WELWYN HATFIELD BOROUGH COUNCIL

The Campus, Welwyn Garden City
Herts, AL8 6AE
DX 30075 Welwyn Garden City 1
Tel: 01707 357000
www.welhat.gov.uk

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191 AND 192
(as amended by section 10 of the Planning and Compensation Act 1991)
Town and Country Planning (Development Management Procedure) (England)
Order 2010 (DMPO)
ARTICLE 24
CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

PLANNING DECISION NOTICE – APPROVAL

For Planning Application No. S6/2011/2294/LUP

Agent Name and Address
Mr J Wadcock
Roger Tym & Partners
61 Oxford Street
MANCHESTER
M1 6EQ

Applicant Name and Address
Next PLC
Desford Road
Enderby
LEICESTER
LE19 4AT

The Welwyn Hatfield Council hereby certify that on 05/10/2011 the matter described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged red on the plan attached to this certificate would have been lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason:-

1. The proposal would be ancillary to be primary Class A1 retail use of the premises and therefore is considered to be lawful within the meaning of Section 192 of the Town and Country Planning Act 1990.

First Schedule: Formation of cafe area of 160m2 floor area with associated storage of 18m2 to be used ancillary to the main retail (A1) use of the unit

Second Schedule: Habitat Comet Way HATFIELD AL9 5JU



Tracy Harvey
Head of Development Control

Date: 12th December 2011

NOTES:

1. This certificate is issued solely for the purpose of section 192 of the Town and Country Planning Act 1990 (as amended)
2. It certifies that the operation/development specified in the First Schedule taking place on the land described in the Second Schedule would have been lawful, on the specified date and, thus would not have been liable to enforcement action under section 172 of the 1990 Act on that date.
3. This certificate applies only to the extent of the operation/development described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any operation/development which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.
4. The effect of the certificate is also qualified by the proviso in section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation/development is only conclusively presumed where there has been no material change, before the use is instituted or the operation/development began, in any of the matters relevant to determining such lawfulness.

APPROVED PLAN NUMBERS: Site Location Plan 1:1250 & 455-020-001 Rev. AS

received and dated 27 October 2011

DECISION
1 3 FEB 2012
ISSUED

Kirklees COUNCIL

15 FEB 2012

KIRKLEES COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 192
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995: ARTICLE 24

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

Application Number: 2011/19/93288/E

To: Jonathan Wadcock,
Roger Tym & Partners
61, Oxford Street
Manchester
M1 6EQ

For: Next Group Plc

FIRST SCHEDULE CERTIFICATE OF LAWFULNESS FOR PROPOSED USE OF PART OF FLOORSPACE WITHIN CLASS A1 RETAIL UNIT TO PROVIDE ANCILLARY CLASS A3 CAFE FACILITY

SECOND SCHEDULE NEXT UNIT 8C, BIRSTALL SHOPPING PARK, HOLDEN ING WAY, BIRSTALL, BATLEY, WF17 9DT

KIRKLEES COUNCIL HEREBY CERTIFY THAT ON 19-DEC-2011THE USE DESCRIBED IN THE FIRST SCHEDULE THERETO IN RESPECT OF THE LAND SPECIFIED IN THE SECOND SCHEDULE HERETO AND EDGED RED ON THE PLANS ATTACHED TO THIS CERTIFICATE WOULD BE LAWFUL WITHIN THE MEANING OF SECTION 192 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED), FOR THE FOLLOWING REASONS:

The proposed use of part of the Next Unit, Birstall Shopping Park, Gelderd Road, Birstall as a Café Bar which is internally accessed and has opening hours within those of the primary use is considered to be ordinarily incidental to the

primary use of the planning unit and does not involve a material change of use and does not require planning permission.

At the date of the application, the proposed café bar is shown on submitted drawing number to occupy a floor area of approximately 134sq metres on drawing reference 423-020-001, on the first floor with no access other than from the retail areas in the building.

