

Certificate of Lawfulness of existing use as retail premises (Use Class E  
(Formerly A1) at

Unit 1B | Mayfield Trade Centre | Reading | RG2 0RJ

# Planning Statement

# Document reference

4643 v58 | Statement of Case | PL

# Revision history

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Status Key F = Feasibility, PL = Planning, BR = Building Regulations, T = Tender, C = Construction, R = Record

| Prepared by                                                                                                       | Checked by                                                                                                  | Prepared for |
|-------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|--------------|
| Charlotte Duff<br><a href="mailto:charlotte.duff@boonbrown.com">charlotte.duff@boonbrown.com</a><br>01935 420 803 | David Norris<br><a href="mailto:david.norris@boonbrown.com">david.norris@boonbrown.com</a><br>01935 420 803 | Consol Ltd   |

## Contents

|          |                                                                      |           |
|----------|----------------------------------------------------------------------|-----------|
| <b>1</b> | <b>Introduction.....</b>                                             | <b>2</b>  |
| <b>2</b> | <b>Site &amp; Surroundings .....</b>                                 | <b>3</b>  |
| 2.1      | Location .....                                                       | 3         |
| 2.2      | Photographs .....                                                    | 4         |
| <b>3</b> | <b>Planning History.....</b>                                         | <b>5</b>  |
| 3.1      | Relevant Planning History .....                                      | 5         |
| 3.2      | Planning Ref: 94/0838/FD.....                                        | 5         |
| <b>4</b> | <b>Section 191 - Town and Country Planning Act 1990 .....</b>        | <b>6</b>  |
| 4.1      | Applicant's Statement of Case .....                                  | 6         |
| 4.2      | Use Class and Definition.....                                        | 6         |
| 4.3      | Breach of Planning Condition 12 - Planning ref. 94/0838/FD .....     | 7         |
| 4.4      | Evidence.....                                                        | 7         |
| 4.5      | Google Earth Images.....                                             | 7         |
| 4.6      | Eurocell – Photographs .....                                         | 10        |
| 4.7      | Eurocell Literature .....                                            | 14        |
| 4.8      | Eurocell, Mayfield Trading Centre – Online Telephone Directory ..... | 15        |
| 4.9      | Eurocell Job advert: .....                                           | 16        |
| <b>5</b> | <b>Conclusion.....</b>                                               | <b>17</b> |

# 1 Introduction

- 1.1 On behalf of our client, Consol Ltd, Boon Brown has been instructed to submit an application under Section 191 of the Town and Country Planning Act 1990 (as substituted by the Planning and Compensation Act 1991, Section 10 (1), for a Certificate of Lawfulness of Existing Use, which seeks to confirm that the use of Unit 1B, Mayfield Trade Centre, Reading as a retail premise (Use Class E (Formerly A1) is lawful.
- 1.2 The subject site was permitted with B1(c), B2 and B8 use (as defined within the Town and Country Planning (Use Classes) Order 1987, as amended) in 1995 under planning ref. 94/0838/FD.
- 1.3 Eurocell first occupied Unit 1B on 3<sup>rd</sup> December 2010 and ceased trading from the premises on 22<sup>nd</sup> August 2024. It is considered that Eurocell falls within Use Class E(a), formerly A1, in the Town and Country Planning (Use Classes) Order 1987, as amended.

## 2 Site & Surroundings

### 2.1 Location

- 2.1.1 The application site is a mid-terrace property on the Mayfield Trade Centre, which occupies a corner parcel of land that is situated to the south of Acre Road and east of the A33. The built complex presently comprises a mixture of retail, industrial and warehousing outlets (Class E (formerly A1, B2 and B8)). To the east of the site, beyond the A33 is Reading Gate Retail Park.

