



Knowsley Council

**REGENERATION AND ECONOMIC
DEVELOPMENT DEPARTMENT**

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) ORDER 2015
(AS AMENDED)

**REFUSAL OF CERTIFICATE OF LAWFUL USE OR
DEVELOPMENT**

Application No: 25/00260/CLD

Name and address of applicant

Mr D Fitzpatrick
59 Kemble Street
Prescot
Knowsley
L34 5SE

Name and address of agent

MAT DESIGN LIMITED
17 Brookside Avenue
Eccleston
St Helens
WA10 4RN

Date of Receipt: 22 April 2025

Date Valid: 22 April 2025

FIRST SCHEDULE

CERTIFICATE OF PROPOSED LAWFUL DEVELOPMENT FOR USE OF PREMISES AS CAFE/JUICE
BAR (USE CLASS E (b))

SECOND SCHEDULE

59 Kemble Street, Prescot, Knowsley, L34 5SE

In pursuance of their powers under the above mentioned Act and Order, Knowsley Metropolitan Borough Council as local planning authority HEREBY REFUSE your application, dated 22 April 2025, for a certificate of lawful use or development under Section 192 of the Act, for the development described in the First Schedule to this Certificate in respect of the land specified in the Second Schedule to this Certificate.

The grounds for the Council's decision are as follows:-

0. That a Certificate of Lawfulness should be refused as the application has failed to present sufficiently clear, precise and unambiguous evidence to demonstrate on the balance of probability that the use for any purpose in Class E is lawful. While the Use Class of the Vape Store is considered to be Class E, the Use Class to the prior business Energy Green Deal Ltd, as outlined within the Officer Report, has not been sufficiently evidenced to substantiate with certainty that the use falls within an A1 Use Class of the former Town and Country Planning (Use Classes) Order 1987 (as amended) or an A2 Use Class such that a change of use to A1 would have been permitted. As a result, it has not been sufficiently evidenced that a continuous 10-year period of uses of the premises which are within the same use class in which the proposed use would not require planning permission or would have gained immunity from enforcement action by the passage of time has been demonstrated. Therefore, the application should be refused.



Executive Director - Regeneration and Economic Development

On Behalf of: Knowsley Metropolitan Borough Council

Date: 5 September 2025

Notes

1. If you are aggrieved by the decision of the Council to refuse an application for a certificate under sections 191 or 192 of the Town and Country Planning Act 1990 (as amended) or to refuse it in part you may appeal to the Secretary of State under Section 195 of the Act (as amended).
2. Notice of appeal must be given in writing to the Planning Inspectorate, PO Box 326, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS99 7XF. Copies of all relevant documents, including the application, the notice of decision and all plans, drawings and correspondence must be supplied to the Secretary of State.
3. You are advised to consult the brief official guide to applications and appeals, published by the Department of Communities and Local Government, which is available at <http://www.communities.gov.uk/documents/planningandbuilding/pdf/developmentcertificates.pdf>