This decision is based on the following plan(s):-

Plan Type	Reference	Version	Date Received
Capex layout	423-020-001	Rev AM	19/Dec/2011
Site location plan			19/Dec/2011
Other Local Authority decisions			19/Dec/2011

If the application has been publicised by notice(s) in the vicinity of the site. It is respectfully requested that the notice(s) now be removed and responsibly disposed of to avoid harm to the appearance of the area

NOTES:

(1) This certificate is issued solely for the purpose of section 192 of the Town and Country Planning Act 1990 (as amended).

(2) It certifies that the use specified in the First Schedule taking place on the land described in the Second Schedule would be lawful on the specified date and, thus, was not liable to enforcement action under Section 172 of the 1990 Act on that date.

(3) This certificate applies only to the extent of the use described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.

(4) The effect of the certificate is also qualified by the proviso in Section 192 (4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.

(5) If the applicant is aggrieved by the decision of the Local Planning Authority to issue a certificate of lawfulness of development, for any part development applied for (including any modification or substitution of the description of the use), s/he may appeal to the Secretary of State for the Environment in accordance with Sections 195 and 196 of the Town and Country Planning Act 1990 (as amended). Appeals must be made on a form which is obtainable from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to fill in the online form www.kirklees.gov.uk/PlanningApplication so that we can work on continually improving our customer service. Thank you.

Dated: 13-Feb-2012

Signed:

Jacqui Gedman
Director of Place

Address to which all communications should be sent:-

Planning
Strategic Investment Service
PO Box B93
Civic Centre 3
Huddersfield
HD1 2JR

0 3 SEP 2012

Liverpool City Council

Certificate issued to:-
Roger Tym & Partners
Oxford Place
61 Oxford Street
Manchester
M1 6EQ

Application No: **12LP/1940**
Date Issued: 28 August 2012

TOWN AND COUNTRY PLANNING ACT, 1990 (Sections 191 and 192: as amended by Section 10 of the Planning and Compensation Act 1991) TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995: (Article 24)

Location: **Unit 5, New Mersey Retail Park, Speke Road, Liverpool, L24 8QB**

Proposal: **Application for lawful development certificate for proposed ancillary cafe**

Applicant: **Next Plc**
Desford Road
Enderby
Leicester
LE19 4AT

Date Valid: **26/07/2012**

In pursuance of its powers under the above-mentioned legislation, the Local Planning Authority on **28 August 2012 GRANTED** a certificate of lawfulness for the above-mentioned development in accordance with your application, in accordance with the details specified in the attached schedule.

(see attached)

M. P Leighton

Head of Planning

Liverpool

Liverpool City Council, Regeneration, Planning,
Municipal Buildings, Dale Street, Liverpool L2 2DH
T: 0151 233 3021
E: planningandbuildingcontrol@liverpool.gov.uk www.liverpool.gov.uk

INVESTORS IN PEOPLE

12LP/1940

CERTIFICATE OF LAWFULNESS - GRANTED

INFORMATIVES

1. This certificate is issued solely for the purpose of section 192 of the Town and Country Planning Act, 1990 (as amended).

2. It certifies that the use specified overleaf taking place on the land described would have been lawful, on the specified date and, thus, would not have been liable to enforcement action under section 172 of the 1990 Act on that date.

3. This certificate applies only to the extent of the use described overleaf and to the land specified and edged Red on the attached plans. Any use which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.

4. The effect of the certification is also qualified by the proviso in section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.

TOWN AND COUNTRY PLANNING ACT, 1990
(Sections 191 and 192: as amended by Section 10 of the Planning and Compensation Act 1991)
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995: (Article 24)

NOTES FOR PLANNING DECISION NOTICES

OTHER CONSENTS

This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation. In particular, if building operations are involved these may also require consent under the Building Regulations and before commencing work this aspect should be discussed with the Building Surveying Division. Where a building regulations approval is obtained and this is different from your planning permission, revised drawings must be submitted to the Planning and Building Control Manager.

COMPLIANCE WITH THE PERMISSION/CONSENT

It is important that this permission/consent is implemented strictly in accordance with the plans approved by the consent. Where a planning permission is granted subject to conditions it is important that these are fully complied with. Non-compliance with the conditions of the permission/consent may well result in a Breach of Condition Notice being served on you or any other appropriate enforcement action required to remedy the breach of planning control.