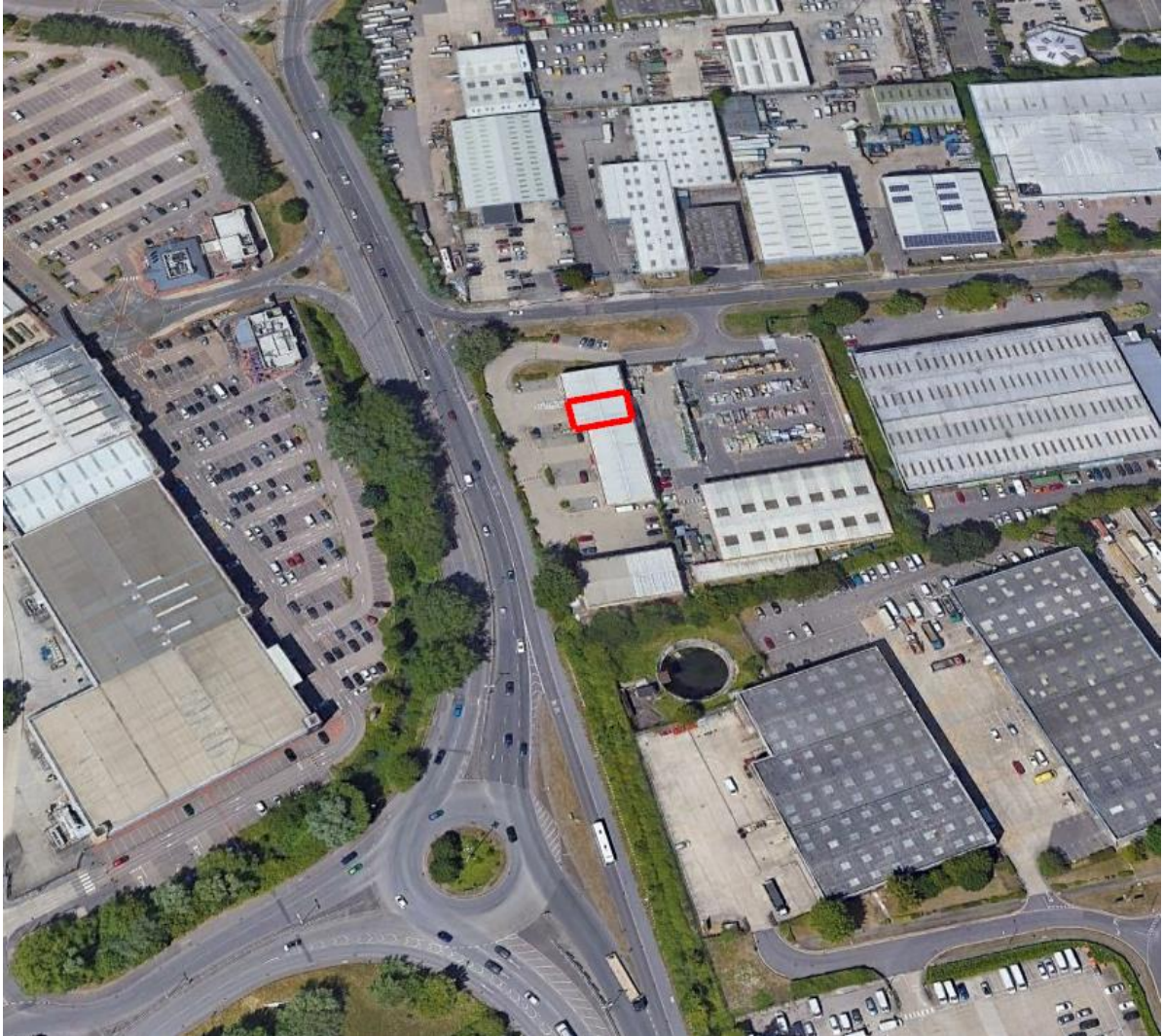


Figure 1 | Site Location

- 2.1.2 Neighbouring occupiers include Johnstones Decorating, Salon Services and Easy Floor Store.
- 2.1.3 The site is served by an existing vehicular access from the A33 (Basingstoke Road) into Acre Road.
- 2.1.4 The subject building has not been identified as being within a Conservation Area or Flood Zone 2 of 3, nor is it a Listed Building.

