificity. The evidence of Mr Temperton, presumably on instruction as he has no independent knowledge of the site, is that the appellant inherited the building and only started to store some domestic items after then. As the actual land transfer only took place in 2013 this suggests a considerable gap between when the building was used for business storage and when the inheritance took place, and it may be that this is a resumption of storage in respect of domestic items, although there is no clear evidence on this point.

⁵ Section 195 of the Town and Country Planning Act 1990 (The Act).

⁶ *Regina (Hourhope Ltd) v Shropshire Council* [2015] EWHC 518 Admin.

⁷ *Hartley v Minister of Housing and Local Government* [1969] 1 QB 413.

⁸ *Secretary of State for the Environment v Hughes* [2000] 80 P&CR 397.

13. As for the land around the building, the appellant acknowledges that it has not been in use for storage since the 1990's, and he seeks only ancillary use for parking and access purposes. However, there is no evidence of how often the site was accessed in the past, and how long any vehicles remained on the land, so the threshold of evidence being sufficiently precise and unambiguous has not been met.
14. Turning to the question of abandonment, the factors identified in *Hughes*, whilst not exhaustive, provide a useful framework for consideration. Firstly, the physical condition of the building has been described in various ways. In pre-application documents in advance of the 2014 submission, it was described by the appellant as "derelict", and the Inspector who determined the subsequent appeal stated that it was "a neglected shed". Consistent with this are photographs from 2011 which demonstrate that the shed was then completely inaccessible as thick vegetation had grown around it, and the site appears in a state of complete disuse. A Landscape Officer also stated, in 2014, that the site had the appearance of one that had lain unmanaged for a number of years, allowing the development of bramble and long grass, and photographs taken in 2016 confirmed that the building remains in a dilapidated state, despite clearance of vegetation on the site. Additionally, the physical condition of items in the building is a material factor. The appellant accepted that many of the items may no longer be of any use and such deterioration is the antithesis of the preservation of goods for some future use and is again consistent with abandonment in relation to this factor.
15. Secondly, in relation to the length of time for which the building has been used for the stated purpose, the Council submit that it has not been in any active storage use for a period approaching 30 years, and this view is supported by neighbours.
16. On the third factor, whether the building has been used for any other purpose, there is no evidence that it has been put to any use for a considerable period of time. In the 2014 application, it was stated that there would be no loss, gain or change of use of any floorspace⁹, although it is accepted that this may be inconsistent when that document is considered as a whole. Additionally, however, the building was advertised as being available for "immediate" storage use in 2016, again suggesting it was not in active use at that time, rather it is evidence of intended future use as opposed to how it had been used. Finally, no evidence has been provided that the contents of the building were insured, or that rates had been paid in respect of the property.
17. On the fourth factor, the intentions of the owner, there are two elements. Firstly, the intentions of those who ceased the business activities with which the storage was associated, and there can be little doubt that they intended to abandon the items where they lay, as those items have remained long after the business has ceased. Secondly, the intentions of the appellant seem to be that he inherited the building in 2013 and has not done anything with the contents since then, as he was prepared to offer it as "immediately available" for storage. There is no evidence as to what he would do with the items remaining in the building had he managed to let it, and the inference is that those items were not stored but simply left there. It is contended that any storage use he

⁹ Document 4, Question 18.

put the building to after he inherited it would be a change of use requiring planning permission.

18. As for other material considerations, the appellant has provided evidence that storage on the land was once more extensive than presently alleged, and that items were removed from much of the site following the cessation of the business. It is not alleged that those parts of the land which once had items on them remain nonetheless in storage use, so it is seemingly accepted that that use has been abandoned. Therefore the only difference between the two parts of the site, the building and the rest of the land, is that some items, many of which have no prospect of being used, remain within the building. To argue that this means that storage continued within the building fails to grasp the difference between keeping something with the purpose of future use and simply leaving items where they lay. This is shown by the appellant's statement that cessation of use would only have occurred if the building had been emptied and left empty for a period of time.
19. Taking all of the relevant factors into account, therefore, the objective inference of abandonment is overwhelming and the decision of the Council to refuse the application for a CLEUD was well-founded. The appeal should therefore be dismissed.

