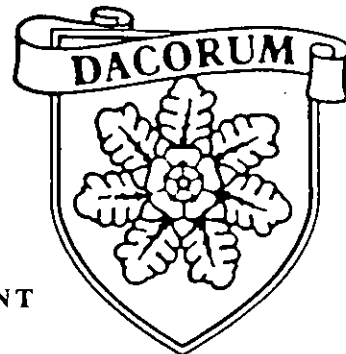


TOWN AND COUNTRY PLANNING ACT 1990

SECTION 191 2

as amended by section 10 of the  
Planning and Compensation Act 1991

TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT  
ORDER 1988



ARTICLE 26A

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

The Dacorum Borough Council hereby certify that on 16 October 1992 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged red on the plan attached to this certificate was lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reasons:

1. Planning permission (reference W/6049/72) dated 20 November 1972 was granted for the demolition of existing buildings and the erection of workshops and offices for the storage, maintenance, sale and repair of earth removing machinery on the land edged red and blue, as shown on the plan accompanying the application. In the opinion of the local planning authority this permission for operational development carried with it permission to use the land edged red and blue for purposes ancillary to the use of the building. The use of the land and building may be regarded as sui generis.
2. On 21 August 1980 planning permission (reference 4/1063/80) was granted for the erection of an industrial building within the area edged in red. No condition was imposed requiring it to be used for purposes ancillary to the other land within the areas edged red and blue.
3. The use of the land and the building within the area edged red for storage, maintenance, repair and hire of building and civil engineering plant and machinery, in particular trailer and vehicle mounted hydraulic platforms is not materially different from the storage, maintenance, repair, hire and sale of building and civil engineering plant and machinery, in particular large earth moving equipment and mobile cranes. Therefore, the proposal does not involve a material change of use of the planning unit edged red and consequently the proposed use of the land is lawful.

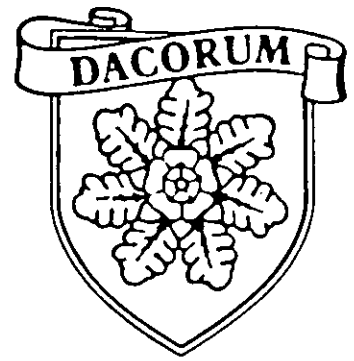
Signed:

Director of Planning

On behalf of Dacorum Borough Council

Date: 30 December 1992

Reference: 4/1333/92LD



### FIRST SCHEDULE

Use of the building specified in the Second Schedule for the storage, maintenance, repair and hire of building and civil engineering plant and machinery, in particular trailer and vehicle mounted hydraulic platforms, and the use of the land outside the building within the area edged red on the plan attached to this certificate for purposes ancillary to the lawful use of the building.

### SECOND SCHEDULE

The building at Barbak Ltd, Pix Farm Lane, Bourne End coloured orange within the land edged in red on the plan attached to this certificate.

### Notes

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 specified in the First Schedule taking place on 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 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 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 operations begun, in any of the matters relevant to determining such lawfulness.