

Grounds for application for a Lawful Development Certificate

Please state why a Lawful Development Certificate should be granted:

The site is currently used for 'open air storage' of public use buses and a transport business's HGVs with an associated small admin building.

Open-air storage of lorries as part of a transport business is generally included within Use Class B8 (Storage or Distribution). The official definition of Use Class B8 specifically states that this class includes open-air storage. This applies to sites used for storing large vehicle fleets, materials, or goods that do not need to be housed within a traditional building.

Any minor, associated uses (such as a small office for administrative functions) are typically considered ancillary to the main B8 use and fall under the same class.

In general bus and lorry parking/storage is covered by B8, which permits open-air storage of vehicles. Use Class B8 of the Use Classes Order 1987 (as amended) is for the use as storage or as a distribution centre. This includes open air storage. The judgment in *Newbury DC v SoS for the Environment* (1981) A.C.578, states that "...storage does not have to be part of the businesses, and that as long as storage was the principal use it could be a Use Class B8 use". In other words a site does not have to be involved in storage and distribution as a business, but that as long as the principle use was as storage it is fine.

Prior to this current B8 planning use, the site was a road construction depot used mainly for 'open air storage' of civil engineering materials and plant, also deemed a B8 planning use. Therefore formal confirmation is sought for the lawfulness of the original and continued B8 planning use.

The site had a commercial vehicle operators licence from the Traffic Commissioner for industrial and HGV licence based on being a 'Civils' yards from 1972. A further 2 operators licences have been granted by the Traffic Commissioner for both Brylaine and BMR Transport covering PCV & HGV, copies of which are uploaded as evidence.

Also please see the uploaded list of planning consents currently not listed on SHDC's planning application online search, but have been agreed by SHDC planning department as factual.