



Appeal Decisions

Site visit made on 3 December 2020

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

an Inspector appointed by the Secretary of State

Decision date: 18 February 2021

Appeal A: APP/K0235/X/20/3259601

Former Milwaukee's Night Club, Rushden Road, Souldrop, Bedfordshire MK44 1HJ

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mr Colin Robinson of DD&H Limited against the decision of Bedford Borough Council.
- The application Ref 19/02097/LDP, dated 20 September 2019, was refused by notice dated 20 March 2020.
- The application was made under section 191(1)(b) of the Town and Country Planning Act 1990 as amended (the 1990 Act).
- The development for which a certificate of lawful use or development is sought is to confirm lawful implementation of planning permission 15/00905/MAF allowing the development comprising the redevelopment of site to create 14 B1 and B8 office/light industrial and warehouse units including access roads and parking.

Summary Decision: The appeal is allowed and a certificate of lawful use or development is issued, in the terms set out below in the Formal Decision.

Appeal B: APP/K0235/C/19/3239343

Land at Souldrop Turn (Former Milwaukee's Night Club), Rushden Road, Souldrop, Bedfordshire

- The appeal is made under section 174 of the 1990 Act as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Colin Robinson of DD&H Limited against an enforcement notice issued by Bedford Borough Council.
- The enforcement notice was issued on 19 September 2019.
- The breach of planning control as alleged in the notice is without planning permission, the material change of use of land to a haulage yard and associated works comprising the formation and substantial enlargement of bunds, and the erection of palisade fencing over 1 metre in height.
- The requirements of the notice are: -
 - i) Cease the use of the land as haulage yard; and
 - ii) Remove from the land all items placed on the land (including but not limited to vehicles, indoor and outdoor furniture, skips, ramps, concrete, timber and waste bins and materials) which can be removed without the use of articulated HGV vehicles (Design Manual for Roads and Bridges Class OGV2); and
 - iii) With a Temporary Traffic Regulation Order (TTRO) in place to secure a safe means of access onto and from the A6 road, remove from the land all items placed on the land (including but not limited to Shipping Containers, utility/temporary site facilities, trailers, vehicles, wheel wash parts, and materials) which are removed by use of articulated HGV vehicles (Design Manual for Roads and Bridges Class OGV2); and
 - iv) Reduce the height of all earth bunds to a maximum of 1 metre in height, a

- maximum of 0.5 metres wide at its highest point, and a maximum of 2m wide at its lowest point. Spread the remaining material across the land to create a level surface; and
- v) At the southern end of the site across the access onto the A6 create, and retain in place at all times, a soil bund running along the full length of the access parallel to the A6, set back 1 metre from the carriageway edge, being 1 metre high, and 5 metres deep; and
 - vi) Remove the palisade fencing from the land; and
 - vii) Install timber post and wire, or timber post and rail, fencing up to 1.2m in height along the boundaries of the land with the A6 Rushden Road and Stocking Lane, maintaining, if required, an access and timber gates from the western corner of the land onto Stocking Lane.
- The periods for compliance with the requirements are: -
 - i) 1 Day
 - ii) 3 months
 - iii) 6 months
 - iv) 6 months
 - v) 6 months
 - vi) 6 months
 - vii) 6 months
 - The appeal is proceeding on the grounds set out in section 174(2) (c), (f) and (g) of the 1990 Act. Since the prescribed fees have not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended have lapsed.

Summary Decision: The appeal succeeds in part and the enforcement notice is upheld as corrected and varied in the terms set out below in the Formal Decision.

Procedural Matters – Appeal A and Appeal B

1. There are 2 appeals before me that relate to the same site and the same appellant. In addition my findings in relation to Appeal A have a direct bearing on my findings in relation to the grounds of appeal in Appeal B. As such, and to avoid duplication, I have dealt with the decisions together.
2. The description of development for which an LDC is sought, Appeal A, is given in section 5 of the application form and refers to the lawful implementation of planning permission 15/00905/MAF allowing the development comprising the redevelopment of site to create 14 B1 and B8 office/light industrial and warehouse units including access roads and parking. It is clear from the evidence before me that the appellant is seeking to establish that the development granted planning permission¹ on 22 June 2016 (the 2016 permission) has begun and can lawfully be completed.
3. This is on the basis that the works conducted on the laying out of the access road form part of the development permitted by that planning permission and were carried out in June 2018. A strip foundation constructed for a proposed building, Unit 3, was found to have been carried out in an incorrect position. As such, the appellant withdrew his reliance on this during the determination of the LDC application.
4. I will therefore consider Appeal A on the basis that it seeks an LDC for commencement of the development, namely the redevelopment of the site to create 14 B1 and B8 (office / light industrial and warehouse) units including associated access roads and parking, pursuant to the 2016 permission.

