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

Certificate of Lawful Use or Development - Existing Use or Development

Application Reference Number: PL/2023/08383

Decision Date: 31 January 2024

Applicant: **Floortrak, Unit 7 Ash Hill Common, Sherfield English, Wiltshire SO51 6FU**

Particulars of Development: - Certificate of lawfulness for the operation of business outside of the originally consented hours restricted under planning permission S/2002/1994 (Resubmission of PL/2023/02422)

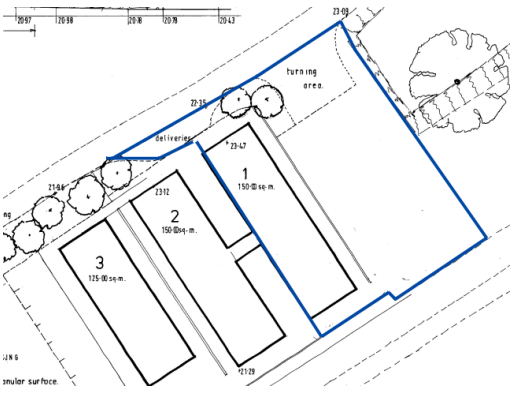
At: Unit 7, Ash Hill Common, Sherfield English. Romsey, SO51 6FU

Wiltshire Council hereby certify that on 16/10/2023 the operations described in the First Schedule to this Certificate in respect of the land specified in the Second Schedule to this Certificate and edged blue on the plan extract (reference 04702/1 received 25/1/24) attached to this certificate would have been lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended) for the following reasons:

The Council is satisfied that on the balance of probabilities, the applicant has occupied Unit 7 and part of the wider site (as shown on the plan reference 04702/1 received 25/1/24 attached to this certificate and edged in blue) for more than 10 years and across this period, they have operated their business between the hours of 06:00am and 22:00pm, outside the originally consented hours restrictions detailed in condition 4 of planning permission S/2002/1994. Continued operation of the business in such a manner is therefore lawful under the terms of section 191 of the Town and Country Planning Act 1990 (as amended).

SCHEDULE 1: Certificate of lawfulness for the occupation of Unit 7 and the wider site and operation of the business between the hours of 06:00am and 22:00pm, outside the originally consented hours restrictions detailed in condition 4 of planning permission S/2002/1994

SCHEDULE 2: Unit 7 and the wider site edged blue on the plan extract below (reference 04702/1 received 25/1/24) at Ash Hill Common, Sherfield English. Romsey, SO51 6FU



Signed

Parvis Khansari - **Corporate Director, Place**

Notes -

1. This Certificate is issued solely for the purpose of Section 191 of the Town & Country Planning Act 1990 (as amended).

2. It certifies that the use or development specified in the First Schedule taking place on the land described in the Second Schedule would have been lawful on the specified date and thus 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 extent of the proposed use or development described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use or development which is materially different from that described or which relates 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. This states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change before the use is instituted or the operations begun in any manner relevant to determining such lawfulness.