APPEALS TO THE PLANNING INSPECTORATE

If you are aggrieved by the decision of the city council as local planning authority then you can appeal to the Planning Inspectorate. *Please note, only the applicant possesses the right of appeal.*

If you want to appeal, then you must do so within **six months** of the date of issue of this notice.
The Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal – see www.planningportal.gov.uk/pcs. The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.
If you do not have access to this service, forms can be obtained from the Planning Inspectorate at 315a Eagle Wing, Temple Quay House, 2 The Square, Temple Quay Bristol, BS1 6PN. (Tel: 0117 372 6372 or e-mail: enquiries@planning-inspectorate.gsi.gov.uk). *You must use a Certificate of Lawful Use or Development Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the appeal form you require.*

PURCHASE NOTICES

If the local planning authority or the Office of the Deputy Prime Minister refuses to grant permission to develop land or grants it subject to conditions, the owner may claim in certain circumstances that the land has become incapable of development. In these circumstances, the owner may serve a Purchase Notice on the Council under Part VI of the Town and Country Planning Act 1990, requiring the Council to purchase the owners interest in the land.

COMPENSATION

In certain limited circumstances, a claim must be made against the local planning authority for compensation. The circumstances in which compensation is payable are set out in Parts VI and V of the Town and Country Planning Act 1990.

NEW RESIDENTIAL DEVELOPMENT

In order to ensure that minimum disruption occurs once a development is completed; developers are asked to contact all the public utilities to ensure that adequate services are provided at the outset. In particular developers are asked to contact Telewest over the provision of Cable TV infrastructure. Developers are requested to write to the Construction Supervisor, Telewest Business Services, Sovereign House, Sovereign Business Park, off Warrington Road, Wigan, WN1 3AP.

PUBLIC NOTICE – PARTY WALL ETC. ACT 1996

From the 1 July 1997 any person intending to carry out works affecting party walls or involving excavations for foundations adjacent to a party wall will be required to serve notice on all adjoining owners before work commences.

You are advised to engage the services of a private surveyor to act on your behalf in any formal private procedures and agreements that you are now required, by The Party Wall etc. Act 1996, to enter into.
Failure to comply with the Act may result in civil action being taken against you.

Bournemouth Borough Council
Town Hall Bournemouth BH2 6DY
Tel: (01202) 451451

25 FEB 2013

Town Planning Decision Notice

TOWN AND COUNTRY PLANNING ACT 1990, sect.192 As amended by Sect 10 of Planning and Compensation Act
Town and Country Planning (Development Management Procedure) (England) Order 2010

CERTIFICATE OF LAWFUL PROPOSED USE OR DEVELOPMENT

Application No: **7-2013-2587-LA**

Description (First Schedule):-
Application for a Certificate of Lawfulness for proposed use of part of the existing mezzanine floorspace for an ancillary cafe facility

Location (Second Schedule):-
Next Unit K West Mall Castlepoint Shopping Centre
Castle Lane West

Bournemouth Borough Council hereby certify that on:-

3 January 2013 the use(s) specified in the First Schedule as detailed above and in respect of the land described in the Second Schedule and shown edged red on the plan attached thereto will be lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended).

For the following reason(s):-

1. The Local Planning Authority having considered the appropriate legislation and other material considerations has determined that the application should be approved for the following reasons:

   The proposed partial use of the mezzanine floor within Unit K (Next) as a cafe is deemed to be an ancillary use to the present predominant use of the building as an A1 retail shop and therefore the proposal does not require planning permission.

   The development hereby permitted shall be carried out in accordance with the following approved plans: 01868-590-020-002 Rev A, 590-020-002 Rev J

   Reason: For the avoidance of doubt and in the interests of proper planning.

