

P25-2328_LOO1v1PL_OP

1 December 2025

Knowsley Metropolitan Borough Council
Planning Services – Knowsley Council,
Municipal Buildings,
Huyton,
Knowsley,
L36 9UX

Dear Sir/Madam,

Certificate of lawfulness of existing use or development (CLEUD) to confirm the use of three existing buildings for Industrial and manufacturing purposes (Class B2 and B8) to support the operation of Custom Glass, The Custom Complex, Yardley Road, Knowsley Industrial Park, Kirkby, L33 7SS

- 1.1. Pegasus Group has been instructed on behalf of Custom Glass Limited ('the Applicant') to submit a Certificate of Lawfulness of Existing Use (CLEUD) under paragraph 191 of the Town and Country Planning Act 1990 ('the TCPA') to confirm the lawfulness of three existing buildings (identified in Appendix A as buildings B, J and M) used for Industrial, manufacturing and industrial purposes at The Custom Complex, Yardley Road, Knowsley Industrial Park, Kirkby, L33 7SS **(Class B2 and B8)**.
- 1.2. The Custom Complex is in a Primarily Industrial Area and has four previous associated planning applications.
 - **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– Fri 28 Feb 2020
 - **03/00949/FUL**– Alteration to external elevation and construction of canopy to storeroom. Granted– Fri 21 Nov 2003
 - **03/00153/FUL**– Single storey extension to side of existing building for manufacture of double glaze units. Granted– Wed 30 Apr 2003
 - **00/00284/FUL**– Erection of extension to existing building and provision of car parking area. Granted– Fri 28 Jul 2000.
- 1.3. The above cover a range of buildings on site (also shown in Appendix A) and shows Knowsley Borough Council's previous support for development on this site. However, following due-diligence by the Applicant, the buildings B, J and M do not benefit from consent.

No. 4 St Paul's Square, Liverpool, L3 9SJ
T 0151 317 5220 E Liverpool@pegasusgroup.co.uk
Offices throughout the UK.

Pegasus Group is a trading name of Pegasus Planning Group Limited (07277000) registered in England and Wales.
Registered Office: 33 Sheep Street, Cirencester, Gloucestershire, GL7 1RQ

Expertly Done.

DESIGN | ECONOMICS | ENVIRONMENT | HERITAGE | LAND & PROPERTY | PLANNING | TRANSPORT & INFRASTRUCTURE

- 1.4. The three existing buildings (B, J and M) at the Custom Glass Complex have been in situ for a period exceeding four years. 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 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”.
- 1.5. Under transitional measures, 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. As shown in Appendix B, the buildings existed prior to the relevant period and are immune from enforcement action. This makes the proposal eligible for a Lawful Development Certificate (Existing) under Section 191 of the Act.
- 1.6. As per Planning Practice Guidance for Lawful Development Certificates and Section 191 of the Town and Country Planning Act 1990, the applicant must demonstrate, on the balance of probabilities, that the development has been in place for the requisite period. Additionally, the evidence must be sufficiently precise and unambiguous.
- 1.7. The application is accompanied by an aerial imagery timeline (Appendix B) showing dated imagery from Google Earth: June 2018 to March 2025. This timeline clearly demonstrates the three buildings continuous presence from September 2019 for buildings M and J and April 2021 for Building B. This evidence demonstrates, on the balance of probability, that the three buildings were completed more than four years prior to the date of this application and has remained unchanged since.
- 1.8. Alongside the aerial imagery timeline (Appendix B) is three timestamped photographs (Appendix C). The following dated evidence is submitted to further demonstrate the lawfulness of the buildings:
 - Photograph of Building J under construction, time-stamped 25/07/2019, evidencing the commencement of building operations.
 - Photograph of Building J in use, time-stamped 10/09/2019, demonstrating its operational status within the relevant timeframe.
 - Photograph of Building M under construction, time-stamped 10/09/2019, confirming its development prior to the four-year threshold.
- 1.9. The photographs provide evidence to meet the four year period threshold under Section 171B(1) of the Town and Country Planning Act 1990 prior to April 2024,

demonstrating that buildings J and M have been in situ and in use prior to December 2021 (i.e above and beyond the four-year period). In addition to the aerial imagery timeline and timestamped photographs included in Appendix B and C, the following dated evidence is submitted to further demonstrate the lawfulness of the buildings:

- Invoice for the slab works for Building B, confirming construction of the building.
- Invoice for the construction of Building B, evidencing the building's construction and completion.
- Invoices for Building J, detailing both construction and operational costs.
- Invoices for Building M, confirming its construction timeline and associated works.

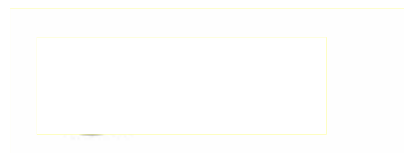
- 1.10. The above invoices support the assertion that the buildings were substantially completed and in use prior to October 2021. The invoices provide concrete evidence for construction of the buildings alongside dated evidence of the construction. Therefore, this evidence meets the four-year threshold under Section 171B(1) of the Town and Country Planning Act 1990 (prior to April 2024).
- 1.11. Alongside the imagery timeline in Appendix B, timestamped photos in Appendix C and invoices for the construction of buildings in Appendix D, a completed Application Form and Site Location Plan, as required, is enclosed. For clarity, although the site location plan includes the entire estate owned by the Applicant, this application for a Certificate of Lawfulness of Existing Use is solely for Buildings B, J and M as marked out in Appendix A.
- 1.12. The above and enclosed evidence meets the requirements of the application. The evidence provided demonstrates as per 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"*.
- 1.13. The Applicant required these buildings to expand their business operations due to increased demand. The Applicant has confirmed in order to meet the demand, these buildings were in operation (and still are) as soon as building works were complete.
- 1.14. Therefore, it is considered that the threshold of a reasonable probability of lawfulness has been reached in accordance with the relevant legislative test for this application, as set out in Section 191 of the Town and Country Planning Act 1990 (as amended). It is therefore politely requested that a certificate of lawful development



Existing Use or Development (CLEUD) to confirm the lawfulness of three existing buildings used for Industrial and manufacturing purposes (Class B2 and B8) to support the operating of Custom Glass is issued without delay.

Yours Sincerely,

Oliver Price MRTPI



Town Planner
Oliver.Price@pegasusgroup.co.uk

Enc.