## 2.2 Photographs

2.2.1 The following photographs show the subject site and neighbouring occupants, all of which are located in Mayfield Trade Centre:



*Photo 1 | Subject site (Unit 1B)*



*Photo 2 | Units 1 – 3 Mayfield Trade Centre*



*Photo 3 | Units 4 & 5 Mayfield Trade Centre*

## 3 Planning History

### 3.1 Relevant Planning History

3.1.1 The relevant planning history of the site is summarised within the table below:

| Planning Reference | Description                                                                                                                     | Decision              |
|--------------------|---------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| PL/24/1681         | Change of use of Unit IB to a solarium (Use Class E (c)(iii), B2 and B8 and associated external alterations to front elevation. | Refused – 07.03.2025  |
| PL/24/1683         | Advertisement consent for the display of 1 No. Illuminated fascia sign to the front elevation.                                  | Approved – 05.03.2025 |
| PL/24/1423         | Change of use of Unit 1b Mayfield Trade Centre to a Tanning Studio (sui generis).                                               | Refused – 06.03.2025  |
| 94/0838/FD         | Erection of five industrial/warehouse units, including roadway and parking (Use Class B1(c)/B2 and B8).                         | Approved – 25.05.1995 |

### 3.2 Planning Ref: 94/0838/FD

3.2.1 The 'Mayfield Trade Centre' development was approved in 1995 (Planning Ref. 94/0838/FD). The following condition (12) was imposed on the decision notice:

12 The use of the buildings and land shall be restricted to Use Classes B1(c), B2 and B8 of the Town and Country Planning (Use Classes) Order 1987 and no part of the development shall be occupied for uses falling within Use Classes B1(a) or B1(b) or any other Use Class set out in the schedule to the Town and Country Planning (Use Classes) Order 1987 and notwithstanding the provision of Article 3 of that Order and Section 55(2) (i) of the Town and Country Planning Act 1991 as amended. Reason: in the interests of amenity and to enable the Local Planning Authority to control future uses of the building.

Figure 2: Condition 12 of the planning application ref. 94/0838/FD

3.2.2 The condition restricts the use of any of the units to Use Classes B1(c), B2 and B8 use, as defined within the Town and Country Planning (Use Classes) Order 1987, as amended.

## 4 Section 191 - Town and Country Planning Act 1990

### 4.1 Applicant's Statement of Case

#### 4.1.2 The applicant contends:

- 1) The 'Mayfield Trade Centre' development was approved in 1995 (Planning Ref. 94/0838/FD). The condition restricts the use of any of the units to Use Classes B1(c), B2 and B8 use, as defined within the Town and Country Planning (Use Classes) Order 1987, as amended.
- 2) Eurocell first occupied the subject site in 2010. A material change of use occurred from the approved Use Classes B1(c), B2 and B8 use, as defined within the Town and Country Planning (Use Classes) Order 1987, as amended to a mixed-use of Use Class A1 and B8 as defined within the Town and Country Planning (Use Classes) Order 1987, as amended, prior to the 2020 amendment.
- 3) Following the 2020 amendment (No.757), which deleted Use Class B1 and A1, the subject site fell within Use Class E (Commercial, Business and Service).
- 4) The Site has been in a use that falls within Use Class E and B8 for over 10 years and therefore is immune from enforcement action.

