

<u>APPLICATION NO:</u>	25/00557/CLD	<u>CASE OFFICER:</u>	Lee Osborne
<u>WARD:</u>	Northwood	<u>PARISH:</u>	
<u>LOCATION:</u>	Amazon UK Services Ltd, Moorgate Road, Knowsley Industrial Park		
<u>PROPOSAL:</u>	CERTIFICATE OF LAWFUL DEVELOPMENT FOR A PROPOSED ERECTION OF AN INTERNAL MEZZANINE.		

Site Description

This application relates to a large commercial steel framed building with service yards, HGV loading/unloading area and parking in use as an Amazon warehouse on the Delphi Trading Estate. The site is accessed off Moorgate Road and bounded on the north side of the site by South Boundary Road.

Proposal

The application has been submitted under S192 of the Town and Country Planning Act (The 1990 Act). The original building was granted planning permission with B2 / B8 Use and is now an operational warehouse for Amazon. This application seeks confirmation that a proposed mezzanine floor to be installed within the warehouse is lawful development. There are no planning conditions restricting internal alterations or requiring planning permission for a mezzanine floor. The proposed mezzanine would provide approximately 4733sq.m of additional internal floorspace undertaken within the existing building envelope with no increase to the building's external footprint, volume or changes to external elevations. The mezzanine would be used in conjunction with the existing warehouse operation.

Consultations

NA

Representations

NA

Relevant Planning History

17/00626/NMA4 - APPLICATION FOR A NON-MATERIAL AMENDMENT FOLLOWING GRANT OF PLANNING PERMISSION 17/00626/FUL - (APPLICATION TO VARY CONDITION NO.1 AS APPLIED TO PLANNING PERMISSION 16/00400/FUL - DEMOLITION OF EXISTING BUILDING AND ERECTION OF A NEW INDUSTRIAL/ WAREHOUSE BUILDING (USE CLASSES B2/B8) INCLUDING ANCILLARY OFFICE SPACE AND CONSTRUCTION OF CAR PARKING SPACES) - VARIATION SOUGHT TO APPROVED PLANS AS LISTED IN SCHEDULE 1 TO ALLOW FOR CHANGES TO THE SIZE AND LOCATIONS OF THE LOUVRES ON NORTH AND WEST ELEVATIONS AND CHANGES TO THE SIZE AND LOCATION OF THE LEVEL DOCK DOORS ON THE SOUTHERN ELEVATIONS. Granted: 05.07.2021.

17/00626/NMA3 - AMENDMENT TO CONDITION 7 TO ALLOW INTERNAL WORKS TO BE UNDERTAKEN AT ANY TIME. Granted: 23.04.2021.

17/00626/NMA2 - APPLICATION FOR A NON-MATERIAL AMENDMENT FOLLOWING GRANT OF PLANNING PERMISSION 17/00626/FUL - (APPLICATION TO VARY CONDITION NO.1 AS APPLIED TO PLANNING PERMISSION 16/00400/FUL - DEMOLITION OF EXISTING BUILDING AND ERECTION OF A NEW INDUSTRIAL/ WAREHOUSE BUILDING (USE CLASSES B2/B8) INCLUDING ANCILLARY OFFICE SPACE AND CONSTRUCTION OF CAR PARKING SPACES) - VARIATION SOUGHT TO APPROVED PLANS AS LISTED IN SCHEDULE 1 TO ALLOW FOR THE ADDITION OF 2NO LEVELLED ACCESS DOOR ON THE SOUTHERN ELEVATION OF THE EXISTING WAREHOUSE, INSTALLATION OF A MEZZANINE TO PROVIDE ANCILLARY OFFICE ACCOMODATION, ADDITIONAL WINDOWS ON THE WESTERN ELEVATION, ERECTION OF WELFARE BLOCK, ERECTION OF 1NO EXTERNAL RAMP ON THE SOUTHERN ELEVATION, ERECTION OF A WASTE PLATFORM AND CANOPY ON THE SOUTHERN ELEVATION, ERECTION OF GUARD HUT AND 2NO SMOKING SHELTERS, RECONFIGURTION OF THE CAR PARKING AND REAR YARD AREA INCLUDING A CAR PARK EXTENSION ON THE SOUTHERN BOUNDARY AND INSTALLATION OF EXTERNAL PLANT COMPRISING OF 9NO NEW VENTILATION LOUVERS ON THE NORTHERN ELEVATION AND 1NO WALL MOUNTED CONDENSER AND 3NO VRF UNITS. Granted: 17.03.2021.

