

fish. According to the Town and Country Planning (Use Classes) Order 1987 this allows for the unit to be used as A1 and A5. There have been no subsequent applications received to the change the use of the unit however the sale of the wet fish has not continued and therefore the unit is a Fish and Chip Takeaway, which has an A5 class use. No comments or evidence have been received to suggest that the unit has been used in any other Use Class in the last 10 years.

7 Conclusion

- 7.1 The unit has been used as a Fish and Chip shop for a period exceeding 10 years. This application has been publicised in accordance with adopted procedures and no sufficient evidence to the contrary has been raised.
- 7.2 In conclusion it has satisfactorily been demonstrated that the unit currently benefits from an A5 use class. The addition of a Chinese Takeaway element to the business would also be considered to be an A5 use. Therefore planning permission for the change of use of the unit would not be required and it is recommended that the Certificate of Lawful Use should be issued on this basis.

9 RECOMMENDATION:

For inclusion in decision notice

Havant Borough Council, as Local Planning Authority, certifies that on 8 November 2017, the use described in the First Schedule to this Certificate in respect of land described in the Second Schedule would be lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended) for the following reason:

The inclusion of the Chinese Takeaway would be considered to comply with the existing A5 use of the unit.

FIRST SCHEDULE

This certificate relates to the following use:

Use of the ground floor of 240 London Road, Waterlooville, PO7 7HB as both a Fish and Chip and Chinese Takeaway, (Use Class A5), as described in the written particulars and other documents submitted with this application.

SECOND SCHEDULE

Use of the ground floor of 240 London Road, Waterlooville, PO7 7HB, as shown outlined in red on submitted plan: OS license Number 100047474 received 08 November 2017.

- 1 The development must be begun not later than three years beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Reason: - To ensure provision of a satisfactory development.