### 4.2 Use Class and Definition

- 4.2.1 Eurocell manufactures, distributes and recycles building products and has over 200 stores nationwide. It is considered Eurocell operates under Use Class E(a), B2 and B8 of the Town and Country Planning (Use Classes) Order 1987, as amended.
- 4.2.2 The Town & Country Planning (Use Classes) Order 1987, as amended, defines "retail sales" as being the *"Sale, display or services to visiting members of the public"*. It is considered that sales areas are floor spaces where visiting members of the public are free to walk around and select purchases from display units and pay for at a till.
- 4.2.3 Eurocell does not operate as a *"Trade Counter"*. A definition of a trade counter is not provided in legislation, circulars or guidance notes. The principle issue associated with a trade counter is whether retailers allow "retail sales" to the general public as opposed to restricting custom to purely trade customers only. There are several hardware/DIY retailers, such as Screwfix and Toolstation, who occupy commercial premises and operate as "trade Counters" however, on closer inspection, they are more akin to meeting the needs of the general public.
- 4.2.4 Eurocell stores are set up for retail trading (i.e. with shelving racks, display units, a counter and till area). Any visiting member of the public can visit a Eurocell store and purchase goods off the shelf, or stored in the back-of-house storage area. Each store caters for tradespersons and general members of the public, a trade membership is not required in order to purchase items from the shop or company.
- 4.2.5 Eurocell shops/branches are set up and operate identically to the likes of Argos, Currys, Carpetright, Oakland Furniture etc which all operate under Class E(a). These retailers sell goods to visiting members of the public however, the majority of the items they sell are stored back-of-house until the point of purchase or delivered to the purchaser at a later date.
- 4.2.6 Taking the above points into account, the nature of Eurocell's business, the layout of their stores and the definition of hardware/DIY stores it is clear that Eurocell is considered as having a Class E and B8, as defined within the Town and Country Planning (Use Classes) Order 1987, as amended.

## 4.3 Breach of Planning Condition 12 - Planning ref. 94/0838/FD

- 4.3.1 The applicant is seeking confirmation from Reading Borough Council, via a Certificate of Lawfulness application, that the use of Unit 1b Mayfield Trade Centre, Reading, formerly occupied by Eurocell, as a retail premise (Use Class E (Formerly A1)), in breach of planning condition 12 of planning ref. 94/0838/FD.
- 4.3.2 Uses and operations are lawful if no enforcement action can be taken because they do not involve development or require planning permission, or because the time for enforcement action has expired, and they do not constitute a contravention of any of the requirements of any enforcement notice in force.
- 4.3.3 The applicant/agent is not aware of any enforcement notices on the site, and in accordance with Section 191 1(A) – in this case, the change of use of the building from Use Classes B1(c), B2 and B8 use to Use Class E (formerly A1) would require planning permission following removal of Permitted Development rights by the imposition of condition 12 ref. 94/0838/FD, and the time period for exemption from enforcement action would be 10 years.
- 4.3.4 Eurocell first occupied Unit 1B on 3<sup>rd</sup> December 2010 and ceased trading from the premises on 22<sup>nd</sup> August 2024. It is considered that Eurocell falls within Use Class E(a), formerly A1, in the Town and Country Planning (Use Classes) Order 1987, as amended, as demonstrated within Section 4.2 of this statement.
- 4.3.5 The applicants contend that the change of use occurred in 2010 and has occurred continuously for more than the minimum 10 years specified by the legislation therefore, the application site has an established retail use (Use Class E) and is now exempt from enforcement action. Although Unit 1b is currently vacant, its use as a retail premises has not been abandoned.

## 4.4 Evidence

- 4.4.1 This application for a certificate of lawfulness is supported by the following evidence:

## 4.5 Google Earth Images

- 4.5.1 The below images show Eurocell in occupation of Unit 1b:



Figure 3: Unit 1b Mayfield Trade Centre - Google Street View taken in May 2012 (Source: [Google Maps](#))



Figure 4: Unit 1b Mayfield Trade Centre - Google Street View taken in September 2016 (Source: [Google Maps](#))



Figure 5: Unit 1b Mayfield Trade Centre - Google Street View taken in June 2017 (Source: [Google Maps](#))



