The Planning Inspectorate

# Lawful Development Certificate

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

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2010: ARTICLE 35

**IT IS HEREBY CERTIFIED** that on the 27/07/2012 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged red (Units 1A, 1B, 2, 3+4) on the plan 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 reason:

*The word principal, as used in condition 8 of planning permission Z/28673/11 dated 11 July 1989, in regard to the sale of goods, means the "first order of importance" or "main" so that more than half of the floorspace would be controlled (that is at least 51%) by the condition. It follows, as a matter of logic, that the remainder of the floorspace (a maximum of 49%) could, lawfully, be for unrestricted, or Class A1, Retail sales.*

Signed

*Colin A Thompson*
Inspector

Date 28.05.2013
Reference: APP/W1715/X/12/2188688

***First Schedule***

*The use of up to 49% of the existing floorspace, of each of the retail units, for the sale of goods within Class A1 of the Town and Country Planning (Use Classes) Order 1987, as amended, is lawful pursuant to condition 8 of planning permission Z/28673/11 dated 11 July 1989...*

***Second Schedule***

*Land at Tollbar Way, Units 1A and 1B, 2, 3+4, Bradbeer Retail Park, Southampton SO30 2QU*

NOTES

This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use described in the First Schedule taking place on the land specified in the Second Schedule would have been lawful, on the certified date and, thus, was not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

The effect of the certificate is subject to the provisions in section 192(4) of the 1990 Act, as amended, which state that the lawfulness of a specified use is only conclusively presumed where there has been no material change, before the use is instituted, in any of the matters which were relevant to the decision about lawfulness.

The Planning Inspectorate
EST 1909

# Plan

This is the plan referred to in the Lawful Development Certificate dated:28.05.2013

**by C A Thompson DiplArch DipTP Reg Arch RIBA MRTPI IHBC**

**Land at: Tollbar Way, Units 1A+1B, 2, 3+4 Bradbeer Retail Park, Southampton SO30 2QU**

**Reference: APP/W1715/X/12/2188688**

Scale: NTS