The Case for Interested Parties

20. The Little Yeldham Parish Council supports the Council's case in this appeal, but do not offer any additional evidence.
21. Mr Gentry, who has lived opposite the site since 2013, also supports the Council's case but raises the additional point that the key question should be whether the building housed commercial or personal items for the last ten years, with the answer being personal items only. These were items inherited from the ceased business and domestic furniture all belonging to the appellant and his family. Furthermore, there is no evidence of the building or contents being commercially insured in the past ten years, as would have been the case if the appellant attached commercial value to the building and its contents.
22. Mr Attenborough has lived next to the site for 34 years, since 1983, and provided information about the origins of development in the vicinity. He had an agreement with the appellant's father to enter onto the land to gain access to his septic tank and to burn garden rubbish thereon. This consent was continued by the appellant. Before 2013 he recalls that there were few visits to the site and he never saw anything being taken into or out of the building. In 2013, however, he alerted the appellant to an allegation of other ownership and this prompted the clearance of the land and the erection of the current fence across the frontage. Thereafter, there were occasional visits on, roughly, an annual basis. As a keen photographer, he took photographs of the site and the interior of the building, through the broken windows, prior to the clearance of the land in 2013. The contents were always the same and appeared to be unusable. There was also an invasion of vegetation into the building. This indicates that the contents had probably been abandoned.
23. A further written representation, from another local resident, states that the building is dilapidated and unfit for industrial storage.

Appraisal

24. I start my consideration of this ground of appeal by drawing attention to the fact that the burden of proof in an appeal of this nature lies with the appellant, having regard to national procedural guidance as referred to in the Planning Practice Guidance¹⁰, and pertinent case law¹¹, with the relevant test being on the balance of probabilities¹². I also confirm that the planning merits of the use being sought are not before me; I am concerned solely with the lawfulness of the use at the date at which the application was made.
25. My first consideration relates to the question of whether the appeal site, and its contended use for storage, would have been eligible for an Established Use Certificate, having regard to the fact that it is claimed that the use began in 1963, thus pre-dating the provisions of the Planning and Compensation Act 1992, which introduced the concept of lawful development that is now Section 191 of The Act. I drew the parties' attention to this matter in pre-inquiry correspondence, and invited submissions, having regard also to the judgement in *Panton and Farmer*¹³. This found that an established use could only be lost in three ways – by evidence of abandonment, through the formation of a new planning unit, or through being superseded by a further change of use. The latter two matters do not apply; it is agreed that the relevant planning unit is the site identified on the application plan, and that there has been no further change of use of that unit since its formation in 1963. The question of abandonment, however, forms the main plank of the Council's case.
26. Having regard to the evidence before me, and whilst it is clear, and not in dispute, that the appeal site was purchased by the appellant's father and brother in September 1963, for use in connection with their business, there is no specific evidence available to show when such use actually started. Therefore the established use provisions do not come into play, as they would only relate to a use that has been shown, on the balance of probabilities, to have started before 1 January 1964. Notwithstanding this point, the effect upon the appellant's case is unchanged. The Council do not dispute that a storage place took place when the site was used for business purposes, but it is their case that that use was abandoned, hence the same considerations apply, whether or not a pre-1964 use is apparent.
27. The start of the storage use, at least within the building, was triggered by the purchase of the land in September 1963, and the relevant conveyance makes specific reference to the purchase of the land being for the purpose of the partnership business, defined as "builders under the style or firm of "E & G BROWN" of Great Yeldham". Although the precise date at which the building began to be used is uncertain, it is clear that it was used for business purposes as the inventory produced by the appellant lists a variety of building materials, and equipment, as well as items associated with an undertakers' enterprise. No information is available as to the extent to which storage also took place in the open on the site, and I saw evidence only of a few items of building materials left to the rear of the building at my site inspection. However, there is no suggestion that the building itself became a separate planning unit, and

¹⁰ Lawful Development Certificates, part of Planning Practice Guidance (PPG) published 6 March 2014.

