

Planning Statement (Ref: 0001 A)

Site Address: 634 Bradford Road, Batley, WF17 8HF

Introduction

Application for a Certificate of Existing Lawful Use to certify that the existing use of site for any purpose within Class E (Commercial, Business and Service) is lawful at 634 Bradford Road, Batley, WF17 8HF. The application is being submitted to enable the applicant to establish the use of the property.

This supporting document demonstrates that the lawful use of the site falls within Use Class E.

A Certificate of Lawfulness of Existing Use or Development is a legal document confirming that the operations or use specified in the certificate are lawful.

The planning merits of the use, operation, or activity referenced in the application are not relevant to this determination. The issue of a certificate depends entirely on factual evidence regarding the planning status of the building, land, or use, and on the interpretation of relevant planning law and judicial authority.

When determining this type of application, it is important to note that the issue is not whether the Local Planning Authority (LPA) would *grant* planning permission for the existing development. Instead, the LPA must decide whether the operations or use described in the application constitute a lawful use of the land for the purposes of Section 191 of the Town and Country Planning Act 1990 (as amended).

Accordingly, this type of application must not—and is not—considered based on its planning merits.

Relevant Legislation and Guidance

The legal and policy framework for determining this application is set out under:

- Section 191 of the Town and Country Planning Act 1990 (the Act),
- The National Planning Practice Guidance (NPPG), and
- Relevant case law.

Section 191 of the Act provides that any person may apply to the LPA for a certificate of lawfulness to ascertain whether:

- any existing use of buildings or land is lawful;
- any operations carried out in, on, over, or under land are lawful;
- any other matter constituting a failure to comply with a condition or limitation subject to which planning permission was granted is lawful.

Once a certificate is granted under Section 191, any existing use or development in accordance with that certificate is presumed to be lawful.

Site Description

No. 634 Bradford Road is located in a semi-commercial setting, with surrounding buildings used for various commercial purposes. Its current lawful use is as a conservatory sales site, which was approved under application reference 86/62/02721/A1 in 1986, with conservatories still present on the site. The site is accessed via a dropped kerb off Bradford Road.

Evidence of the use

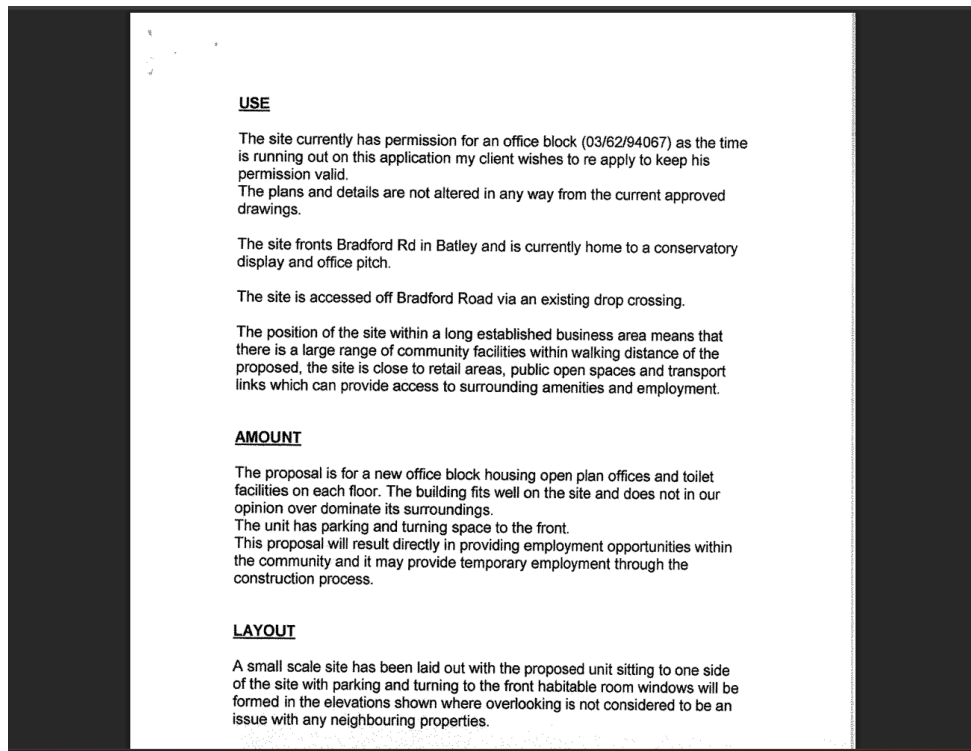
As mentioned, the site was granted approval for use as a conservatory sales site in 1986 under application reference **86/62/02721/A1**, and it continued to operate in this capacity up to the present day. Both the conservatory structures and the associated office unit remain on the site.

As the site has been used for the **display and sale of goods**, namely conservatories, this activity falls within the definition of **retail**, which falls under **Use Class E**.

The Google imagery of the site shown in Appendix A (see separate sheet), shows conservatories being displayed continuously over a period of more than 10 years, from **2008 to 2024**. Conservatories are still being displayed on the site to this day.

It is also evidenced that the site was granted planning permission for a new office development in 2008 under application reference **2008/62/94251/E1**. The Design and Access Statement submitted with that application referred to the site as a **conservatory sales pitch**.

It should be noted that this **permission was never implemented**.



The Planning and Compensation Act 1991 introduced rolling time limits within which local planning authorities (LPAs) can take enforcement action against breaches of planning control.

The time limits are as follows:

- **Four years** for building, engineering, mining, or other operations carried out on, over, or under land without planning permission. Such development becomes immune from enforcement action four years after the operations are substantially completed.
- **Four years** for the change of use of a building (or part of a building) to use as a single dwellinghouse. Enforcement action cannot be taken if the unauthorised use has continued for four years without interruption.
- **Ten years** for all other types of development.

Once these time limits have passed, the development becomes lawful in planning terms.

The **Google imagery evidence** demonstrates that, on the balance of probabilities, the site has been used for the **display and sale of conservatories** for **over 10 years**. As such, the site falls within **Use Class E**.

Conclusion:

In conclusion, the evidence provided by the applicant is sufficiently **precise and unambiguous** for the Local Planning Authority to conclude that, on the balance of probabilities, the **use of the site for the display and sale of conservatories** has existed for **well over 10 years**, with conservatories still present on the site to this day.

Therefore, the use of the site falls within **Use Class E**, and the Local Planning Authority should **grant the Certificate of Lawfulness of Existing Use** accordingly.