17/00626/NMA - APPLICATION FOR A NON-MATERIAL AMENDMENT FOLLOWING GRANT OF PLANNING PERMISSION 17/00626/NMA - APPLICATION TO VARY CONDITION NO.1 AS APPLIED TO PLANNING PERMISSION 16/00400/FUL - DEMOLITION OF EXISTING BUILDING AND ERECTION OF A NEW INDUSTRIAL/ WAREHOUSE BUILDING (USE CLASSES B2/B8) INCLUDING ANCILLARY OFFICE SPACE AND CONSTRUCTION OF CAR PARKING SPACES - VARIATION SOUGHT TO APPROVED PLANS AS LISTED IN SCHEDULE 1 TO ALLOW FOR ALTERATION TO ELEVATIONS AND CAR PARK LAYOUT (APPROVAL SOUGHT FOR RESITING OF 1 NO. LEVEL ACCESS ROLLER SHUTTER DOOR AND 1 NO. PERSONNEL DOOR; REMOVAL OF SECOND FLOOR LOUVRES TO WESTERN ELEVATION; RESITING OF 4 NO. LOUVRES TO OFFICE ACCOMMODATION ON WESTERN ELEVATION; REMOVAL OF TRAFFIC ISLAND AT SITE ENTRANCE; INSTALLATION OF 2 NO. PEDESTRIAN REFUGES TO SITE ENTRANCE ROAD; ERECTION OF SUB-STATION; AMENDMENTS TO KERB LINE WITHIN CAR PARKING AREA/SERVICE YARD AND INCREASE IN VEHICLE TURNING CIRCLE TO NORTH EAST CORNER OF SITE AND INSTALLATION OF GRASSCRETE). Granted: 23.10.2018.

17/00626/FUL - APPLICATION TO VARY CONDITION NO.1 AS APPLIED TO PLANNING PERMISSION 16/00400/FUL - DEMOLITION OF EXISTING BUILDING AND ERECTION OF A NEW INDUSTRIAL/ WAREHOUSE BUILDING (USE CLASSES B2/B8) INCLUDING ANCILLARY OFFICE SPACE AND CONSTRUCTION OF CAR PARKING SPACES - VARIATION SOUGHT TO APPROVED PLANS AS LISTED IN SCHEDULE 1 TO ALLOW FOR ALTERATION TO ELEVATIONS AND CAR PARK LAYOUT. Granted: 04.01.2018.

16/00400/FUL - VARIATION OF CONDITION NO. 2 ATTACHED TO PLANNING PERMISSION 14/00510/FUL - DEMOLITION OF EXISTING BUILDING AND ERECTION OF A NEW INDUSTRIAL/ WAREHOUSE BUILDING (USE CLASSES B2/B8) INCLUDING ANCILLARY OFFICE SPACE AND CONSTRUCTION OF CAR

PARKING SPACES - TO ALLOW FOR AMENDMENTS TO: INCREASE OF FLOOR SPACE BY 640SQ.M; ALTERATIONS TO ELEVATIONS; RELOCATION OF SPRINKLER TANK AND PUMP HOUSE; AND AMENDMENTS TO CAR PARKING LAYOUT INCLUDING INCREASE IN NUMBER OF HGV SPACES AND AREA FOR FUTURE CAR PARK EXPANSION. Granted: 06.02.2017.

14/00510/FUL - DEMOLITION OF EXISTING BUILDING AND ERECTION OF A NEW INDUSTRIAL/ WAREHOUSE BUILDING (USE CLASSES B2/B8) INCLUDING ANCILLARY OFFICE SPACE AND CONSTRUCTION OF CAR PARKING SPACES. Granted: 04.11.2014.