¹ Application No: 15/00905/MAF

5. The planning merits of the development considered within Appeal A are not relevant to that appeal as it relates to an application for an LDC. Neither are the planning merits of the development described in the alleged breach of planning control, Appeal B, relevant to that appeal in the absence of an appeal on ground (a) as set out in section 174(2) of the 1990 Act and a deemed planning application. My decisions rest on the facts of the cases, on relevant planning law and judicial authority. The burden of proof is with the appellant and the appropriate test of the evidence is the balance of probabilities. The appellant's evidence does not need to be corroborated by independent evidence in order to be accepted. If the Council has no evidence of its own, or from others, to contradict or otherwise make the appellant's version of events less than probable, there is no good reason to dismiss the appeal, provided his evidence alone is sufficiently precise and unambiguous.

The Notice – Appeal B

6. On an appeal any defect, error, or misdescription in an enforcement notice may be corrected using the powers available in section 176(1)(a) of the 1990 Act, or the terms may be varied, where the correction or variation will not cause injustice to the appellant or local planning authority. Both parties were given the chance to comment on the intended corrections to the requirements.
7. An enforcement notice must tell the recipient clearly what they have done wrong and what they are required to do or abstain from doing. Thus, the requirements should not introduce uncertainty by requiring approval or compliance with separate legislation such as a TTRO. If it is considered that to enable the removal of certain items from the site without danger to users of the highway a TTRO is necessary, it appears that the appellant is likely to be able to secure such an order. As such, there is little evidence before me to indicate that compliance with the requirements of the enforcement notice are not possible and the removal of the reference to the TTRO would leave the enforcement notice with the requirement/s to remove the items listed.
8. Moreover, specifying the means of removing the items from the site, whether by use of articulated HGV or not is not necessary as I intend to delete the reference to a TTRO. In addition, an enforcement notice directed at a material change of use may require the removal of works integral to and solely for the purpose of facilitating the unauthorised use, even if such works on their own might not constitute development, or be permitted development, or be immune from enforcement, so that the land is restored to its condition before the change of use took place. There is dispute as to whether all or some of the items on the land are associated with the haulage yard use or the construction of the 2016 permission.
9. Therefore, to avoid duplication, remove the reference to the TTRO and to ensure that it is clear that the items to be removed are those associated with the haulage use I intend to delete requirements ii and iii) and replace them with a new requirement ii) with the wording *'Remove from the land all items placed on the land in association with the haulage yard use, including but not limited to vehicles, trailers, utility/temporary site facilities, shipping containers, wheel wash parts, indoor and outdoor furniture, skips, ramps, concrete, timber and waste bins; and'*. I consider that I can carry out this correction without injustice to the main parties.

10. Additionally, the requirements of the enforcement notice are limited by sections 173(4)(a) and (b) of the 1990 Act. Where planning permission has not been granted for the development, the power is simply to restore the land to its previous condition. There is no statutory power to require the appellant to undertake works which would result in an improvement to that previous condition and the requirements should not be based on subjective judgements. In this case there is little evidence before me as to the previous condition of the land.
11. Requirement iv) requires the dimensions of the earth bunds to be reduced to specific measurements and to spread the remaining material across the land to create a level surface. However, there is little to indicate that the reducing the earth bunds to those measurements and spreading the remaining material across the site would restore the land to its previous condition. It is not necessary to specify what the appellant has to do with the remaining material. If he carries out operational development that needs planning permission with that material, then the Council could use its enforcement powers in that respect. As such, I intend to delete the wording of that requirement and replace it with '*Reduce the height, width and length of all earth bunds to their previous condition prior to the breach of planning control; and*' and renumber it as requirement iii). I consider that I can carry out this correction without injustice to the main parties.
12. The requirements can only relate to the development described as the alleged breach of planning control. Requirement v) relates to the closure of the access onto the A6 by the placing of an earth bund across that access. However, it appears that the access was not formed to facilitate the material change of use and the formation of an access does not form part of the description of the alleged breach of planning control. Furthermore, there is nothing to indicate that there was an earth bund across the access prior to the alleged breach occurring. Therefore, I intend to delete this requirement. I consider that I can carry out this correction without injustice to the main parties.
13. Requirement vii) requires boundary treatments to be installed on the land but there is little before me to indicate that this would restore the previous condition of the land. So, I intend to delete this requirement. Requirement vi) shall be renumbered as iv) due to the deletion of the other requirements. As I intend to delete and renumber the requirements the periods for compliance numbered v), vi) and vii) will be deleted. I consider that I can carry out these corrections without injustice to the main parties.
14. Notwithstanding all of the above, the notice has a logical structure. If read in a straightforward way, and not forensically, the alleged breach is expressed in a manner and form that is understandable. The requirements relate directly back to the material change of use and its associated operational development and there are periods for compliance. My conclusion is that the notice tells the recipient fairly what he has done wrong and what he must do to remedy it. Compliance with this test does not rule out the ability to challenge the notice through the grounds available in an appeal and make corrections where they have shown to be justified.
15. For the reasons given above, I conclude that the enforcement notice is valid and that no injustice would be caused by correcting the errors and misdescriptions in accordance with my powers under section 176(1)(a) of the 1990 Act.

