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18th September 2026

Dear Sir/Madam,

RE: Certificate of Lawfulness of Existing Use for the Commercial use of the 'West Barn'.

AT: The West Barn, Warren Business Park, Knockdown, Tetbury, Gloucestershire, GL8 8QY.

This covering letter accompanies an application, submitted on behalf of Mr Andrew Powell, for a Certificate of Lawfulness of Existing Use under Section 191 of the Town and Country Planning Act 1990, in respect of the building known as the 'West Barn' at Warren Business Park. Please read this covering letter in conjunction with the accompanying application form and evidence in appendices 1 and 2.

This application seeks confirmation that the commercial use of the 'West Barn' for the storage of building materials, tools, joinery, doors, fixtures and fittings, and plant and machinery, in connection with the maintenance and management of Warren Business Park, is lawful, on the basis that this use has been carried out continuously and without material interruption since around December 2015 which is in excess of 10 years.

Where the application includes sufficient information for the Council to issue a formal Certificate, the certificate shall, in accordance with Section 191(5) of the 1990 Act:

- (a) specify the land to which it relates;
- (b) describe the use, operations or other matter in question (in the case of any use falling within one of the classes specified in an order under section 55(2)(f), identifying it by reference to that class);
- (c) give the reasons for determining the use, operations or other matter to be lawful; and
- (d) specify the date of the application for the certificate.

Legislation and guidance:

Section 191 of the Town and Country Planning Act 1990 makes provision for an applicant to ascertain the lawfulness of any existing use of buildings or other land, or any operations which have been carried out in, on, over, or under land. Section 191 of the Town and Country Planning Act 1990 states that:

“(1) If any person wishes to ascertain whether—

(a) any existing use of buildings or other land is lawful;

(b) any operations which have been carried out in, on, over or under land are lawful; or

(c) any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful,

he may make an application for the purpose to the local planning authority specifying the land and describing the use, operations or other matter.

(2) For the purposes of this Act uses and operations are lawful at any time if—

(a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and

(b) they do not constitute a contravention of any of the requirements of an enforcement notice then in force”

Section 191(2) provides that a use is lawful if no enforcement action may then be taken in respect of it, *“whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason.”* Section 171B(3) of the Act provides that no enforcement action may be taken in respect of a breach of planning control after the end of a period of 10 years beginning with the date of the breach.

For the purposes of the Act operations are lawful at any time if *“(4) on an application under this section, the local planning authority are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application, or that description as modified by the local planning authority or a description substituted by them, they shall issue a certificate to that effect”.*

Section 191 of the Act states that the relevant test is the ‘*balance of probabilities*’, and authorities are advised that if they have no evidence of their own to undermine or contradict the applicant’s version of events, there is no good reason to refuse the application provided the applicant’s evidence is sufficiently precise and unambiguous to justify the grant of a Certificate.

Section 115 of the Levelling-up and Regeneration Act (2023) made amendments to some of the time limits for enforcement action on breaches in planning control, as set out in subsection 171B of the Town and Country Planning Act (1990). This change is not applicable to this application as the change of use happened prior to the 25th April 2024 and the requisite length of time of 10 years remains unchanged.

The appropriate tests for determining an application for a Certificate of Lawful Use are set out in section 17c of the National Planning Practice Guidance (NPPG) which states:

"The applicant is responsible for providing sufficient information to support an application, although a local planning authority always needs to co-operate with an applicant who is seeking information that the authority may hold about the planning status of the land. A local planning authority is entitled to canvass evidence if it so wishes before determining an application. If a local planning authority obtains evidence, this needs to be shared with the applicant who needs to have the opportunity to comment on it and possibly produce counter-evidence."

In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability."

The NPPG advises that the local planning authority: *"needs to consider whether, on the facts of the case and relevant planning law, the specific matter is or would be lawful. Planning merits are not relevant at any stage in this particular application or appeal process"*.

The authority is advised that, if it has no evidence of its own to undermine or contradict the applicant's version of events, there is no good reason to refuse the application, provided the applicant's evidence is sufficiently precise and unambiguous to justify the grant of a Certificate.

Use of the ‘West Barn’:

The 'West Barn' forms part of Warren Business Park, please see the accompanying location plan which contextualises the building in relation to the surrounding buildings on site. The building is a steel portal-framed barn with precast concrete panel walls, vertically-boarded timber cladding, a part-open front elevation and a corrugated fibre-cement roof, with an internal mezzanine storage level. Elevation and floor plan drawings can be found in the accompanying documents.

