

Knowsley Council
Regeneration and Economic Development Directorate.
Delegated Planning Report

APPLICATION NO: 25/00526/CLD

CASE OFFICER: Andrew Hunt

WARD: Prescot North

PARISH: Knowsley
Parish Council

LOCATION: Knowsley Village Stables, School Lane, Knowsley Business Park,
Knowsley, L34 9ER

PROPOSAL: CERTIFICATE OF LAWFULNESS FOR CONFIRMATION THAT THE
FOLLOWING WORKS WOULD BE LAWFUL IF IMPLEMENTED
(DEMOLITION OF EXISTING STABLE BUILDING AND ERECTION
OF 5 DWELLINGS ACCORDANCE PLANNING PERMISSION
COUNCIL REFERENCE 19/00469/FUL GRANTED 16 JUNE 2022).

Site Description

The application site is an irregularly shaped parcel of land located on the northern fringe of Knowsley Village, with residential dwellings (to the south) and a field and woodland and then Knowsley Business Park, to the north. The site is within the green belt and the boundary for Knowsley Village Conservation Area adjoins its southern boundary.

Access to the site is from Knowsley Lane. Its eastern portion (next to Knowsley Lane) is mainly laid to hardstanding and historically used for access and car parking.

Proposal

The proposal is for a certificate of lawfulness for confirmation that the following works would be lawful if implemented on the day of submission of the application (12th September 2025). (Erection of Five dwelling, alterations to access to highway, and laying out of access road, turning and parking areas in accordance planning permission council reference 19/00469/FUL granted 16 June 2022).

The key issues are

- Firstly, whether development commenced before 16 June 2025.
- Secondly, whether there were any outstanding conditions not discharged which would have voided the original planning permission.

Consultations

N/A

Representations

Letters have been sent to 20 neighbours. 1 objection have been received from members of the public on the following grounds:

There are existing drainage issues which would be made worse.

In addition, an objection was received from Councillor Wynn on the grounds of loss of wildlife.

Planning History

19/00469/FUL: Demolition of existing stable building and erection of 5 dwellings.
Planning permission granted 16 June 2022.

Relevant Policy

Town and Country Planning Act 1990 (as amended).

Assessment

PROPOSAL

The proposal is for a certificate of lawfulness for confirmation that the following works would be lawful if implemented on the day of the application (12th September 2025). (Demolition of existing stable building and erection of 5 dwellings) in accordance planning permission council reference 19/00469/FUL granted 16 June 2022).

S192(2) of the Town and Country Planning Act 1990 states that a local planning authority can grant a certificate confirming that:

(b) a proposed use of buildings or other land, or some operations proposed to be carried out in, on, over or under land, would be lawful for planning purposes under section 192 of the Town and Country Planning Act 1990.

Section 192 states that If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

Whilst the LDC does not seek to establish whether the works done to date are lawful, it is necessary to ascertain whether the 2022 planning permission was lawfully commenced to establish whether the proposed development would be lawful.

The key issues are

- Firstly, whether development commenced before 16 June 2025.
- Secondly, whether there were any outstanding conditions not discharged which would have voided the original planning permission.

Commencement of Development

Condition 1 of 19/00469/FUL required works to be started no later than 3 years after planning permission was granted in accordance with section 91 of the Town and

Country Planning Act 1990 (as amended).

“1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended)”.

The original application was approved on the 16th June 2022 which means that the development needs to have been commenced by 16th June 2025 in order to be within the 3 year period.

Barry Field v First Secretary of State & Anor (2004)

The above judgement clarified that demolition works can be considered as implementing the planning permission (without requiring new building works) and therefore demolition would comply with relevant time limits to commence development making the planning permission valid.

Assessment

The applicant has submitted signed statements stating that demolition commenced on the 23rd May 2025 and was completed by the 10th June 2025. The statement includes photos that are claimed to have been taken on the 23rd May and 10th June 2025 before the start and at the end of demolition respectively.

There are no dates on the photos and it cannot be conclusively proved that they were taken on the dates and times suggested. However, it is clear that the demolition of the building commenced close to these dates as the building was demolished by the 25th June 2025 and photos were sent demonstrating the demolition by this date. The same statements (including the photographs) were submitted via the planning portal on the 25th June 2025 as part of abortive application (19/00469/COND1) which sought to discharge condition 1 (time limit).