¹¹ *Nelsovil v Minister of Housing and Local Government* [1962] 1 WLR 404.

¹² *Thrasyvoulou v Secretary of State for the Environment No 1* [1984] JPL a732.

¹³ *Panton & Farmer v Secretary of State for the Environment and the Regions and Vale of White Horse District Council* [1999] 78 P&CR 186.

- the land would have been needed for associated access and circulation purposes for items to be placed in the building and removed when required.
28. The length of time that the business use of the building continued is unclear, although there was no challenge to the appellant's Statutory Declaration that it ceased when the business stopped trading in the late 1980's or early 1990's, other than the fact that Mr Attenborough testified that he had seen little coming or going since 1983. He did, however, have regular conversations with the appellant's father and his photographs show the extent of internal storage in 2012. Notwithstanding the lack of detail in the appellant's Statutory Declaration, and the fact that no business rates appear to have been paid on the property, it seems to me that it would be difficult to argue that storage was not the primary use of the site from about 1963 onwards, and that such use continued for at least 20 years.
29. Thereafter, the evidence I have, which essentially comprises the appellant's Statutory Declaration, untested by cross-examination, the personal recollections of two neighbours and three contemporaneous documents – the 2014 planning application, the 2013 Land Registry Title and an inventory of items currently housed in the building – provides only the most basic outline of the actual history of the site. Nonetheless, it is undisputed that, at some time after the business use of the building ceased, domestic items were brought to the site and placed in the shed, including furniture and various boxes containing books, crockery and other domestic paraphernalia. Additionally, it is clear from photographs taken within the past six or seven years, that the site became overgrown, even to the extent that access to the building may have been difficult. However, the vegetation was cleared and the site tidied up after formal registration of ownership in 2013.
30. This brings me to the principal contention of the Council that any storage use on the appeal site, specifically within the building itself, has been abandoned. In part this relies on a dictionary definition of the word "storage" which suggests that items stored should be intended for future use, and also on a contention that the use itself is no longer "active". Neither element has been tested in the courts, nor is it part of any definition in relevant legislation, but I do accept that it merits consideration as a material factor in the overall deliberations as to whether or not a land use has been abandoned. In that context, it seems to me that this would fall largely within the subject of the owner's intentions, having regard to the *Hughes* criteria which I deal with below. I would, however, comment on the fact that Class B8 does not use the word "active", and whilst other uses may depend on activity, the fact that a building may be used for the keeping of items in an inactive state does not inevitably mean that it is not so used.
31. Turning to *Hughes*, the first criterion relates to the physical condition of the building. No structural survey has been undertaken and the building is clearly in need of some maintenance, but it appeared to me, at my inspection, to be basically sound, with no obvious structural defects and, crucially, essentially weatherproof as there was no evidence of damp within, despite small holes in the roof and walls, and the loss of many panes of glass from the windows. Indeed books left in an open box within the building were dry and had not deteriorated to any material extent despite the length of time they had been kept in this manner. As for other items, whilst many may not be useable for their original purpose, it seemed to me that restoration and renovation would