Appeal A - Main Issue

16. The main issue is whether the Council's decision to refuse to grant an LDC was well-founded.

Reasons

17. In this case whether the development, pursuant to the 2016 permission, was lawfully begun will turn on; whether the works undertaken comprise part of the development permitted by the 2016 permission; whether those works constitute a material operation, as defined in section 56(4) of the 1990 Act, and had begun to be carried out by 22 June 2019.
18. The works carried out are that an area adjacent to Stocking Lane has been dug out, a hardcore base layer has been laid and a trench dug to facilitate kerbstones (later backfilled). The appellant has stated that these works were carried out to form the access road shown on the approved drawings for the 2016 permission (the access road).
19. The area of hardcore that has been laid is considerably wider in places than the width of the access road shown on the approved drawings and it overlaps with the footprint of one of the buildings shown on the approved drawings for the 2016 permission. As such, quite a large area of hardcore has been created and there is no dispute that these works are not de minimis. In the Malvern Hills² judgement it was held that very little need be done to satisfy section 56 of the 1990 Act.
20. Even though the hardcore area is wider than the access road part of it does cover a section of the access road that is shown to adjoin Stocking Lane. The Council considers that the trench dug for the kerbstones was not constructed in the correct place. This is based on photographs taken in September 2019 before the trench was backfilled. Nevertheless, it is difficult to precisely assess where that trench is based on the photographs. I acknowledge that when those photographs are compared to the photographs submitted in support of the LDC application it appears that the location of part of the trench adjacent to Stocking Lane does not correlate to the location of the white line on those photographs. Moreover, the concrete sleepers do not appear to within the hardcore area within those photographs. Therefore, if they were placed on top of the trench as stated within Celine Watson-Lamb's statutory declaration (the statutory declaration) the trench is unlikely to correlate with the white line on the photographs.
21. However, a topographical survey was carried out by an independent surveyor in February 2020 and this identified that part of the line of the trench dug for the kerbstones, close to the existing steel palisade gates, correlates with part of the edge of the access road. The part of the line of the trench shown to correlate with the line of the access road appears to be different to that part which appears to be shown on the photographs taken by the Council Officers in September 2019. As such, it is more likely than not that the section of trench shown on the survey correlated with the edge of the access road.