Figure 6: Unit 1b Mayfield Trade Centre - Google Street View taken in June 2018 (Source: [Google Maps](#))



Figure 7: Unit 1b Mayfield Trade Centre - Google Street View taken in October 2020 (Source: [Google Maps](#))



Figure 8: Unit 1b Mayfield Trade Centre - Google Street View taken in November 2022 (Source: [Google Maps](#))



Figure 9: Unit 1b Mayfield Trade Centre - Google Street View taken in June 2023 (Source: [Google Maps](#))

## 4.6 Eurocell – Photographs

4.6.1 The following photographs evidence the retail use:

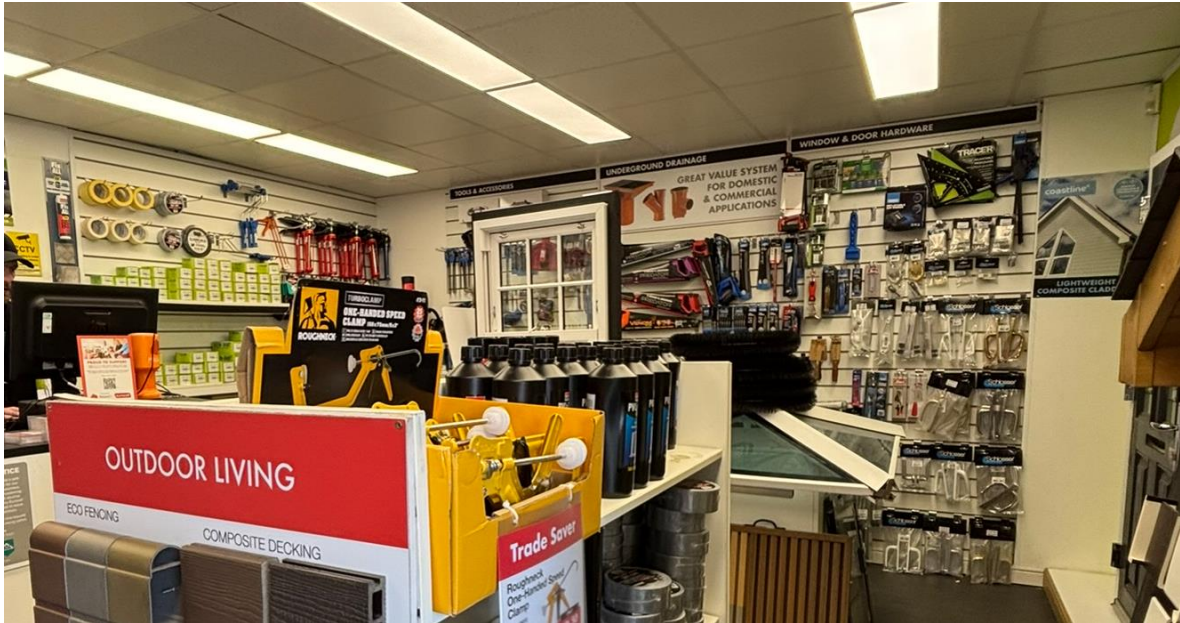


Figure 10 | Eurocell, Yeovil, Somerset – Retail floorarea for visiting members of the public



Figure 11 | Eurocell, Yeovil, Somerset – Storage and customer collections area for visiting members of the public



Figure 12: Types of products on display for sale in store Source: [Eurocell](#)



Figure 13: Types of products on display for sale in store (Fareham)  
Source: [The Ultimate Range of Trade Products at Eurocell's New, Larger Fareham Location](#)

- 4.6.2 The following images are examples of other Eurocell stores in the UK which include prominent advertisements on the exterior of the building that are aimed principally at retail customers.