- be possible for various pieces of furniture, such as wardrobes, and that building materials and even some equipment could still be of some use, especially for minor works where authentic materials are required.
32. The second criterion is the length of time that the building has been unused, but it seems to me that that it cannot be argued that this is the case as the structure is relatively full with various items placed there at various times, even if not recently. Therefore it has been in a use, and the question to be answered is whether that is a storage use or some other use. I accept that the Council's case is that those items themselves have been abandoned, but I asked two witnesses who had viewed the shed what their opinion was of its use. Significantly, Mr Wilde, the Council's professional witness, stated that he thought it was being used for the storage of old building materials and neglected items when he first viewed it through a window in 2016, notwithstanding that he also stated that he considered that the planning unit had a "nil use". Mr Gentry also stated that he could not deny that the building was being used for storage, albeit not commercial storage and with the proviso that it was more of a convenient place to use for dumping things rather than a place to keep items in a condition that you would wish to then remove for future use. The views of these witnesses could be taken to be akin to those of the "man in the street", or those of a reasonable man, as in *Hartley*. Whilst that case involved the cessation of a car sales use, which was then found to have been abandoned, it is difficult to argue that the same view should be reached in this case, as items stored in the building, when the use was clearly active, have remained there, and been supplemented by other items following cessation of business use. The building is not, therefore, unused.
33. As for use for other purposes, the third criterion, there is no dispute that this has not been the case. The Council say that the planning unit has a nil use, through abandonment, but that is not the same as a different use from the storage use that began after 1963.
34. This brings me to the fourth criterion, the intentions of the owner, which the Council contend need to be considered in two aspects – those of the business users, and those of the appellant, who inherited the land and building. Assessment under this heading is made difficult by the fact that the evidence available to me is not entirely clear, albeit that I do not find any particular ambiguity in it. The original users of the building, the firm of E and G Brown, ceased trading at some time in the late 1980's or early 1990's, but no specific evidence has been produced to show the precise date, a matter that is somewhat surprising. Items left over from the business use remain in the building and have been supplemented by domestic objects that may have been put there following a house clearance, albeit that this is, at best, speculation by the appellant's witness, as the appellant chose not to appear at the Inquiry, thus his Statutory Declaration was not tested under cross-examination, neither was it possible to ask supplementary questions of him. However, it seems likely to me that, whilst the retention of business-related items may have been a matter of convenience, the positive decision to use the building for subsequent storage of domestic items showed an intention that those items were of some value, sentimental or otherwise, and that they were intended either for future use or to be disposed of at a later time. This means that storage was intended when the act of bringing those items to the building was undertaken, as if that had not been the case, they would have been disposed of or discarded elsewhere.

35. The length of time that the various items have been left in the building is, perhaps unusual, and again the appellant's case is not helped by his decision to leave support for his case in the testimony of a single witness who has little direct knowledge of the appeal site. However, some other information is available, through the fact that there was a concern to ensure ownership of the land was formalised in 2013, and through an advertisement in 2016, offering the building for use for continuing storage purposes. Between these dates, there was also an application for a dwelling on the land which provides further information, as it refers to the demolition of an "existing storage shed" and the construction of a new dwelling and garage. In the application form¹⁴, the current use of the site is given as "storage building" and the application plans show the building as a "storage shed" on the existing site layout. Both the design and access statement, and the planning statement, which accompanied the application refer to an existing storage building, and whilst question 18 on the application form states that there would be no loss of non-residential floorspace, I consider that this is an error when the application is looked at as a whole. Moreover, this shows, on the balance of probabilities, that the appellant considered the site to have an existing storage use in 2014 when the application for a dwelling was made, and this appears not to have been challenged at that time. Following dismissal of the appeal in 2015, it would appear that the appellant accepted that the storage use would continue, albeit that the building would be let to others hence the advertisement in 2016, followed by the application for a CLEUD.
36. Drawing all of these matters together, I have formed the view that, on the balance of probabilities, the building on the appeal site started to be used for commercial storage purposes following the purchase of the land by the appellant's family in or around the end of 1963, and that this use has continued uninterrupted since that date, with commercial or business storage probably being supplanted by domestic storage which is not, in itself, a material change of use, having regard to the judgement in *Newbury*¹⁵ where it was found, amongst other things, that so long as storage was the principal use of the premises, there need be no business element involved. I observe that this is not, in any event, part of the Council's case but I include this view for the avoidance of any doubt. Having considered all of the factors identified in *Hughes*, and also the findings in *Hartley* and *Hourhope Ltd*, I do not consider that the storage use has been abandoned and, as that use has been continued within the building for over ten years preceding the date of the application, it follows that the appeal should succeed and that a CLEUD, in the terms sought by the appellant, should be granted.
37. On a final matter, regarding the use of land outside the building for purposes ancillary to its lawful use for storage, I see no reason why such use would not also be lawful, as there is no dispute that the site has remained as a single planning unit, used for a single purpose, since it was split from the adjoining dwellinghouse in 1963. I accept that no information has been provided about the extent of such usage in the past, but it is clear that some access was made to the building to allow the import of the various items now present within it. Should operational development be needed to facilitate future usage of parts of the site for access and parking purposes, then a planning application would need to be made to the Local Planning Authority if such works were to fall

¹⁴ Document 4.