² Malvern Hills DC v Secretary of State for the Environment [1982] J.P.L. 439

22. Within the Commercial Land Ltd³ judgement it was held that the question of whether certain material operations were comprised in the development could not necessarily be answered simply by comparing them with the approved plans. Differences between the approved plans and the operations relied on need not be fatal to the capability of the operations to be effective in commencing the development. In this case the hardcore base and part of the trench dug for the kerbstones could be used within the construction of the access road. Moreover, the appellant has highlighted that given the location of the wheel wash facility, approved as part of the conditions attached to the 2016 permission, the widening of the hardcore area allows for additional space for vehicles to enter the site. In addition only a small area of the hardcore overlaps the building and it would be removed during the construction of the foundation trenches for that building.
23. I note that the Council considers that the appellant intended that the works, outlined above, were to facilitate the material change of use to haulage yard that is cited within Appeal B rather than the 2016 permission. Even if the works facilitated that material change of use, they can also be substantially used as part of the construction of the access road. In addition, within the R. (Ashfield) judgement⁴ it was held that the appropriate test under section 56 of the 1990 Act is objective and that the intention of the person carrying out the operations is irrelevant.
24. Consequently, taking into account all of the above, it is reasonable to consider that the works that have been carried out are substantially useable within the development permitted by the 2016 permission. Therefore, it is more likely than not that they comprise part of the development permitted by the 2016 permission.
25. There is no dispute that the works that have been carried out can be treated as *'any operation in the course of laying out or constructing a road or part of a road'* as defined at section 56(4)(d) of the 1990 Act. Therefore, these works are a material operation for the purposes of section 56(4) of the 1990 Act.
26. Within the statutory declaration it is stated that the works were carried out in June 2018 and receipts have been submitted which support that. The Council does not dispute that the works were carried out at that time and I have no reason to disagree. The evidence before me indicates that all of the pre-commencement conditions were discharged, and the monetary contributions cited with the section 106 of the 1990 Act planning obligation (S106) were paid, prior to 22 June 2019. The works were carried out prior to all of the pre-commencement conditions being discharged. However, as all of the relevant conditions were discharged prior to 22 June 2019 and given my findings in relation to the works comprising part of the 2016 permission those conditions would not have fettered the lawful commencement of the development.

Appeal A - Conclusion

27. For the reasons given above; having already concluded, on the evidence now available, that: the works undertaken for the access road comprise part of the development permitted; they constitute a material operation; and were begun

³ Commercial Land Ltd/Imperial Resources SA v Secretary of State for Transport, Local Government and the Regions [2003] J.P.L. 358 (Admin)

⁴ R. (Ashfield) v National Assembly for Wales [2003] EWHC 3309 (Admin)

to be carried out by 22 June 2019, I find that the development, pursuant to the 2016 permission, was lawfully begun. Accordingly, the Council's refusal to grant a certificate of lawful use or development in respect of the commencement of development, namely the redevelopment of the site to create 14 B1 and B8 (office / light industrial and warehouse) units including associated access roads and parking, pursuant to the 2016 permission was not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act.

Appeal B - The ground (c) appeal

28. The appeal on this ground is that the matters alleged in the notice do not constitute a breach of planning control. The onus of proof is on the appellant. For example, the appellant needs to demonstrate that development has not occurred for the purposes of section 55 of the 1990 Act, or that the matters alleged in the notice have been granted planning permission, or that they constitute '*permitted*' development.
29. There is no dispute between the parties that the material change of use of the land to a haulage yard and the associated works comprising the formation and substantial enlargement of bunds is a breach of planning control. I have no reason to disagree with that finding.
30. The appellants have stated that if I find in Appeal A that the 2016 permission has begun that items identified to be removed from the land in requirements ii) and iii) (original numbering), such as site offices and welfare facilities, wheel washing facilities, secure storage for tools and machinery (within shipping containers) and various materials for construction can be treated as forming temporary buildings and structures under Article 3, Schedule 2, Part 4, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). He also considers that the palisade fence would be permitted development under that class of the GPDO. Otherwise, he considers that items such as the wheel washing facility have expressly been approved by the conditions of the 2016 permission.
31. The items to be removed from the site within requirements ii) and iii) are not specifically included within the matters described within the alleged breach of planning control. It appears that the Council considers that they are associated with the material change of use of the land. As stated above, an enforcement notice directed at a material change of use may require the removal of works integral to and solely for the purpose of facilitating the unauthorised use so that the land is restored to its condition before the change of use took place. Therefore, it is not for me to determine whether the placing of those items on the land separate to the material change of use is a breach of planning control as part of the ground (c) appeal. Whether it is excessive to require the removal of the items is considered as part of the ground (f) appeal below.
32. The palisade fencing is specifically cited within the description of the alleged breach of planning control. Schedule 2, Part 4, Class A (Class A) of the GPDO relates to temporary buildings and structures. It states that '*The provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land*' is permitted development.