Figure 14: Customer entrance (Winchester). Source: [Eurocell News / New Winchester Branch](#)



Figure 15: Customer entrance (Slough). Source: [Eurocell News / New Slough Branch](#)



Figure 16: Customer entrance (Watford). Source: [New Eurocell Watford Branch](#)



Figure 17: Customer entrance (Dewsbury). Source: [Eurocell Relocates to Bigger and Better Branch](#)

## 4.7 Eurocell Literature

4.7.1 The following literature is taken from Eurocell's website.

4.7.2 Eurocell's Branch Finder facility confirms that items are available on-site to take away once purchased.

### Eurocell Branch Finder

With 200+ branches across the country, you're never far from our expert advice and huge range of products.

FIND YOUR NEAREST BRANCH →

### It's easy to call in and see us wherever your work takes you

No matter which branch you visit, you can be certain we'll have what you're looking for in a permanent stock of over 10,000 top quality UPVC products and accessories including fascias and soffits, right through to decking and fencing. All available to take away with you, buy online for collection or for direct delivery to site.

### North

### North East England

North East England is home to several Eurocell branches, such as those in Durham, Gateshead, and Newcastle. These branches provide high-quality building supplies and expert advice, making Eurocell your trusted partner in the region.

Select a Branch



Figure 18: Purchase, collection and delivery options. Source: [Eurocell](#)

4.7.3 Eurocell's Collections and Returns policy requires items to be returned to a local branch for a refund.



### Collections & Returns

**Special Order Items:** We regret that we cannot refund, in full or in part, special order items.

We have a 14 day no quibble exchange or refund policy which comes into effect on the day of your delivery/collection (subject to the items being in their original condition)

To initiate the refund process, please return your goods to your local Eurocell branch, or if this is not possible, please **contact & we'll be able to look at scheduling a collection from site.** Please note we are only able to refund the original payment method.

**Collection:** If you have selected to collect from one of our 200+ branches the following timescales apply. If you ordered your goods before 12pm (noon) your goods will be available for collection before the branch closes that day. Please refer to your branch for their opening times. If you ordered your goods after 12pm (noon) your goods will be available for collection the following morning. Please refer to your branch for their opening times [here](#).

If you would like to speak to your branch about your collection you can find their direct contact details on our branch pages [here](#). Goods offered on 'click and collect' are subject to stock availability. If there are longer lead times on some items every attempt will be made to contact customers as soon as possible.

Figure 19: Collections and Returns Policy. Source: [Eurocell](#)

## 4.8 Eurocell, Mayfield Trading Centre – Online Telephone Directory

4.8.1 The following image is from Yell.com which advised customers of the site opening hours, address and what the branch offered to visiting members of the public for Unit 1B Mayfield Trade Centre. Furthermore, photos are included of the interior and exterior of the store.



**Eurocell**

★★★★★ (0 Ratings) | [Write a review](#)

 Unit 1b Mayfield Trade Centre, Acre Rd, Reading, RG2 0RJ

[Directions](#)

 Website

 Call



Home > [Plastics Manufacturers & Supplies](#) > [Reading](#) > [Plastics Manufacturers & Supplies near Reading](#) > Eurocell

Share business:  

★★★★★

There are no reviews for this business, be first to write a review!

[Review now](#)

**Our location**



**Opening hours**

Monday08:00 - 17:00

Tuesday08:00 - 17:00

Wednesday08:00 - 17:00

**Thursday08:00 - 17:00**

Friday08:00 - 17:00

Saturday08:00 - 12:00

SundayClosed

**Business overview**

With an extensive range of roofline, water & waste, windows & finishings, sealants & fixings, composite and UPVC doors, locks, hardware, conservatory, interior and tool products available under the same roof – Eurocell is your one-stop-shop for building plastics products in Reading.

The branch is conveniently situated in Mayfield Trade Centre on Acre Road. The branch very easy to access and giving it excellent distribution for the local and surrounding areas. The branch has good access to all the surrounding and is very close to the M4. We deliver fascias, soffits, guttering and many more PVC-U solutions to RG postcodes and the wider Berkshire area including:

Maidenhead (16.8 miles) 24 minutes.  
Bracknell (12 mile) 18 minutes.  
Newbury (21.5 miles) 27 minutes.  
Farnborough (19.6 miles) 36 minutes.