Warren Business Park comprises a mix of residential buildings on the eastern side and business units (predominantly in Class E and B8 uses) on the western side. The wider site was historically an agricultural holding. Over time the majority of the site's former agricultural buildings have been converted and brought into other uses, giving rise to the mixed character the site displays today. This pattern of incremental conversion has continued into recent years and is reflected in the Council's own planning history for the site including permission 18/08024/FUL (granted in November 2018) which authorised the change of use of part of a former agricultural building to B8 storage and distribution use, together with land for the stationing of storage containers, and a further permission (PL/2022/09708) which extended the B8 conversion to the remaining, previously underutilised agricultural portion of that building. The 'West Barn' itself has not been subject to any planning history or applications, and no enforcement notice has been served in respect of it.

The 'West Barn' was brought into commercial storage use serving the management of the wider commercial area of the site around December 2015. Since this time the 'West Barn' has been used continuously for the storage of building materials, tools, joinery items, doors, fixtures and fittings, and plant and machinery, all in connection with the ongoing maintenance and management of Warren Business Park. Its ground floor accommodates bulk materials such as timber, concrete blocks, doors and window units, together with hand tools and larger equipment (including cement mixer and telehandler), while its mezzanine level provides additional dry storage for lighter materials such as boarding and fittings. Materials are regularly drawn from and returned to the building as ongoing maintenance and improvement works are carried out across the site. At no point since December 2015 has the building reverted back to agricultural use, stood vacant, or been used for any other purpose.

Evidence in support of this application:

A Statutory Declaration (Appendix 1) from Mr Andrew Powell, made under the Statutory Declarations Act 1835 and sworn before Michael Scott (Solicitor of Sewell Mullings Logie) accompanies this application. Mr Powell has owned the freehold of Warren Business Park since 1985 and accordingly has a direct and continuous oversight of the site as a whole and most relevantly of the 'West Barn' throughout the duration that is material to this

application. He is therefore best placed to give an accurate account of how the building has been used during this time.

He confirms that since around December 2015, it has been used continuously for the commercial storage of building materials, tools, joinery, doors, fixtures and fittings, and plant and machinery, in connection with the maintenance and management of the business park. He further confirms that the building has not, since December 2015, reverted to agricultural use, nor has the commercial use been abandoned or interrupted at any time; and that no enforcement notice has been served and no enforcement action is pending or, to the declarant's knowledge, under consideration.

As sworn evidence, given on pain of criminal liability under Section 194 of the Town and Country Planning Act 1990 should it later be shown false, the Declaration carries evidential weight materially higher than an ordinary letter or unsworn statement. It is precise as to the date the use began, precise as to the nature of the use, and precise as to the absence of interruption and is made by the individual with the longest and most direct vantage point over the site's history. This would meet the *"precise and unambiguous"* evidence referred to in the NPPG which, absent to contrary evidence, the Council should accept.

In addition to the Statutory Declaration (Appendix 1) the photographs of the building are enclosed with the application in Appendix 2. These show the building's ground floor and open storage bays occupied by stored building materials (including timber, palletised concrete blocks, doors and window units, and lengths of boarding), a range of tools (cement mixer and larger machinery), and general site equipment. The photographs also show the building's mezzanine level in active use for the storage of lighter materials and confirm the general external form of the building and yard area as described in both the Statutory Declaration and the plans.

Summary:

This application seeks a Certificate of Lawfulness of Existing Use confirming that the storage use of 'West Barn' at Warren Business Park, has become lawful through the passage of time under Section 171B(3) of the Town and Country Planning Act 1990. The evidence in support centres on the Statutory Declaration of Mr Andrew Powell, the freehold owner of the site who is uniquely well placed to give first-hand evidence of the building's use throughout the relevant period, and whose sworn account is clear and consistent as to the date the use began, its nature, and its continuity. Photographs of the building in use have also been provided in Appendix 2. Taken together, we submit this evidence is sufficiently precise and unambiguous to satisfy the Council, on the balance

of probability, that the commercial storage use of West Barn has continued without material interruption since December 2015, and we respectfully request that a Certificate of Lawfulness of Existing Use be issued accordingly.

Should the Council wish to discuss any aspect of the evidence please do not hesitate to contact me.

Kind regards

Isabelle Reynolds BSc (Hons)

Context Planning Ltd