



For assistance with completing this form contact:

The Planning Service
3 Knowsley Place, Duke Street, Bury BL9 0EJ

Phone: 0161 253 5432 **Email:** development.control@bury.gov.uk

Application for a Lawful Development Certificate for a Proposed Use or Development

Town and Country Planning Act 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number	42
Suffix	
Property Name	
Address Line 1	Haymarket Street
Address Line 2	
Address Line 3	Bury
Town/city	Bury
Postcode	BL9 0AY

Description of site location must be completed if postcode is not known:

Easting (x)	Northings (y)
380383	410652
Description	

Applicant Details

Name/Company

Title

Mr

First name

Karwan Jameel

Surname

Saadoon

Company Name

Address

Address line 1

16 Johnston Close

Address line 2

Blackburn

Address line 3

Town/City

County

Country

United Kingdom

Postcode

BB2 1QN

Are you an agent acting on behalf of the applicant?

☒ Yes

☐ No

Applicant Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

Agent Details

Name/Company

Title

First name

Surname

Company Name

Address

Address line 1

Address line 2

Address line 3

Town/City

County

Country

Postcode

Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

***** REDACTED *****

Description of Proposal

Does the proposal consist of, or include, the carrying out of building or other operations?

- ☐ Yes
- ☒ No

Does the proposal consist of, or include, a change of use of the land or building(s)?

- ☒ Yes
- ☐ No

If Yes, please give a full description of the scale and nature of the proposed use, including the processes to be carried out, any machinery to be installed and the hours the proposed use will be carried out

This application seeks confirmation that the proposed use of the premises as a restaurant (Use Class E(b)), in place of the existing retail use (Use Class E(a)), is lawful, as both uses fall within Use Class E and therefore do not constitute development requiring planning permission

The proposed use of the premises is as a restaurant/café, providing freshly prepared food for consumption primarily on the premises. The layout includes customer seating across both the ground and first floors, supporting a dine-in focused operation. A service counter is proposed at ground floor level; however, this is a common feature within modern restaurant formats and does not in itself indicate a hot food takeaway use. The proposed layout provides customer seating across both the ground and first floors, comprising a total of approximately 10 tables/ clusters with capacity for around 50 covers. In addition, customer toilet facilities are provided within the premises. The scale of seating provision and supporting facilities is consistent with, and reinforces, the use of the premises as a restaurant/café focused on on-site dining. The layout of the premises, including the provision of customer seating across both floors, is designed to support a dine-in restaurant function.

Th restaurant is planning to open everyday from 9am to 11pm.

If Yes, please fully describe the existing or the last known use, with the date when this use ceased

The existing use is a Shop (class E)

Has the proposal been started?

- ☐ Yes
- ☒ No

Grounds for Application

Information about the existing use(s)

Please explain why you consider the existing or last use of the land is lawful, or why you consider that any existing buildings, which it is proposed to alter or extend are lawful

The lawful use of the premises has been established as a retail use (previously Class A1), as confirmed by a Certificate of Lawfulness granted in 2019.

Please list the supporting documentary evidence (such as a planning permission) which accompanies this application

Application Ref: 63884/LDCP - Date:28/03/2019 - This application is for a lawful development certificate to confirm use to retail

Select the use class that relates to the existing or last use.

E(a) - Display/Sale of goods other than hot food

Information about the proposed use(s)

Select the use class that relates to the proposed use.

E(b) - Sale of food and drink for consumption mostly on the premises

Is the proposed operation or use

☒ Permanent

☐ Temporary

Why do you consider that a Lawful Development Certificate should be granted for this proposal?

This application seeks confirmation that the proposed use of the premises as a restaurant/café falls within Class E (Commercial, Business and Service) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and would therefore be lawful.

The lawful use of the premises has been established as a retail use (Class A1), as confirmed by a Certificate of Lawfulness granted in 2019. Following changes to the Use Classes Order in 2020, this use now falls within Class E(a). Restaurant and café uses fall within Class E(b). As such, a change between these uses does not constitute development and does not require planning permission.

The proposed use of the premises is as a restaurant/café, providing freshly prepared food for consumption primarily on the premises. The layout includes customer seating across both the ground and first floors, supporting a dine-in focused operation.

A service counter is proposed at ground floor level; however, this is a common feature within modern restaurant formats and does not in itself indicate a hot food takeaway use. The proposed layout provides customer seating across both the ground and first floors, comprising a total of approximately 10 tables/ clusters with capacity for around 50 covers. In addition, customer toilet facilities are provided within the premises. The scale of seating provision and supporting facilities is consistent with, and reinforces, the use of the premises as a restaurant/café focused on on-site dining. The layout of the premises, including the provision of customer seating across both floors, is designed to support a dine-in restaurant function.

Whilst it is acknowledged that customers may purchase food for consumption off the premises, any such activity would be ancillary to the primary use of the premises as a restaurant/café. The proposed use does not comprise a hot food takeaway (Sui Generis).

Planning permission was previously refused for a change of use to a hot food takeaway. The current proposal is materially different, being limited to a Class E restaurant use, which does not require planning permission.

The application does not relate to any external alterations or operational development, and is solely concerned with the lawful use of the premises.

On this basis, it is considered that the proposed use falls within Class E of the Use Classes Order and would be lawful. A Certificate of Lawfulness is therefore sought to confirm this position.

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- ☒ Yes
☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- ☒ The agent
☐ The applicant
☐ Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- ☐ Yes
☒ No

Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

- (a) a member of staff
(b) an elected member
(c) related to a member of staff
(d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

- ☐ Yes
☒ No

Interest in the Land

Please state the applicant's interest in the land

- ☐ Owner
☒ Lessee
☐ Occupier
☐ Other

If Lessee or Occupier, please give details of the owner and state whether they have been informed in writing of this application

***** REDACTED *****

Declaration

I/We hereby apply for Lawful development: Proposed use as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.
I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.
I/We also accept that, in accordance with the Planning Portal's terms and conditions:
- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

☒ I / We agree to the outlined declaration

Signed

Jouliana Tanous

Date

21/04/2026

Amendments Summary

Edited proposal to include classes