This means that it can be demonstrated conclusively that the demolition of the stables building commenced and was completed before the 25th June 2025. It would take time to demolish the building and then to submit the application afterwards. It is considered likely that the work to demolish the building and then submit the application would have taken longer than 9 days. In which case it is likely that the work of demolition commenced on or before the 16th June 2025.

The agent also sent a 5 days notice of works to trees email on the 24th March 2025 stating that works will begin on the 7th April and will take around 7 weeks. This is consistent with a start date of before the 25th June 2025.

There is no countervailing evidence that suggests the building demolition was started after the 16th June 2025 or any testimony by neighbours that contradicts the applicants evidence.

On the balance of probabilities, the LPA has no evidence to dispute the case put forward by the applicant. There is a reasonable prospect that demolition took place prior to the expiration of the planning application.

Conditions

There were 3 pre commencement conditions attached the original application relating to contamination, a construction management plan and notice of tree works.

“3. A Phase I site investigation shall be submitted for written approval prior to development commencing in order to establish whether there are any concerns of contamination from the current or previous use of the site or adjacent sites. This report shall include the results of a desk study, site walkover, and human health and environmental risk assessment.

If identified as necessary by the desk study a Phase 2 site investigation and remediation proposals shall be submitted for approval prior to works commencing. In any event the applicant/developer is requested to contact the Council's Environmental Protection Unit (Tel: 0151 443 4712) as soon as is practicable should previously unsuspected contamination be encountered during the development of the site. A site completion report shall be submitted for written approval prior to occupation confirming that encountered site conditions were as expected and detailing any necessary remedial actions.

Reason: To prevent contamination in the interests of human health.

4. No part of the development hereby permitted shall be commenced until a Construction / Demolition Management Plan has been submitted to and agreed in writing by the Local Planning Authority that details the means of mitigation of construction / demolition effects. This shall include but not be limited to the following:

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- Methods for the mitigation of noise and vibration from building works, including any piling works, and also from the operation of any temporary power generation or pumping plant which will operate overnight.*
- Methods for dust control and suppression.*
- Details of wheel washing facilities including location and type.*
- The areas for the storage of plant and materials.*
- Location of site compound.*
- Details of relevant pest control measures to be taken during both the construction and demolition phases.*

Reason: To ensure the satisfactory development of the site and in the interests of protecting the amenity of neighbouring occupiers and highway safety in accordance with saved Policies H5, and ENV2 of the Knowsley Replacement Unitary Development Plan, adopted June 2006 and Policies CS2 and CS7 of the Core Strategy, adopted January 2016.

5. Five working days written notice shall be given to the Arboricultural Officer before commencement of the works hereby granted.

Reason: For the avoidance of doubt and to comply with the application”.

Conditions Discharge - 25/00171/DISCON

Council records show that condition 3 was discharged in so far as the information required to be submitted prior to commencement was acceptable. Condition 4 was also discharged. In relation to condition 5, the applicant emailed the council 5 days in advance of works starting.

Overall, all pre commencement conditions have been discharged prior to works commencing on site. Therefore, the proposed works would be lawful

Other Considerations

The current application is solely about whether or not the existing planning permission has been lawfully implemented. All other matters, including the merits of the original application, are not relevant to the current decision.

Conclusion

The evidence demonstrates that, on the balance of probabilities, planning permission 19/00469/FUL was lawfully commenced prior to its expiry. The development as carried out accords with the approved plans and conditions and is therefore lawful under section 191 of the Town and Country Planning Act 1990.

Signed Case Officer¹:

Andrew Hunt

**Signed Authorising
Officer²:**

Jo Sheridan

29/04/2026

Date:

Informatives

N/A

1 I confirm that I do not have a personal relationship with the applicant, agent or other interested parties; I also confirm that I do not have a financial interest in the site or the development proposed

2 I confirm that I do not have a personal relationship with the applicant, agent or other interested parties; I also confirm that I do not have a financial interest in the site or the development proposed