TO: Roger Tym & Partners
61 Oxford Street
Manchester
Greater Manchester (Met County)
M1 6EQ

(Next Plc)

Signed

Director, Planning & Transport Services

(DEL)

PLEASE REFER TO NOTES ENCLOSED

Dated: 22 February 2013

Environment Directorate

Civic Centre, 44 York Street, Twickenham TW1 3BZ
tel: 020 8891 7300 text phone 020 8891 7120
fax: 020 8891 7789
email: envprotection@richmond.gov.uk
website: www.richmond.gov.uk

LONDON BOROUGH OF RICHMOND UPON THAMES

PLANNING

TOWN AND COUNTRY PLANNING ACT 1990: DECISION NOTICE SECTION 192

Mr Jonathan Wadcock
Roger Tym And Partners
3 Museum Square
Leicester
LE1 6UF

Please contact: Planning Support

Please telephone: 0845 612 2660

Your ref:

Our ref:
DC/AWL/10/3258/PS192/PS192

Letter Printed: 14 February 2011

FOR DECISION DATED
14.02.2011

Dear Sir/Madam

Town and Country Planning Act 1990, Section 192 (as amended)
Town and Country Planning (General Development Procedure Order) 1995 Article 24

Applicant: Next Group Plc **Agent:** Mr Jonathan Wadcock

WHEREAS in accordance with the provisions of the Town and Country Planning Act 1990 and the relevant Orders made thereunder, you have made an application received on **8 November 2010** for a **CERTIFICATE OF LAWFUL USE OR DEVELOPMENT** relating to:

Unit C, Kew Retail Park, Bessant Drive,Richmond,TW9 4AD

for

Use of part of the floorspace within Class A1 retail unit to provide ancillary Class A3 cafe facility.

You are advised that the above works/use at the premises edged black on the plan attached to this Certificate were/was lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended) for the reasons(s) given on the attached schedule:

Yours faithfully

Robert Angus
Development Control Manager

DETAILED CONDITIONS

U37764 Reason - ancillary to main retail use

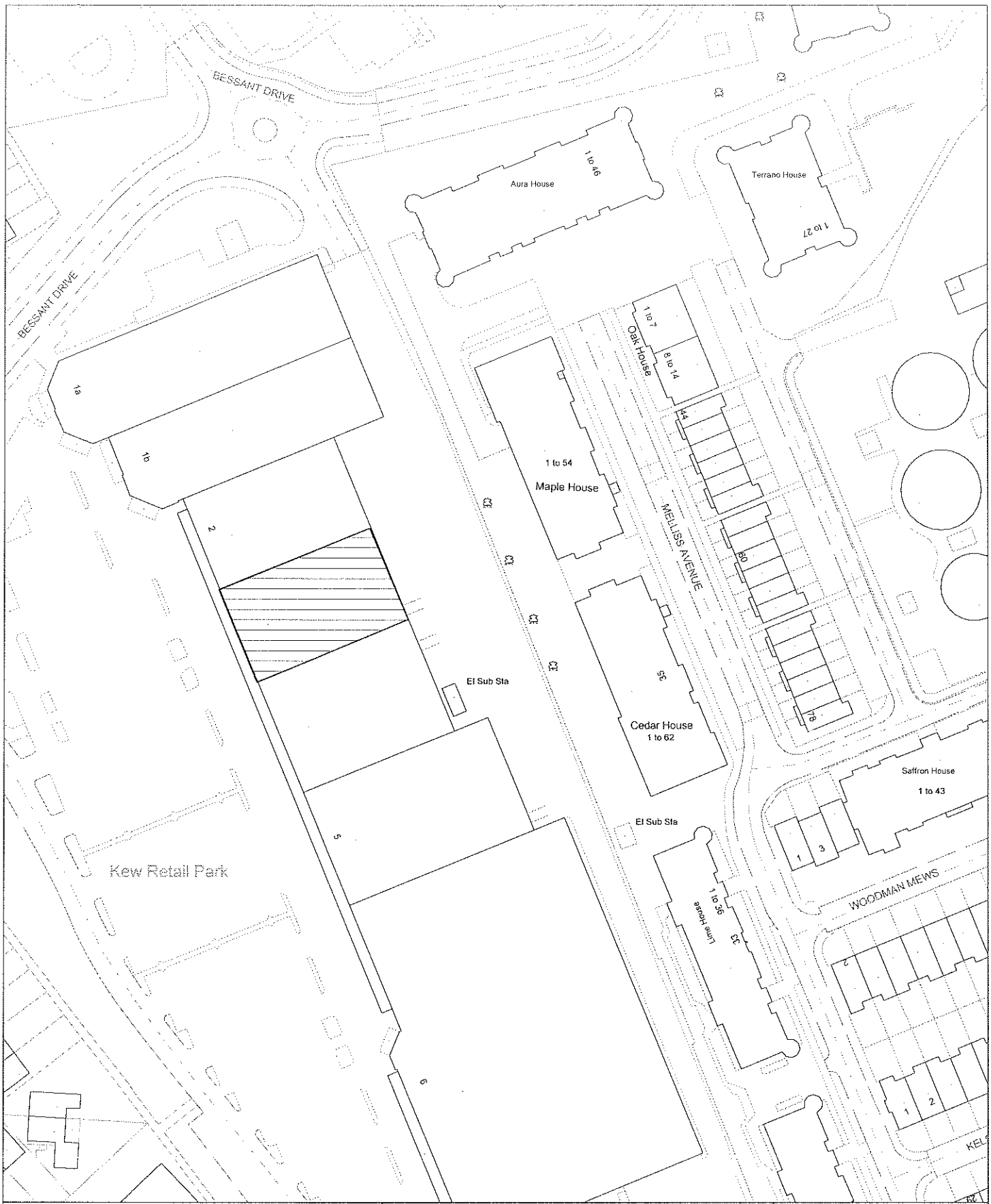
The Council is satisfied, on the basis of the submitted supporting information, that the proposed cafe use is ancillary to the primary Class A1 retail use of the premises and that no material change of use will occur that requires the benefit of planning permission.