33. The piers/posts of the fencing appear to be driven or concreted into the ground and the fencing has the appearance of the type of enclosure that is typically found around industrial units/estates. I appreciate that the fencing has been erected for security purposes due to past occurrences of anti-social behaviour. Nevertheless, the topographical survey indicates that it has, in part, been erected within the footprints of the buildings proposed as part of the 2016 permission. As such, it is more likely than not that it is not temporarily required in connection with the construction of the 2016 permission. Moreover, even though I have found that the 2016 permission has been begun there is little before me to indicate that the operations associated with the construction of that permission were ongoing at the date of issue of the enforcement notice. In addition, there is little to indicate when the operations to construct them are planned to be carried out.
34. Fencing and other means of enclosure are permitted by Article 3, Schedule 2, Part 2, Class A of the GPDO, but only if they do not exceed 1 metre above ground level where the fence is erected or constructed adjacent to a highway used by vehicular traffic or in any other case where it does not exceed 2 metres above ground level. There is no evidence before me to indicate that the height of the fencing complies with either of these measurements.
35. It follows that the palisade fencing subject to the enforcement notice has not been shown, on the balance of probabilities, to constitute permitted development under Article 3, Schedule 2, Part 4, Class A or Article 3, Schedule 2, Part 2, Class A of the GPDO. I have no evidence before me to indicate that planning permission is not required or is granted for the palisade fencing. Accordingly, the appeal on ground (c) fails.

Appeal B – The ground (f) appeal

36. The ground of appeal is that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach. Having regard to its requirements, it is reasonable to consider that the purpose of the enforcement notice is to remedy the breach of planning control.
37. The breach alleged is a material change of use, but the allegation indicates that operational development, including the earth bunding and palisade fencing, was undertaken in association with that use. As stated above, a notice directed at a material change of use may require operational development to be undone, provided it was carried out to facilitate that change of use and was ancillary to it and provided it was not undertaken for another lawful purpose.
38. As stated above, the appellant considers that items identified to be removed from the land within requirements ii) and iii)(original numbering) can be treated as forming temporary buildings and structures under Article 3, Schedule 2, Part 4, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) in connection with the 2016 permission. However, I intend to amend the wording of the requirements and merge them into one requirement. The amended wording ensures that only the items associated with the haulage use are required to be removed from the site. Moreover, even though some of the items on the site may comprise the wheel washing facility approved by the conditions of the 2016

permission I noted on site that these items are not located within the position approved by the conditions of the 2016 permission. I therefore conclude that the requirement to remove items associated with the haulage use does not exceed what is necessary to remedy the breach of planning control.

39. I have found within the ground (c) appeal that the palisade fencing has not been demonstrated to be permitted development. Given the evidence before me it is more likely than not that the palisade fencing was erected to provide additional security on the site in association with the haulage yard use. As such, it is reasonable to consider that it assisted the facilitation of that use and was ancillary to that use when the enforcement notice was issued. I therefore conclude that the requirement to remove it does not exceed what is necessary to remedy the breach of planning control.
40. There is no dispute that the earth bunds were formed and substantially enlarged to facilitate and that they were ancillary to the material change of use when the enforcement notice was issued. I intend to delete the wording of the original requirement and replace it. The corrected wording requires no more than restoring the land to its previous condition. I therefore conclude that the requirement does not exceed what is necessary to remedy the breach of planning control.
41. Given that the notice does no more than seek to achieve the purposes of section 173(4)(a) of the 1990 Act, it is not excessive. The appeal on ground (f) fails.

Appeal B – The ground (g) appeal

42. That any period specified in the notice in accordance with section 173(9) of the 1990 Act falls short of what should reasonably be allowed.
43. The appellant considers that with regard to requirement iii), (original numbering) the need for a TTRO to be in place means that 6 months is not a reasonable amount of time for compliance. However, I intend to delete that requirement and the reference to the TTRO. I also intend to merge the wording of requirement ii) and requirement iii) and the periods for compliance related to these requirements are 3 and 6 months respectively. As such, to ensure that the period for compliance with requirement ii) as corrected is reasonable I intend to vary the period of compliance for that requirement from 3 months to 6 months.
44. I have found that the palisade fencing has not been shown to be permitted development and that it is more likely than not that the palisade fencing was erected to provide additional security on the site in association with the haulage yard use. In these circumstances, I have little evidence to indicate that 6 months is not a reasonable time to comply with the requirement relating to the removal of the palisade fencing.
45. For the reasons given above I conclude that a reasonable period for compliance for requirement ii) would be 6 months, and I am varying the enforcement notice accordingly, prior to upholding it. The appeal under ground (g) succeeds to that extent.

Formal Decisions

Appeal A

46. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the extent of the existing operation which is considered to be lawful.

