

**Town and Country Planning Act 1990: sections 191 and 192****Town and Country Planning (General Development Management Procedure)  
(England) Order 2010: article 35****CERTIFICATE OF LAWFUL USE OR DEVELOPMENT**

OT Associates  
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**Applicant:** Pitchkettle Investments Limited

**PART I - DETAILS OF APPLICATION****Date of Application**

9th June 2020

**Application No.**

**20/01311/CERTE**

**THE PROPOSAL AND LOCATION OF THE DEVELOPMENT:**

Use of land for waste paper recycling business (Sui Generis Use) comprising of the staff break out room, workshop, barn, staff car park and yard for storage of items ancillary to the primary use.

Pitchkettle Farm Goodboys Lane Grazeley Green Reading

**PART II - DECISION**

**West Berkshire Council hereby certify that on 9th June 2020 the operation or use described in the First Schedule of this certificate in respect of land specified in the Second Schedule to this certificate and edged red on the plan attached 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(s):**

1. Based on the evidence submitted by the applicant and the evidence available to the Council, the Council is satisfied that the applicant's evidence is sufficiently precise to prove that, on the balance of probability the land identified and outlined in red on the submitted location plan dated 10.06.2020 have been used as for waste paper recycling business) comprising of the staff break out room, workshop, barn, staff car park and yard for storage of items ancillary to the primary use for over 10 years. Accordingly the provisions of Section 171B and Section 191 of the Town and Country Planning 1990 Act have been satisfied.

2. For the avoidance of doubt the land outlined in red on the submitted location plan dated 10.06.2020 has been used for waste paper recycling business (Sui Generis Use). For detailed layout review Exhibit RNF8 dated 13.10.2020. This lawful development certificate stipulates

o That the yard has been used for the parking of vehicles in association with the waste paper recycling business. The yard has also been used for storing items related to the waste paper recycling business, such as wheelie bins, waste paper containers. (Annotated as 1 on Exhibit RNF8 dated 13.10.2020)

o There is an on-site staff break out room which the employees of waste paper recycling business have used for 10 years. (Annotated as 4 on Exhibit RNF8 dated 13.10.2020)

o There is an on-site workshop which has been used to fix vehicles and equipment associated with the waste paper recycling business for over 10 years. (Annotated as 5 on Exhibit RNF8 dated 13.10.2020)

- o There is a strip of land to the north of the site which has been used for a staff parking for over 10 years. (Annotated as 6 on Exhibit RNF8 dated 13.10.2020)
- o The Barn has been used for activities which relate solely to the purposes of aiding the running of the waste paper recycling business. (Annotated as 2 on Exhibit RNF8 dated 13.10.2020)

No other uses other than what has been set out and described above are considered on balance of probability to be lawful on this site. Any other use would need to be applied under separate cover in writing to the local planning authority.

**FIRST SCHEDULE:**

Use of land for waste paper recycling business (Sui Generis Use) comprising of the staff break out room, workshop, barn, staff car park and yard for storage of items ancillary to the primary use.

**SECOND SCHEDULE:**

Pitchkettle Farm Goodboys Lane Grazeley Green Reading

Decision Date :- 14th October 2020



**Gary Lugg**

***Head of Development and Planning***

## 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 use/operations/matter specified in the First Schedule taking place on the land described in the Second Schedule was lawful on the specified date and thus was not 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 this 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.
5. If the applicant is aggrieved by the decision of the local planning authority he may, by notice, appeal to the First Secretary of State for the DCLG in accordance with Section 195 of the Town and Country Planning Act 1990. (Appeals must be made on a form which is obtainable from The Planning Inspectorate. Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 5LD) or online using the Planning Portal at [www.planningportal.co.uk](http://www.planningportal.co.uk).