DETAILED INFORMATIVES

U51968 Decision drawing numbers

For the avoidance of doubt the Drawing(s) No(s) to which this decision refers are as follows:- site location plan and KEW 512-030-002 rev E received on 8 November 2010.

END OF SCHEDULE OF CONDITIONS AND INFORMATIVES FOR APPLICATION 10/3258/PS192



LONDON BOROUGH OF RICHMOND UPON THAMES
Environment Directorate

Ordnance Survey Map Extract

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CIVIC CENTRE, 44 YORK STREET
TWICKENHAM, TW1 3BZ.
TEL: 020 8891 1411, TEXTPHONE: 020 8891 7120.
www.richmond.gov.uk

Co-ordinates at centre of map:
Easting: 519653 Northing: 176883

Scale	Date	Section	Drawn
1: 1250	15/02/11	DC	HW

N

Produced using Datamap, the directorate's Geographic Information System (GIS).

Exeter City Council

Office of Assistant Director City Development
Exeter City Council
Civic Centre
Paris Street
Exeter EX1 1NN

Tel: 01392 277888
Fax: 01392 265431
Email: planning@exeter.gov.uk
Website: www.exeter.gov.uk

01 MAY 2013

Mr J Wadcock
Roger Tym & Partners
61 Oxford Street
Manchester
Greater Manchester (Met County)
M1 6EQ

Next Plc
Desford Road
Enderby
Leicester
LE19 4AT

Town and Country Planning Act 1990: Section 192
(as amended by Section 10 of the Planning and Compensation Act 1991)
Town and Country Planning (Development Management Procedure) (England) Order 2010: Article 35

