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Dear Sirs

**Lawful Development Certificate: Proposed Use for Unit 2 Reading Trade Centre Rose
Kiln Lane Reading (the Unit) – Second Supporting Statement**

We act for Warehouse Express Limited who have submitted an application (the **Application**) under section 192 Town and Country Planning Act 1990 for a certificate of lawfulness of proposed use in relation to the Unit.

1 Lawful Use Description

1.1 The Application is for a certificate of lawfulness to confirm the following proposed use:

Use of a warehouse unit (storage and distribution) under Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) for the storage, display, demonstration and sale of electronic equipment.

1.2 The primary use of the Unit is for the storage and distribution of products. Warehouse Express Limited also proposes to run operations in the Unit which are ancillary to the primary use, as set out in paragraph six of the First Supporting Statement submitted in support of the Application. This Second Supporting Statement sets out why it is appropriate to classify the use of the Unit by Warehouse Express Limited as being in compliance with the designated B8 (storage and distribution) Use Class.

2 Proposed Ancillary Operations in the Unit

2.1 In addition to the use of the Unit as a warehouse for storage and distribution, Warehouse Express Limited intend to open a display area, drop-off and collection repairs office, equipment rental office and studio space to be hired on-site in the Unit (**Ancillary Operations**).



- 2.2 There are numerous cases on planning units and ancillary uses. In *Harrods Ltd v Secretary of State for the Environment, Transport and the Regions* [2002], an application was made for a certificate of lawfulness of proposed use or development under the Town and Country Planning Act 1990 s.192. The introduction of a helicopter landing pad to the roof of Harrod's shop amounted to a change of use which was not ordinarily incidental to its primary retail use. The test to be applied was whether the proposed use was "ordinarily incidental" or ancillary to the primary use of the planning unit.
- 2.3 In the context of the Unit, the Ancillary Operations provide customers the opportunity to purchase, hire, use and trial the products that are being stored in the warehouse area of the Unit. In contrast to the facts in *Harrods*, the Ancillary Operations are clearly ancillary and ordinarily incidental to the primary use of the Unit.
- 2.4 In *British Malleable Iron Company Ltd v Relevantan (IOM) Ltd* [2013] EWHC 1954 (Ch), the judge held that a premises mainly used for storage and distribution from which some sales were made to trade customers did not cease to be an industrial unit. The judge held that ancillary trade counters were in fact a common feature of industrial units. This supports our statement that the proposed use is appropriate for the current B8 Use Class.
- 2.5 Furthermore, other units within Reading Trading Centre operate as B8 (storage and distribution) units with ancillary trade counter use. The attached link: <https://www.novaloca.com/industrial-unit/to-let/reading/reading-trade-centre/52135> demonstrates this is the case for Unit 1 Reading Trade Centre. We request that you consider this factor when determining the certificate of lawfulness of proposed use in relation to the Unit.
- 3 **Validation and Determination**
- 3.1 We look forward to your confirmation under article 39(7) of the 2015 Development Management Order that you will be determining the Application within eight weeks.

Yours faithfully

TLT LLP

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