

**STEAM AND MOORLAND GARDEN CENTRE, MALTON ROAD, PICKERING  
APPLICATION FOR CERTIFICATE OF LAWFULNESS SUPPORTING  
STATEMENT**

1. Section 191 of the Town and Country Planning Act 1990 provides that if any person wishes to ascertain whether any existing matter constituting a failure to comply with a condition or limitation subject to which planning permission has been granted is lawful, application may be made for the purpose to the local planning authority specifying the land and describing the matter.
2. S.191(2) provides that for the purposes of the Act uses are lawful at any time if
  - (a) no enforcement action may then be taken in respect of the use (*inter alia* because the time for enforcement action has expired); and
  - (b) the use does not constitute a contravention of any of the requirements of any enforcement notice then in force.
3. Section 171B(3) provides that where there has been any breach of planning control, except those relating to operational development and change of use to a single dwelling house, no enforcement action may be taken after the end of the period of 10 years beginning with the date of the breach.
4. Section 191(4) requires the Council to consider the information provided with the application and if it is satisfied of the lawfulness of the use at the time of the application the Council must issue a certificate to that effect.
5. The question therefore to be asked is whether as at 23 October 2013 the breach of condition 06 of planning permission reference 00/00400/OUT is lawful. This depends on whether as at that date;
  - (1) no enforcement action can be taken (in particular because the breach of condition occurred on or before 22 October 2003); and
  - (2) the breaches do not constitute contravention of any of the requirements of any valid enforcement notice.
6. The information supplied with the application by way of a sworn statement and supporting evidence shows that items have been sold in breach of condition 06 attached to planning permission reference 00/00400/OUT as described in the Application.
7. It is clear that the existing breach of condition at the site is lawful. The information provided with this application is such as to satisfy the local planning authority that this is the case. Accordingly, a Certificate should be issued in accordance with the provisions of Section 191(4) of the Town and Country Planning Act 1990.

G1332/TH/ST  
23 October 2013

(231013.note.suppstat.th)

MANAGEMENT

13/01242/CLUP