



**Town and Country Planning Act 1990 (as amended): Section 191  
Town and Country Planning (Development Management Procedure)  
(England) Order 2015: Article 39**

**Certificate of lawfulness for an existing use or development**

- Decision:** Certificate of Lawfulness be issued
- Application No.** 19/02102/CE
- First Schedule:** Application for a Lawful Development Certificate for an Existing use or operation – Part use of existing site as A1 retail with ancillary storage, outdoor display and parking areas.
- Second Schedule:** Areas shaded blue, orange and red in the attached site plan (Ref: BCC – 001), Wyevale Garden Centre, Bath Road, Brislington, Bristol, BS31 2AD.

The council hereby certifies that on **2 May 2019** (the date the application was made), the use/operations described above in the First Schedule, in respect of the land specified in the Second Schedule, and in respect of attached site plan (Ref: BCC – 001), was lawful within the meaning of the Section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason(s):-

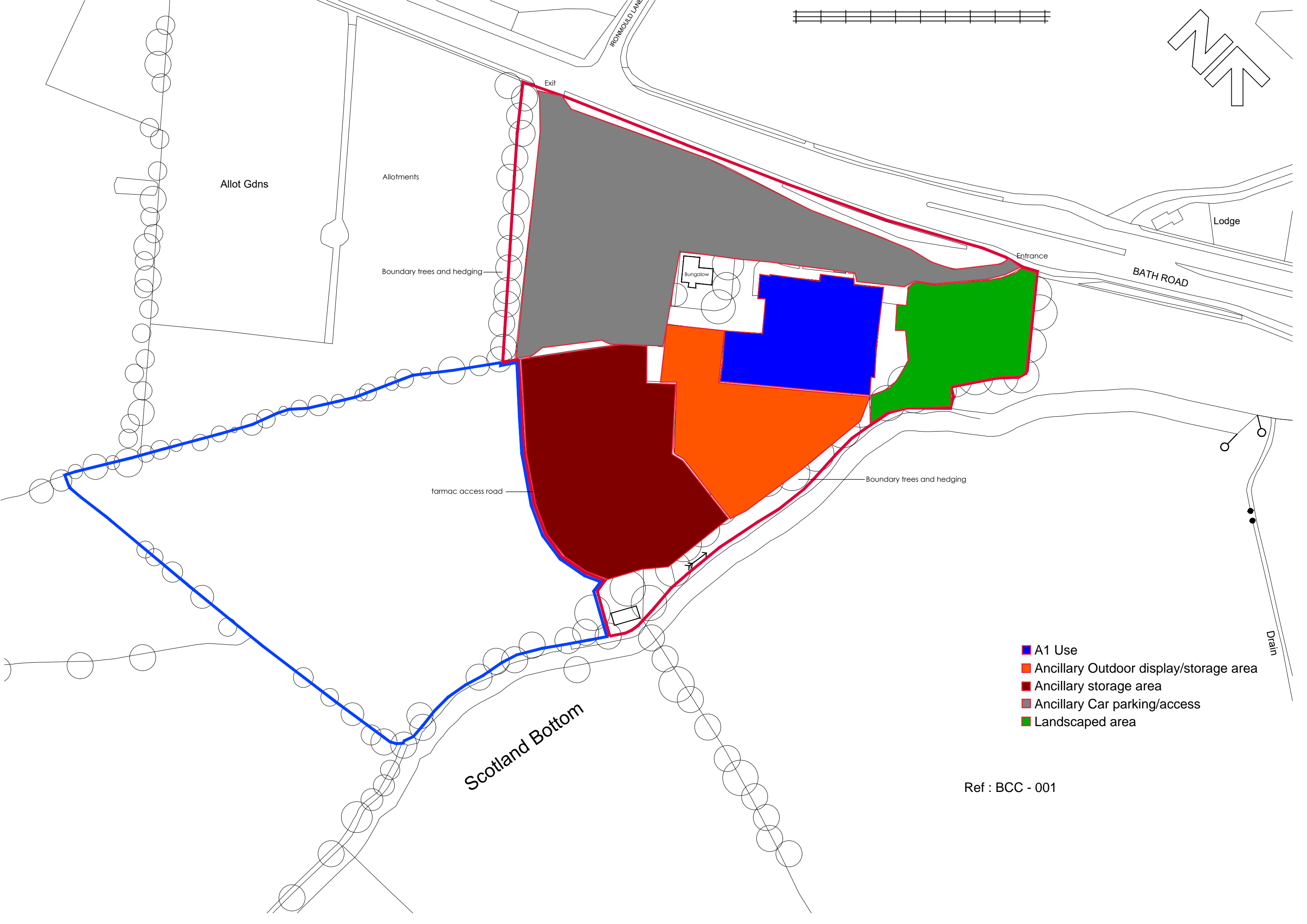
1. In the absence of any contradictory evidence, and based on the applicant's supporting documents, it is concluded that the existing partial use of the site as shown in the attached site plan (Ref: BCC – 001) as a garden centre (A1) with ancillary storage areas and ancillary car parking is considered lawful. As such a Certificate of Lawfulness for an existing use as a garden centre with ancillary storage areas within the A1 use class (garden centre) may be issued.

**Date of Notice:** 12.09.19

**Advices**

1. This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the use/operations specified in the First Schedule taking place of the land described in the Second Schedule was lawful on the specified date and, thus, was not liable to enforcement action under Section 172 of the 1990 Act on that date.
3. This certificate applies only to the extent of the use/operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use/operation, which is materially different from that described or which relates to other land, may render the owner or occupier liable to enforcement action.

4. The effect of the certificate is also qualified by the proviso in Section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operation begun, in any of the matters relevant to determining such lawfulness.



Ref : BCC - 001