**Photos**



**Related searches:** [Polythene](#) [Plastics Engineers](#) [Plastic Stockholders](#) [Building Plastics](#) 

Figure 20: Store details. Source: [Eurocell, Reading | Plastics Manufacturers & Supplies - Yell](#)

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15

4.9 Eurocell Job advert:

4.9.1 The following (current) job advert states that the job role includes responsibility for counter sales and maintaining branch standards, which includes front-of-house cleanliness and point of sale.

eurocell

Search jobs

List Vacancies

Working With Agencies

Apply for job

Job reference: 001122

Salary & Benefits / Bonus & OTE: £27,936 basic, plus 10% Zone Allowance, totalling £30,730 plus bonus

Closing date: 20/06/2025

Base: Croydon

Department: Branch Teams & Branch Operations

Hours: 44 per week (Monday - Friday, Saturday on a rota)



Get directions

Job Description

ROLE: Trade Counter Assistant / Driver

HOURS: 44 per Week, 7am - 4:30pm, Monday to Friday, 8am - 12pm on a Rota - Permanent Role

SALARY: £27,936 basic salary, plus 10% zone allowance per year, totalling £30,730

BONUS/OTE: Realistic total earning potential of up to £34,330 per year

BENEFITS: Healthcare Cash Plan, 3x Salary Life Assurance, High Street Discounts, Staff Discount

BASE: Site Based

eurocell

Search jobs

List Vacancies

Working With Agencies



WHAT OUR TRADE COUNTER ASSISTANTS DO:

Our Trade Counter Assistants are hands-on, lead by example, and work closely with the Branch Manager and Branch Supervisor in day to day branch operations

- Responsible for trade counter sales to achieve sales targets, confidently communicating product knowledge to customers
- Provide exceptional customer service and support to new and existing customers
- Picking, loading and delivering products to customers via Eurocell's 3.5 tonne flatbed trucks and LWB vans
- Responsible for route planning, safe driving and keeping the Company vehicle clean
- Supporting the Branch Manager with actions and activities on time, in full
- Compliance with Health and Safety, company policies and procedures
- Ensure excellence in customer service, operational standards and Branch sales targets are achieved
- Support the delivery of sales targets whilst developing and maintaining positive customer relationships
- Assist with the delivery of branch operations
- Provide support and assistance to Branch colleagues as required
- Maintain branch standards - including warehouse and stock management, front of house cleanliness and point of sale

WHAT WE NEED FROM OUR TRADE COUNTER ASSISTANTS:

- Passion and energy to deliver exceptional customer service and achieve business targets
- A hands-on customer focused approach, confident and happy to serve customers and proactively engage with potential future customers
- A commercial approach to drive sales and maximise margins, whilst ensuring our customers always walk away happy
- Good organisational skills, with ability to prioritise and use own initiative

Figure 21: Store details. Source: [Eurocell / Jobs /](#)

## 5 Conclusion

- 5.1 An application for a Certificate of Lawfulness is not a planning application, does not include consideration of policy or planning merit, and conditions cannot be imposed; it is judged using the test of *"the balance of probability"*.
- 5.2 The applicants contend that the change of use occurred without obtaining planning permission and has occurred continuously for more than the minimum 10 years specified by the legislation. The evidence provided is precise and unambiguous, and it is therefore contended that the established existing retail use of the subject unit falls within Use Class E. Accordingly, it is requested that a Lawful Development Certificate be issued confirming this.

[info@boonbrown.com](mailto:info@boonbrown.com)

[www.boonbrown.com](http://www.boonbrown.com)

Motivo | Alvington | Yeovil | BA20 2FG

Tunstall Hall | Bernay's Grove | London | SW9 8DF

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