

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT (PROPOSED)

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) Order 2010: Article 35

To:

Adrian Rose
Rose Consulting
16 Rhodesia Avenue
Halifax
HX30PB

On Behalf Of:

Zeeshan Chaudary
Accord Care Homes Ltd
28a Middle Hillgate
Stockport
SK1 3AY

Application Number: 69169**Date of Registration:** 12/12/2022**First Schedule****Second Schedule**

Lawful development certificate for proposed use of a (C3a) dwelling for a children's home for a maximum of three children with three carers of whom two sleep overnight working on a rota basis (C2)

3 Sandown Road, Bury, BL9 8HN

Bury Metropolitan Borough Council hereby certifies that on 12/12/2022 the matter described in the First Schedule in respect of the land specified in the Second Schedule and edged red on the plan attached to this certificate is **Lawful Development** within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason(s):

- 1 The proposal, described in the First Schedule, is not deemed to constitute development within the meaning of Section 55 of the Town & Country Planning Act 1990 (as amended) as the proposed change of use of 3 Sandown Road, Bury, BL9 8HN to a children's home (Class C2) for up to 3 children with a maximum of 3 additional staff members with 2 of those staying overnight on a rota basis and operating in full accordance with the details set out within the applicants planning statement submitted 13th December 2022, would not represent a material change of use from the existing Class C3 dwellinghouse use, and would therefore be Lawful Development.

Applicant Plan Numbers:

Plans submitted 13/12/2022

Notes to Applicant

1. This certificate is issued solely for the purposes of Section 192 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the matter described in the First Schedule and to the land specified in the Second Schedule was 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 matter described in the First Schedule and to the land specified in the Second Schedule and identified on the

attached plan. Any development or use materially different from that described or which relate 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.

NOTES TO APPLICANT

Not Applicable

Signed:

A handwritten signature in black ink, appearing to read 'J. H. H.', is written over a dotted line.

.....
On behalf of the Council

Date of Decision: 18/04/2023