

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT (EXISTING)

**Town and Country Planning Act 1990: Section 191
(as amended by Section 10 of the Planning and Compensation Act 1991)
Town and Country Planning (Development Management Procedure) Order
2010: Article 35**

To:
Mrs Killen
Kilter Care Ltd
10 Southport Road
Formby
Liverpool
Merseyside
L37 7EW

Application Number: 71239

Date of Registration: 15/10/2024

First Schedule

Lawful development certificate for existing use as a two-bed Ofsted registered residential children's home providing supported accommodation to children and young adults aged 16 plus, with one member of staff on site 24/7 working a two days on, four days off rota

Second Schedule

14 Borough Avenue, Radcliffe, Manchester, M26 2QG

Bury Metropolitan Borough Council hereby certifies that on 15/10/2024 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 191 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 change of use of 14 Borough Avenue, Radcliffe, Manchester, M26 2QG to a residential children's home providing supported accommodation to up to two children and young adults aged 16 plus and operating in full accordance with the application, would not represent a material change of use from the existing Class C3 dwellinghouse use, and would therefore be Lawful Development.

Applicant Plan Numbers:

Location Plan received 15/10/2024

Proposed Plans and Elevations (Dwg No. 003 Rev.1)

Notes to Applicant

1. This certificate is issued solely for the purposes of Section 191 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: 10/12/2024