CERTIFICATE OF LAWFULNESS OF PROPOSED USE/DEVELOPMENT

Part I - Particulars of Application

DATE RECEIVED: 18 February 2013 **APPLICATION NUMBER: 13/0190/18**

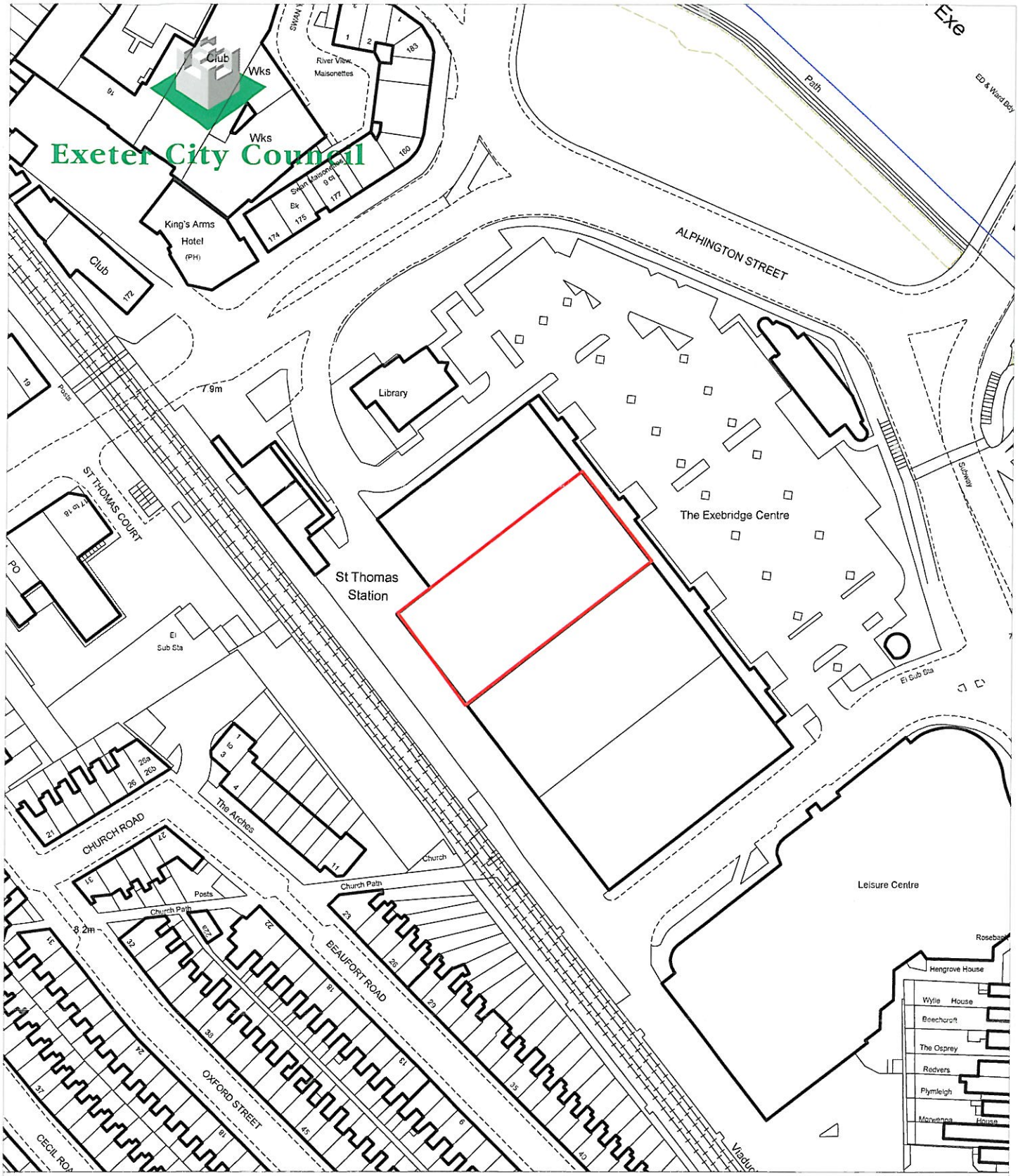
PROPOSAL: Ancillary cafe on mezzanine floor (Certificate of Lawfulness of Proposed Use)
LOCATION: Unit 2, The Exebridge Centre, Cowick Street, Exeter, EX4 1AH

Part II - Particulars of decision

The Local Planning Authority hereby certify that on 18 February 2013, the use, operations, and/or other matters described above in respect of the land specified above and shown edged red on the plan attached to this certificate was lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended).

Please note that this is not a decision under the Building Regulations.

Signed Richard Short Dated: 26 April 2013
Assistant Director City Development



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Office of Assistant Director City Development, Exeter City Council, Civic Centre, Paris Street, Exeter, EX1 1NN

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Exeter City Council

Exeter City Council

NOTES FOR APPLICANTS for CERTIFICATE OF LAWFULNESS OF PROPOSED USE OR DEVELOPMENT

ON RECEIPT OF A DECISION

This certificate is issued solely for the purpose of section 192 of the Town and Country Planning Act 1990 (as amended).

