

RECORD OF EXERCISE OF DELEGATED AUTHORITY BY OFFICER PURSUANT TO REGULATION 13 OF THE LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012 & THE OPENNESS OF LOCAL GOVERNMENT BODIES REGULATIONS 2014

<u>SUBJECT OF DECISION</u> Certificate of proposed lawful use for a temporary storage unit within Class F1 on the land at St Michaels C of E Primary School, Hazel Grove, Bedworth, Warwickshire CV12 9DA. Planning Application Reference: 041165			
<u>DECISION REFERENCE</u> DO/54/2025 (MW)	<u>SOURCE OF AUTHORITY AND REFERENCE</u> (i.e. Committee/ Constitution/Minute No. etc. Part 3E.3 a) <table border="1"> <tr> <td>Ss.191 to 194, Town and Country Planning Act 1990</td> <td>Certificate of lawful use or development except when called in for decision by Planning Applications Committee pursuant to the process outlined in Part 3E.7 iv.</td> </tr> </table>	Ss.191 to 194, Town and Country Planning Act 1990	Certificate of lawful use or development except when called in for decision by Planning Applications Committee pursuant to the process outlined in Part 3E.7 iv.
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<u>DATE OF DECISION</u> 14 th October 2025	<u>DECISION MAKER (Name and Job Title)</u>  Matt Wallbank <u>Assistant Director – Democracy & Governance</u>		

RECORD OF THE DECISION

a) The issue

Under section 192 of the Town and Country Planning Act 1990, an applicant can ascertain whether any use and or operations which are to be carried out in, on, over or under land are lawful. This can be done by applying for a certificate of lawfulness.

This application is seeking to ascertain that the proposed change of use for a temporary storage unit within Class F1 on the Land does not constitute development pursuant to Schedule 2 Part 7 Class M of the Town and Country Planning (General Permitted Development) (England) Order 2015 and Part (2) (f) of S55 of the Town and Country Planning Act 1990 (as amended).

Section 55 of the Town and Country Planning Act 1990 sets out the meaning of development which would require planning permission. Subject to the following provisions of this section, in this Act, except where the context otherwise requires, “development,” means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

Class F.1 Learning and non-residential institutions Any use not including residential use—

- (a) for the provision of education
- (b) for the display of works of art (otherwise than for sale or hire)
- (c) as a museum
- (d) as a public library or public reading room
- (e) as a public hall or exhibition hall
- (f) for, or in connection with, public worship or religious instruction,
- (g) as a law court.

The site is primarily used as a learning and non-residential institution as it is primarily for the provision of education. The specific area (field) is situated within the curtilage of St Michael's Primary School, thus under Class F1. The proposal does not involve carrying out of building, engineering, mining or other operations within the land. However, planning permission is required if the change of use is considered to be 'material'. Whilst there are no statutory definitions of 'material change of use' (PPG Paragraph 011 Reference ID: 13-0111-20140306), it is to be determined individually and based on the evidence provided and to be considered based on how significant the impact to the use of land will be. Therefore, the current and proposed uses and their resulting impacts should be considered and compared. If there is no proven difference between the proposed use and its current use, the law states that the proposed use can be implemented without the need for planning permission, thus the Certificate can be issued.

As established, the site location is under Class F1, established in 2001. The proposal only relates to an installation of a temporary structure (shipping container) for football equipment storage which will be located on a grassed area (field). It has a depth x width x height of 4m x 2.1m x 2.1m and is to be placed a minimum of 20m from the north boundary. Part 7 of The Town and Country Planning (General Permitted Development) (England) Order 2015 covers non-domestic extensions and alterations. Specifically, Part 7 Class M relates to extensions etc for schools, colleges, universities [prisons] and hospitals. As the proposal involves the erection of a building at a school, it falls under Schedule 2 Part 7 Class M. POA Permitted development M. The erection, extension or alteration of a school, college, university [prison] or hospital building.

Continued...

The current cumulative footprint of the school is approximately 3800sqm, based on the submitted site location plan dated 19th of August 2025. The proposed container only has an area of roughly 8.4sqm, which makes up less than 1% (roughly 0.22%) of the existing footprint of the school. As the proposed container has a significantly small (below 25%) footprint and is less than 250sqm, it is acceptable and complies falls within Part 7 Class M of Town and Country Planning (General Permitted Development) (England) Order 2015.

b) The Decision

The Certificate is to be issued for proposed use of temporary unit within Class F1 for storage.
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REASON FOR THE DECISION

The assessment is a matter of law, fact and degree. The applicants have submitted proposals that it is determined demonstrates there is no material change of use and the proposed storage container is permitted pursuant to Part 7 Class M of Town and Country Planning (General Permitted Development) (England) Order 2015.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED IN MAKING THE DECISION

Reject the application. This was not an option in view of the submitted proposals.

WARD RELEVANCE

Bede

FINANCIAL AND BUDGET IMPLICATIONS

None

CONSULTATION UNDERTAKEN WITH MEMBERS/OFFICERS

Consultation has been undertaken with the Legal Services Team and the Planning Services Team.

ANY CONFLICT OF INTEREST DECLARED BY ANY MEMBER CONSULTED

None

IN RESPECT OF ANY DECLARED CONFLICT BY A CABINET MEMBER, ANY DISPENSATION GIVEN BY THE HEAD OF PAID SERVICE (Note if the decision is a non-executive decision, no dispensation can be given).

Not applicable

EQUALITIES IMPLICATIONS

None

HUMAN RESOURCES IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

HEALTH EQUALITIES IMPLICATIONS

None

SECTION 17 CRIME & DISORDER IMPLICATIONS

None

RISK MANAGEMENT IMPLICATIONS

None

SME (SMALL/MEDIUM ENTERPRISES) & LOCAL ECONOMY IMPLICATIONS

None

ENVIRONMENTAL IMPLICATIONS

None

LEGAL IMPLICATIONS

This decision complies with Section 192 of the Town & Country Planning Act 1990.

ANY OTHER COMMENTS

None

**PLEASE RETURN TO THE MONITORING OFFICER AS SOON AS A DECISION IS
MADE OR AS REASONABLY PRACTICABLE THEREAFTER**