

<u>APPLICATION NO:</u>	25/00654/CLU	<u>CASE OFFICER:</u>	Lee Osborne
<u>WARD:</u>	Northwood	<u>PARISH:</u>	
<u>LOCATION:</u>	Custom Glass, 2 The Custom Complex, Yardley Road		
<u>PROPOSAL:</u>	CERTIFICATE OF LAWFULNESS TO CONFIRM BOTH EXISTING OPERATIONAL DEVELOPMENT AND USE OF THREE EXISTING UNITS (M, J & B) FOR INDUSTRIAL AND MANUFACTURING PURPOSES (USE CLASS B2 AND B8) ANCILLARY TO AND IN ASSOCIATION WITH THE OPERATION OF CUSTOM GLASS		

Site Description

The site is an industrial complex on Yardley Road within Knowsley Industrial Park.

Proposal

The application seeks a Certificate of Lawful Development for confirmation of the existing operational development and use of three existing units (identified as Units B, J and M in Appendix A) for industrial and manufacturing purposes (Use Class B2 and B8) ancillary to and in association with the operations of Custom Glass.

Consultations

NA

Representations

None required.

Planning History

19/00674/FUL- Erection of Industrial warehouse extension (Use Class B1C/B2/B8) together with associated external works including installation of 2M wide maintenance path. Granted- 28.02.2020.

03/00949/FUL- Alteration to external elevation and construction of canopy to storeroom. Granted- 21.11.2003.

03/00153/FUL- Single storey extension to side of existing building for manufacture of double glazed units. Granted- 30.04.2003.

00/00284/FUL- Erection of extension to existing building and provision of car parking area. Granted- 28.07.2000.

Relevant Policy

Section 191 of the Town and Country Planning Act 1990 (as amended by section 10 of the Planning and Compensation Act 1991). Paragraph 4 of Section 191 of the

Town and Country Planning Act 1990 “If, on an application under this section, the local planning authority are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application, or that description as modified by the local planning authority or a description substituted by them, they shall issue a certificate to that effect; and in any other case they shall refuse the application”.

Assessment

Context

Section 191 of the Town and Country Planning Act 1990 (as amended by section 10 of the Planning and Compensation Act 1991) makes provision for applications to be made to the LPA to establish the lawfulness of an existing development or use. An application for a Certificate of Lawfulness are not assessed against the development plan or other material considerations such as the NPPF. Rather they are a formal confirmation from the LPA whether a development is lawful or not based on the evidence available to the LPA. S.191 (4) of the Town and Country Planning Act states that if the LPA are provided with information satisfying them of the lawfulness at the time of the application of the use then they shall issue a certificate to that effect. Planning Practice Guidance also confirms that the applicant is responsible for providing sufficient information to support an application and, in the case of applications for existing use, if a LPA has no evidence itself, nor any from others, to contradict or make the applicants version of events less than probable there is no good reason to refuse the application, provided that the evidence alone is sufficiently precise and unambiguous to grant on the balance of probability.

The applicant has submitted the following evidence in support of their application:

- Location Plan.
- Covering letter stating the case.
- An aerial photo identifying site buildings.
- A timeline of the site relevant to the three units.
- Time stamped photos of units J and M.
- Invoices for the construction of the three units.
- Plot plan.
- Additional photos of the units.
- Statutory Declaration.

Appraisal

The applicant submits that the three existing units (B, J and M) at the Custom Glass Complex have been on site for a period exceeding four years. They assert that under amendments made to the 1990 Act by section 115 of the 2023 Act, time limits for enforcement do not apply where — (a) in respect of a breach of planning control referred to in section 171B (1) of the 1990 Act (1) (time limits), the operations were substantially completed. Therefore, the applicant states that the three buildings are immune from enforcement because their breaches occurred before 25th April 2024 as set out in Section 171B (1)- “Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed”.

The applicant notes that operational development relating to building, engineering or

mining, enforcement action can no longer be taken from four years, beginning the date where the operations were substantially completed. Photographic evidence has been submitted showing that the buildings existed prior to the relevant period. Invoices relating to the building works have also been submitted as part of the evidence suite.

A Statutory Declaration has been submitted confirming that the three units have all been in situ for over 4 years. The Declaration underlines that Unit B has been used continually by Custom Glass ancillary to the to the main unit for toughening glass and as a glass blower room. The Declaration also confirms that Unit J has been used continually by Custom Glass ancillary to the to the main unit for by the business's maintenance department and for the storage of materials. Unit M, it is stated in the Declaration, has been used continually by Custom Glass ancillary to the to the main unit, for the storage of finished goods before delivery and shipping. The Declaration confirms, by the owner of Custom Glass, that no material change of use of the units B, J and M and the use of the buildings for industrial and manufacturing (Use Class B2 and B8) ancillary to and in association with Custom Glass operations has never ceased/been abandoned. Legal Services confirm that there is no issue with the statutory declaration as such which is a signed statement made by the Chief Executive in respect of the units.

Conclusion

In conclusion, having regard to the evidence submitted to the Local Planning Authority and on the balance of probability the units have been in situ for over four years, and that they have been in continued use ancillary to the main use and business and the Certificate of Lawfulness can be granted.

Recommendation

To grant a Certificate of Lawfulness to confirm both existing operational development and use of three existing units (B, J and M) for industrial and manufacturing purposes (Use Class B2 and B8) ancillary to and in association with the operation of Custom Glass.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
04/12/2025	-	-	LOCATION PLAN
04/12/2025	P25-2328_L001v1PL_OP	-	COVERING LETTER
04/12/2025	-	-	APPENDIX A
04/12/2025	-	-	APPENDIX B
04/12/2025	-	-	APPENDIX C
04/12/2025	-	-	APPENDIX D - INVOICES
22/12/2025	P25-2328_DE_002	-	PLOT PLAN
16/02/2026	-	-	ADDITIONAL POTOS OF BUILDINGS B, J AND M

02/04/2026	-	-	STATUTORY DECLARATION
------------	---	---	-----------------------

Signed Case Officer¹: Lee Osborne

Signed Authorising Officer²: Jo Sheridan

Date: 15/05/2026

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

Appendix 1 – Site Photographs