Appeal B

47. The appeal is allowed in part, on ground g, and it is directed that the enforcement notice be corrected by: -

- Deleting requirements ii) and iii) and replace them with a new requirement ii) with the wording *'Remove from the land all items placed on the land in association with the haulage yard use, including but not limited to vehicles, trailers, utility/temporary site facilities, shipping containers, wheel wash parts, indoor and outdoor furniture, skips, ramps, concrete, timber and waste bins; and'*
- Deleting the wording of requirement iv) and replace it with *'Reduce the height, width and length of all earth bunds to their previous condition prior to the breach of planning control; and'* and renumber this requirement as iii);
- Deleting requirement v);
- Renumber requirement vi) as iv);
- Deleting requirement vii);
- Deleting periods for compliance numbered v), vi) and vii);

And varied by: -

- The deletion of 3 months and the substitution of 6 months as the period for compliance with regard to requirement ii);

Subject to those corrections and variations the enforcement notice is upheld.

D. Boffin

INSPECTOR



Lawful Development Certificate - Appeal A

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

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 20 September 2019 the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate, were lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

The development was lawfully begun in accordance with the planning permission dated 22 June 2016, Application No: 15/00905/MAF, because the works undertaken comprise part of the development permitted; they constitute a material operation, as defined in section 56(4) of the 1990 Act; and had begun to be carried out before 22 June 2019.

Signed

D. Boffin

INSPECTOR

Date: 18 February 2021

Reference: APP/K0235/X/20/3259601

First Schedule

The commencement of development, namely the redevelopment of the site to create 14 B1 and B8 (office / light industrial and warehouse) units including associated access roads and parking, pursuant to the planning permission dated 22 June 2016, Application No: 15/00905/MAF.

Second Schedule

Land at Former Milwaukee's Night Club, Rushden Road, Souldrop, Bedfordshire
MK44 1HJ

NOTES

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

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

This certificate applies only to the extent of the operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any operation 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.



Plan - Appeal A

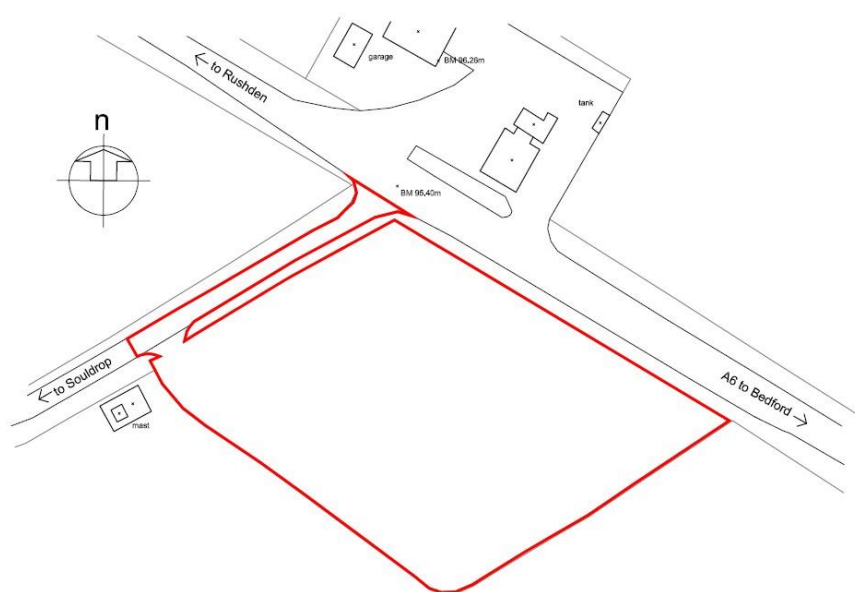
This is the plan referred to in the Lawful Development Certificate dated: 18 February 2021

by **D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC**

Land at: Former Milwaukee's Night Club, Rushden Road, Souldrop, Bedfordshire MK44 1HJ

Reference: APP/K0235/X/20/3259601

Scale: Not to Scale



REV	BY	DATE	DETAILS
1	DC	01/07/20	architectural planning project management interior design graphics

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1 Cobble Court, High Street, Clwyd, Buckinghamshire MK44 5DN
01234 241758 01234 711459 approach@davidcolesarchitects.co.uk

PROJECT: SOULDROP TURN INDUSTRIAL

DRAWING TITLE: SITE LOCATION PLAN

SCALE	DATE	BY
1:1250	Jan.07	CM

STATUS: DESIGN ☐ B of A ☐ CONSTRUCTION ☐ RECORD ☐

DRAWING NO: 04047B (D) 098