

If you need help or advice please telephone -
 During office hours only
 8.30 am - 5 pm Mon-Thurs
 8.30 am - 4.30 pm Fri

Planning Control

WEST BERKSHIRE DISTRICT COUNCIL

West Berkshire COUNCIL

12 APR 2001

Council Offices Market Street Newbury RG14 5LD
 Switchboard: (01635) 42400 Fax: (01635) 519408
 Document Exchange: DX 30825 Newbury

RECEIVED

Application for a Certificate of Lawfulness for an Existing Use or Operation or Activity in Breach of a Planning Condition

For guidance on the completion of these forms please see D.O.E. Circular 10/97 and the Town and Country General Development (Amendment) (No. 5) Order 1992


Please answer ALL QUESTIONS in BLOCK LETTERS. If a question is not applicable, answer N/A in space. Please send FOUR copies of this form to:

Planning and Transport Strategy at West Berkshire District Council,
 Market Street, Newbury, Berkshire, RG14 5LD

FOR THE COUNCIL'S USE ONLY

Application No: 018 9596031

Date received: 30 APR 2001

<p>Application/Decision</p> 	<p>Applicant's Name: RICHARD FOSTER</p> <p>Address: WOODSIDE FARM GOODBOYS LANE GRAZELEY BERKSHIRE</p> <p>Postcode: RG7 1ND</p>	<p>Tel No: []</p>
<p>2</p>	<p>Agent's Name (if any):</p> <p>Address: AVERY CLIFFORD 910 157 OXFORD ROAD READING BERKSHIRE</p> <p>Postcode: RG1 7UY</p>	<p>Tel No: 018 9596031</p>
<p>3</p> <p>(1) Nature of applicant's interest in the land, e.g. owner, lessee, occupier.</p> <p>(2) If you do not have an interest:</p> <p>(a) give name(s) and address(es) of anyone you know who has an interest in the land.</p> <p>(b) state the nature of their interest (if known).</p> <p>(c) state whether they have been informed about this application.</p>	<p>OWNER</p> <p>WEST BERKSHIRE DISTRICT COUNCIL</p> <p>30 APR 2001</p> <p>RECEIVED</p> <p>YES/NO</p>	
<p>4</p> <p>Address or exact location of the land to which this application relates.</p> <p>Describe here and enclose four copies of an OS based plan showing the boundary of the land edged in red.</p>	<p>WOODSIDE FARM GOODBOYS LANE GRAZELEY BERKSHIRE RG7 1ND.</p>	
<p>5</p> <p>This application is for:</p> <p><input checked="" type="checkbox"/> an existing use;</p> <p><input type="checkbox"/> an existing operation;</p> <p><input type="checkbox"/> an existing use, operation or activity in breach of a condition being a use, operation or activity subsisting on the date of this application.</p>	<p>Tick whichever box is applicable</p>	
<p>6</p> <p>Describe the use or operation to which this application relates.</p>	<p>WASTE PAPER RECYCLING</p>	

7. When was the use or activity begun, or the operation substantially completed?	1987
8. If there is more than one subsisting use of, or operation or activity on the land at the date of this application, describe fully each of them and, where appropriate, show to which part of the land each use, operation or activity relates.	N/A
<p>9. Under what grounds is the certificate sought?</p> <p>(1) The use began more than ten years before the date of this application, or <input checked="" type="checkbox"/></p> <p>(2) The use, operation or activity in breach of condition began more than ten years before the date of this application, or <input type="checkbox"/></p> <p>(3) The use began within the last ten years as a result of a change of use not requiring planning permission, and there has not been a change of use requiring planning permission in the last ten years, or <input type="checkbox"/></p> <p>(4) The operations were substantially completed more than four years before the date of this application, or <input type="checkbox"/></p> <p>(5) The use as a single dwellinghouse began more than four years before the date of this application, or <input type="checkbox"/></p> <p>(6) Other: specify (this might include claims that the change of use or operation was not development, granted under the Act or by the General Development Order) <input type="checkbox"/></p>	<p style="text-align: center;">Tick whichever box is applicable</p>
10. If the certificate is sought for a use, operation or activity in breach of a condition or limitation, specify the condition or limitation which has not been complied with, and attach a copy of the relevant planning permission.	N/A
11. Give any additional information you consider necessary to substantiate your claim. (Continue on a separate sheet if necessary)	PLEASE SEE STATEMENT AND ACCOMPANYING DOCUMENTATION
12. List here all documents, drawings or plans which accompany this application.	PLAN STATEMENT, INDEX TO BUNDLE OF DOCUMENTS AND DOCUMENTS REFERRED TO IN INDEX.

I/We hereby apply for a lawful use or development certificate under Section 191 of the 1990 Act in respect of the existing use, operations or activity described in this application and the documents, drawings and plans which accompany it.

I/We enclose the appropriate fee of £.....

Signed: x R Foster Date: DO NOT DATE

On behalf of:
(Insert name of applicant if signed by an agent)

Warning: The amended section 194 of the 1990 Act provides that it is an offence to furnish false or misleading information or to withhold material information with intent to deceive. Section 193(7) enables the Council to revoke, at any time, a certificate they may have issued as a result of such false or misleading information.

**TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191 AND 192 (as amended
by Section 10 of the Planning and Compensation Act 1991)**

**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)
ORDER 1995:
ARTICLE 24**

**Name and Address of Agent (if
any)**

Avery Clifford And Co
157 Oxford Road
Reading
Berks
RG1 7UY

Name and Address of Applicant

Richard Foster
Woodside Farm
Goodboys Lane
Grazley
Berks
RG7 1ND

PART I - DETAILS OF APPLICATION

Date of Application

12th April 2001

Application No.