It certifies that the specified use and/or operations taking place on the specified land would have been lawful on the specified date and thus would not have been liable to enforcement action under Section 172 of the 1990 Act on that date.

This certificate applies only to the extent of the specified use under operations and to the specified land. Any use and/or operations which is materially different from that described or which relates to other land may render the owner or occupiers liable to enforcement action.

The effect of the certificate is also qualified by the provision in Section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operation begun, in any of the matters relevant to determining such lawfulness.

LONDON BOROUGH OF MERTON

Planning Department
London Borough Of Merton,
Civic Centre,
London Road,
Morden
Surrey
SM4 5DX

02 AUG 2013

Caroline Ridge
Roger Tym & Peter Brett Associates
Oxford Place
61 Oxford Street
Manchester
M1 6EQ

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191 & 192 (As amended by Section 10 of the Planning and Compensation Act 1991)
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995

Certificate of Lawful Use or Development 13/P1704

The Council hereby certify that on 28 May 2013 the operations ("the operations") described in the first schedule hereto in respect of the land (hereinafter called "the land") specified in the second schedule hereto and edged on the plan(s) submitted as part of the original application relating to this certificate (third schedule), would have been lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 (As Amended), for the following reason(s):

Reason(s)

1 The works to install a 154sqm addition to the existing mezzanine floor to the existing non-food retail unit do not constitute development as defined in Section 55 of the Town & Country Planning Act 1990 (as amended). Therefore no planning permission would be required.

2 The provision of an ancillary cafe to the existing A1 retail use does not constitute development as defined in Section 55 of the Town & Country Planning Act 1990 (as amended). Therefore no planning permission would be required.

First Schedule - "The Operations"

APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE IN RESPECT OF THE PROPOSED EXTENSION OF THE EXISTING MEZZANINE FLOOR TO PROVIDE AN IN-STORE CAFE IN CONNECTION WITH THE CONTINUED USE OF THE PREMISES FOR NON FOOD A1 RETAIL USES UNDER PLANNING PERMISSION 94/P0953.

Second Schedule - "The Land"

Next
Tandem Centre
Tandem Way
Colliers Wood
SW19 2TY

Third Schedule - "The Plan(s)"

Site plan, Drawing 0203-100-020-001

Date of Decision: **31 July 2013**

Signed.....
For and on behalf of the Head of Public Protection & Development (Planning).

Notes

1. This Certificate is issued solely for the purposes of Section 192 of the Town and Country Planning Act 1990 (As Amended).

2. It satisfies that the operations specified in the First Schedule taken place on the Land would have been lawful on the specified date and, thus not liable to enforcement action under section 172 of the 1990 Act on that date.

3. This applies only to the extent of the operations described in the First Schedule and to the Land. Any operations which are materially different from that described or which relate to other land may render the owner or occupier liable to enforcement action.

4. The affect of the Certificate is also qualified by the proviso in Section192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.

Town and Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure) (England) Order 2010

Certificate of lawfulness for a proposed use or development

The council hereby certifies that on 19 July 2013 (the date the application was made), the use/operations described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and edged/coloured in red on the plan attached to this certificate, was lawful within the meaning of the Section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason(s):-

1. The Council is satisfied, on the basis of the submitted supporting information, that the proposed cafe use is ancillary to the primary use of the premises and that no material change of use will occur that requires the benefit of planning permission.