¹⁵ *Newbury District Council v Secretary of State for the Environment* [1981] AC 578.

outside any permitted development rights under The Town and Country Planning (General Permitted Development (England) Order 2015 as amended.

Conclusion

38. For the reasons given above I conclude, on the evidence now available, that the Council's refusal to grant a CLEUD in respect of a Class B8 storage use was not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under Section 195(2) of the 1990 Act as amended.

Other Matters

39. I have taken account of all other matters raised at the Inquiry and in the written representations but they do not outweigh the conclusions I have reached in respect of the main grounds and issues of this appeal.

FORMAL DECISION

Appeal Ref: APP/Z1510/X/17/3170733

40. The appeal is allowed and attached to this decision is a Certificate of Lawful Use or Development describing the extent of the existing use which is considered to be lawful.

Martin Joyce

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Andrew P Temperton BSc (Hons)
MRICS

Managing Director of Wild Boar
Properties Ltd

He gave evidence but called no
other witnesses

FOR THE LOCAL PLANNING AUTHORITY:

Mr Ben Du Feu

of Counsel, instructed by the Solicitor to the
Braintree District Council

He called:

Mr Mathew Wilde MSc

Senior Planner, Development Control, with the
Council

INTERESTED PERSONS:

Mr Michael Graham

Parish Councillor, Little Yeldham Parish Council

Mr Peter Gentry

Local Resident

Mr Colin Attenborough

Local Resident

ADDITIONAL DOCUMENTS PRODUCED AT THE INQUIRY

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| Document 1 | Letters of notification of the appeal and of the Inquiry, and lists of persons so notified. |
| Document 2 | Statement of Common Ground agreed between the appellant and the Council. |
| Document 3 | Email of representation received by the Council from Mr C Attenborough. |
| Document 4 | Bundle of documentation relating to Planning Application Ref: 14/01384/FUL, proposed demolition of existing storage shed and construction of new dwelling and garage, on the appeal site. |
| Document 5 | Transcript of <i>R (oao Hourhope Ltd) v Shropshire Council</i> [2015] EWHC 518 (Admin), produced by the Council. |

Lawful Development Certificate

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

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 13 July 2016 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 this Certificate, was lawful within the meaning of Section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

The use has been carried out continuously for a period of over ten years preceding the date of the application for a Certificate of Lawful Existing Use.

Signed

Martin Joyce

INSPECTOR

Date: 28 November 2017

Reference: APP/Z1510/X/17/3170733

First Schedule

The use of the building, cross-hatched in black on the plan attached to this Certificate, on the land for Class B8 Storage use within the terms of the Town and Country Planning (Use Classes) Order 1987 as amended (UCO).

Second Schedule

Land at 67A Little Yeldham Road, Little Yeldham, Halstead, Essex CO9 4LN

NOTES

This Certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use described in the First Schedule taking place on the land specified in the Second Schedule was lawful, on the certified date and, thus, was not liable to enforcement action, under Section 172 of the 1990 Act, on that date.

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 any other land, may result in a breach of planning control which is liable to enforcement action by the Local Planning Authority.



Plan

This is the plan referred to in the Lawful Development Certificate dated: 28 November 2017

by Martin Joyce DipTP MRTPI

Land at 67A Little Yeldham Lane, Little Yeldham, Halstead, Essex CO9 4LN:

Reference: APP/Z1510/X/17/3170733

Scale: Not to scale

