

Planning Statement

Permitted Development-1 Acorn Way, Barnsley, S72 7PE

Planning Statement

In Support of an Application for a Certificate of Lawfulness (Existing Use) Recycling Site ON BEHALF OF McQueens Textiles Ltd.

1. Introduction

This Planning Statement is submitted in support of an application for a **Certificate of Lawfulness of Existing Use or Development (CLEUD)** pursuant to **Section 191 of the Town and Country Planning Act 1990 (as amended)**.

The application seeks confirmation that the **use of the land as a metal recycling facility** at **[Site Address]** is lawful and immune from enforcement action due to the continuous operation of the use for a period exceeding the relevant statutory time limits.

2. Site Description

The application site is located at **1 Acorn Way** and comprises **yard, hardstanding, buildings, , containers and processing areas**.

The site is accessed from **Acorn Way** and is surrounded by **industrial / commercial / mixed uses**. The lawful use relates solely to the **recycling operations within the defined red line boundary** shown on the submitted Site Location Plan.



3. Description of the Existing Use

The site has been used for **recycling since 2008**, including:

- Acceptance and storage of textiles
- Acceptance and storage of ferrous and non-ferrous metals
- Sorting, processing, and baling/shearing of scrap metal
- Loading and dispatch of recycled materials
- Ancillary activities such as weighing, storage, and vehicle movements

These activities have occurred **without material change** to the nature of the use over the relevant period.

4. Planning History

A review of the planning history confirms that:

- There is **no extant planning permission** specifically authorising the current metal recycling use **OR**
- Any historic permissions do not reflect the existing lawful use now claimed

Importantly, there is **no record of enforcement action** having been taken to cease or restrict the use during the relevant period.

5. Relevant Legislation and Policy Context

5.1 Section 191 – Town and Country Planning Act 1990

Section 191 states that a Certificate of Lawfulness shall be granted where the Local Planning Authority is satisfied that, on the balance of probability, the use is lawful.

A use is lawful if:

- It does not involve development, or
- It has continued for a period exceeding **10 years** without enforcement action (in the case of a material change of use).

5.2 Burden and Standard of Proof

The applicant has secured the necessary licences from the Local Authority since 2008. Therefore, on the **balance of probability**, the use has been continuous for a minimum of **10 years** prior to the date of the application.

6. Evidence of Lawfulness

The application is supported by a comprehensive evidence base, including:

- **Scrap Metal Dealers Licence ref: 092935 – issued by Barnsley Metropolitan Borough Council (every three years)**
- **Same Dealers ref. No. since 2011.**

This evidence demonstrates that the metal recycling use has operated **continuously, openly, and without interruption** for a period exceeding **10 years**.

7. Assessment of Lawfulness

The evidence clearly demonstrates that:

- The use constitutes a **sui generis metal recycling operation**
- The use has been ongoing for more than **10 years**
- The use has not been concealed or intermittent
- No enforcement action has been taken to restrict or stop the use

Accordingly, the use is immune from enforcement and is therefore lawful under Section 191 of the Act.

8. Conclusion

On the basis of the evidence submitted and the relevant legal framework, it is respectfully submitted that the Local Planning Authority can be satisfied, on the balance of probability, that the metal recycling use at **1 Acorn Way** is lawful.

The applicant therefore requests that a **Certificate of Lawfulness (Existing Use)** be granted.