Relevant Policy

The application is made under S192 of the Town and Country Planning Act 1990 (as amended).

An application under S192 seeks to establish whether:

- a) Any proposed use or building or land; or
- b) Any operations to be carried out in, on, over or under land, would be lawful.

S192 (2) sets out that if an application under this section the Local Planning Authority are provided with information satisfying 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.

The following legislation is relevant to the assessment:

Section 55 (1) of the Town and Country Planning Act 1990 (as amended) defines "development" includes building operations and material changes of use.

However Section 55(2)(a) clarifies that "the carrying out for the maintenance, improvement or other alteration of any building of works which – (i) affect only the interior of a building, or (ii) do not materially affect the external appearance of the building shall not be taken to constitute development.

Case law has consistently held that works carried out internally, which do not materially affect a building's exterior do not amount to development. In *Hertfordshire CC v SSCLG & metal and Waste Recycling* (2012) it was confirmed that a material change of use requires a change in the character of the use; internal operational changes within the same use are not development as such.

As such the insertion of a mezzanine within a warehouse to be used in connection with warehouse operations does not constitute such a change of use.

In *R (Marshall) v East Dorset DC* (2018) the Court held that internal works do not constitute operational development under s.55 of The Act unless they affect the external appearance.

The key statutory framework for Lawful Development Certificates and their determination is set out in the sections 191-193 of the Town and Country Planning Act (as amended).

In *I'm Your man Ltd v SoS* the courts held that the lawful use could operate fully within its terms unless restricted.

There are no planning conditions or restrictions with regards the application building.

It is therefore not an application for planning permission. Instead, it is legal determination based upon evidence and facts presented by the applicant as to whether the stated activity would be lawful. In such cases, the Local Planning Authority needs to consider whether, on the facts of the case and relevant planning law, the specific matter is or would be lawful. Issues such as the planning policies do not fall within the consideration as the decision is based on fact and not on policy grounds and therefore planning merits are not relevant at any stage in this particular application process.

The issue therefore is whether a mezzanine floor can be installed within the warehouse building.

Assessment

The granted use of the unit is general industrial (Use Class B2) or Storage and Distribution (Use Class B8) with no specified restrictions within those stated uses, or specified restrictions with regards the installation of a mezzanine floor. The building is operational under Use Class B8 and the application seeks clarification that a mezzanine floor to be used as part of the existing Amazon warehouse operations can be installed within the unit.

The mezzanine would be entirely internal within the building envelope and would not affect the external appearance of the warehouse. The external works referenced in the covering letter relate to potential external alterations which will be the subject of a planning application when the scheme is finalised. The agent has confirmed that although the works would be undertaken at the same time the external works and mezzanine are not interdependent, and the mezzanine could be successfully installed as a singularity. Therefore under s.55(2)(a) of The Act, supported by case law, the installation of the mezzanine which would be entirely internal is not development.

The works would remain fully ancillary to the existing B8 warehouse use and do not alter the character of the use. Therefore, no material change of use occurs.

There are no planning conditions limiting internal alterations. In accordance with court decisions no implied restrictions can be assumed.

Conclusion

The proposed mezzanine:

- Would be wholly internal.
- Would not materially affect the external appearance of the building.
- Would not cause a material change of use.
- Is not restricted by planning conditions.

Accordingly the installation does not constitute development under Section 55 of the town and Country Planning Act 1990 and is therefore lawful for the purposes of Section 192 of that Act.

Recommendation

That a Certificate of Lawful Development should be granted for the installation of an internal mezzanine floor within the existing Use Class B8 building without external alterations and used in conjunction with the established B8 Use.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
09/10/2025	7926-SMR-05-ZZ-DR-A-2001-S4-P2	-	LOCATION PLAN
09/10/2025	7926-SMR-05-ZZ-DR-A-2901-S4-P2	-	PROPOSED FLOOR PLANS
09/10/2025	-	-	COVER LETTER

Signed Case Officer¹: Lee Osborne

Signed Authorising Officer²: Alan Kilroe

Date: 12 December 2025

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

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Appendix 1 – Site Photographs