01/00819/CERT

THE PROPOSAL AND LOCATION OF THE DEVELOPMENT:

Waste paper recycling

Woodside Farm , Goodboys Lane, Grazeley, Reading

PART II - DECISION

West Berkshire Council hereby certify that on 30 April 2001 the use described in the First Schedule of this certificate in respect of land specified in the Second Schedule to this certificate, was **LAWFUL** within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

On the balance of probability, the use specified appears to the Council to have existed on the site for more than 10 years.

FIRST SCHEDULE:

Waste paper recycling (Sui Generis use) together with the storage of vehicles, plant and machinery ancillary to these uses, as stipulated and in the manner described in the following schedule.

- (i) No more than 5 employees to be employed on site in connection with these uses at any one time;
- (ii) No more than 6 commercial vehicles to be operated from or be based at or stored at the site at any one time;
- (i) No more than 10 lorry containers, skips or other demountable containers to be based at or stored at the site at any one time.

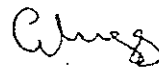
SECOND SCHEDULE:

Land at Woodside Farm, Goodboys Lane, Grazeley, Reading as indicated in Plan 'A' within which the uses described in the First Schedule to the Certificate took place. (i.e. the plan submitted with the application).

INFORMATIVE:

1. For further information regarding the decision, please contact the **Customer Call Centre** on: **01635 519111**.

Decision Date :- 8 March 2004



Gary Lugg *LS*
**HEAD OF PLANNING AND TRANSPRT
STRATEGY**

NOTES

1. This certificate is issued solely for the purposes of Section 191 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the uses, operations and matters specified in the First Schedule taking place on the land described in the Second Schedule were lawful, on the specified date and, thus were not liable to enforcement action under Section 172 of the 1990 Act on that date.
3. This certificate applies only to the uses, operations and matters described in the First Schedule and to the land specified in the Second Schedule and identified in the attached plan. Any uses, operations or matters which are materially different from those described or which relate to other land may render the owner or occupier liable to enforcement action.
4. The effect of the certificate is also qualified by the proviso in Section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use instituted or the operations begun, in any of the matters relevant to determining such lawfulness.

DRAFT



TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191 AND 192 (as amended by Section 10 of the Planning and Compensation Act 1991)

**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)
ORDER 1995:
ARTICLE 24**

Name and Address of Agent (if any)

Avery Clifford And Co
157 Oxford Road
Reading
Berks
RG1 7UY

Name and Address of Applicant

Richard Foster
Woodside Farm
Goodboys Lane
Grazley
Berks
RG7 1ND

PART I - DETAILS OF APPLICATION

Date of Application

12th April 2001

Application No.

01/00819/CERT

THE PROPOSAL AND LOCATION OF THE DEVELOPMENT:

Waste paper recycling

Woodside Farm , Goodboys Lane, Grazeley, Reading

PART II - DECISION

West Berkshire Council hereby certify that on the use described in the First Schedule of this certificate in respect of land specified in the Second Schedule to this certificate, was **LAWFUL** within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

DRAFT

On the balance of probability, the use specified appears to the Council to have existed on the site for more than 10 years.

FIRST SCHEDULE:

Waste paper recycling (Sui Generis use) together with the storage of vehicles, plant and machinery ancillary to these uses, as stipulated and in the manner described in the following schedule.

- (i) No more than 5 employees to be employed on site in connection with these uses at any one time;
- (ii) No more than 6 commercial vehicles to operated from or be based at or stored at the site at any one time;
- (iii) No more than 10 lorry containers, skips or other demountable containers to be based at or stored at the site at any one time.

SECOND SCHEDULE:

Land at Woodside Farm, Goodboys Lane, Grazeley, Reading as indicated in Plan 'A' within which the uses described in the First Schedule to the Certificate took place. (i.e. the plan submitted with the application.

The decision to grant a Certificate of Lawfulness has been taken having regard to the policies and proposals in the West Berkshire District Local Plan 1991-2006 (WBDLP), the Berkshire Structure Plan 1991-2006 (BSP), the Waste Local Plan for Berkshire 1998-2006, the Replacement Minerals Local Plan for Berkshire 2001 and to all other relevant material considerations, including Government guidance, supplementary planning guidance notes; and in particular guidance notes and policies;

The reasoning above is only intended as a summary. If you require further detail on the decision please contact the Council via the Customer Call Centre on 01635 519111.

INFORMATIVE:

1. For further information regarding the decision, please contact the **Customer Call Centre** on: **01635 519111**.

Decision Date :-



Gary Lugg
HEAD OF PLANNING AND TRANSPRT
STRATEGY

DRAFT

NOTES

1. This certificate is issued solely for the purposes of Section 191*/192* of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the use*/operations*/matter* specified in the First Schedule taking place on the land described in the Second Schedule was*/were*/would have been* lawful, on the specified date and, thus was not*/were not*/would not have been* liable to enforcement action under Section 172 of the 1990 Act on that date.
3. This certificate applies only to the use*/operations*/matter* described in the First Schedule and to the land specified in the Second Schedule and identified in the attached plan. Any use*/operations*/matter* which is*/are materially different from that*/those described or which relate/s* to other land may render the owner or occupier liable to enforcement action.
4. The effect of the certificate is also qualified by the proviso in Section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use instituted or the operations begun, in any of the matters relevant to determining such lawfulness.