

Knowsley Council
Regeneration and Economic Development Directorate.
Delegated Planning Report

APPLICATION NO: 26/00206/CLU **CASE OFFICER:** Jo Sheridan

WARD: Prescot North **PARISH:** Knowsley
Parish Council

LOCATION: Land Bounded by East Lancashire Road, Ormskirk Road and
Knowsley Lane, Knowsley, L34 9EY

PROPOSAL: CERTIFICATE OF LAWFUL DEVELOPMENT OF EXISTING
DEVELOPMENT TO ALLOW FOR THE EXCAVATION AND
CONSTRUCTION OF FOUNDATION FOOTINGS, THE FORMATION
OF A DRAINAGE POND AND ASSOCIATED SITE PREPARATION
WORKS.

Site Description

The application site relates to the East of Knowsley Industrial and Business Park Sustainable Urban Extension which is allocated for employment development. The site is triangular and is bounded to the north by the A580 East Lancashire Road, Knowsley Lane to the east and Ormskirk Road to the west. A public right of way crosses the site from Ormskirk Road to Knowsley Lane.

Proposal

The proposal is for a certificate of lawfulness for confirmation that development has commenced.

Consultations

None.

Representations

No public consultation has been undertaken.

Planning History

22/00348/FUL: Erection of 3 no. commercial units (use class B2 or B8) including mezzanine floor, ancillary office and welfare floorspace together with service yard, loading bays, car and cycle parking, electric vehicle charging points, drainage infrastructure and landscaping together with improvements to public rights of way linking Ormskirk Road and Knowsley Lane including the diversion of the public right of way and other pedestrian accessibility works. Granted: 12.05.2023.

Relevant Policy

Town and Country Planning Act 1990 (as amended).

Assessment

The proposal is for a certificate of lawfulness for confirmation that development has commenced.

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 12 May 2026
- Secondly, whether there were any outstanding conditions not discharged which would have voided the original planning permission.

Commencement of Development

Condition 1 of 22/00348/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 12th May 2023 which means that the development needs to have been commenced by 12th May 2026 in order to be within the 3 year period.

Assessment

Section 56(4) of the Town and Country Planning Act 1990 (as amended) development is taken to be begun on the earliest date on which any material operation comprised in the development begins to be carried out. In subsection (2) 'material operations' means –

- (a) Any work of construction in the course of the erection of a building
 - (aa) any work of demolition of a building;
- (b) The digging of a trench which is to contain the foundations, or part of the foundations of a building;
- (c) the laying of any underground main or pipe to the foundations or part of the foundations of a building or to any such trenches is mentioned in paragraph (b)
- (d) any operation in the course of laying out or constructing a road or part of a road;
- (e) any change in the use of any land which constitutes material development.

The applicant has submitted the following evidence that development has commenced:

- Cover letter detailing the scope of the works undertaken;
- Plan illustrating the location of the implemented works on site which include foundation footings and drainage works;
- Photos of the works on site which include drainage ponds, foundation trenches and boundary fencing;
- S106 pre commencement payment confirmation.

Photos were informally submitted to the local planning authority prior to the submission of this Certificate illustrating the trench that had been dug. This was in addition to the plan illustrating the extent of tree that had been dug. The lpa is satisfied that the works commenced before 12th May 2026.

Conditions

There were 7 pre commencement conditions attached the original application, all of which were discharged prior to the 12th May 2026. In addition, all S106 contributions have been received and were received prior to 12th May 2026.

Overall, all pre commencement conditions have been discharged prior to works commencing on site and all S106 contributions have been received, 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 planning permission 22/00348/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: **Jo Sheridan**

Signed Authorising Officer²: **Alan Kilroe**

Date: **20 May 2026**

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