Development Management
Brunel House, St. George's Road, Bristol BS1 5UY

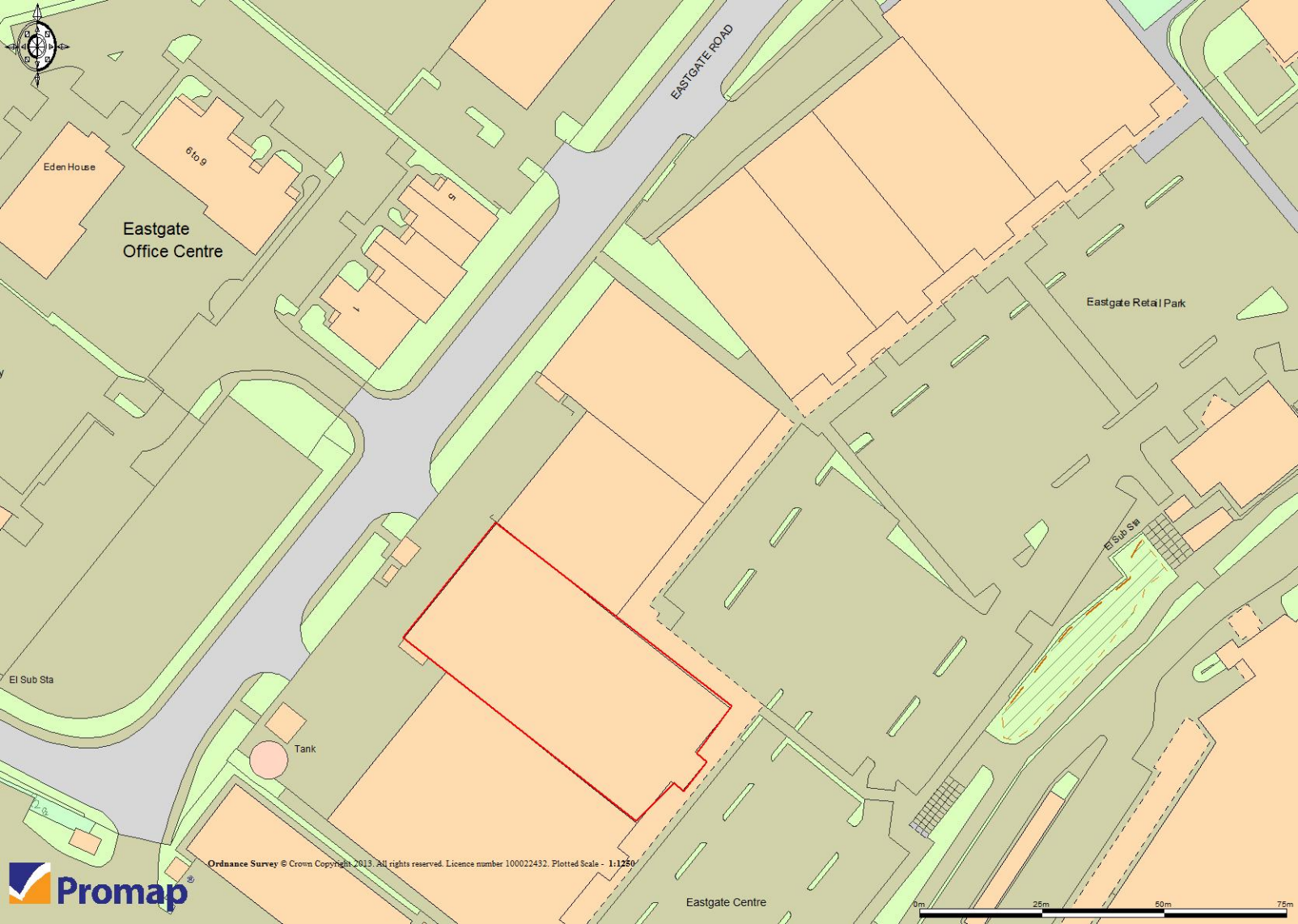
Date: 13.09.13 Application No: 13/03261/CP

First Schedule: Application for a certificate of lawfulness for the proposed use of part of the existing floorspace for an ancillary cafe facility.

Second Schedule: Unit H, Eastgate Centre, Eastgate Road, Bristol, BS5 6XX

ADVICE

(1) This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).
(2) It certifies that the use/operations specified in the First Schedule taking place of the land described in the Second Schedule would have been lawful on the specified date and, thus, would not have been liable to enforcement action under Section 172 of the 1990 Act on that date.
(3) This certificate applies only to the extent of the use/operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use/operation, which is materially different from that described or which relates to other land, may render the owner or occupier liable to enforcement action.
(4) The effect of the certificate is also qualified by the proviso in Section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operation begun, in any of the matters relevant to determining such lawfulness.



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