

# 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:**

Mr Jewkes  
Simpatico Town Planning  
33  
Musk Lane West  
Lower Gornal  
DY3 2UJ

**On Behalf Of:**

Sarwal  
SAI Houses Limited  
108 Heys Road  
Prestwich  
Bury  
M25 1LA

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**Application Number:** 71162**Date of Registration:** 12/09/2024**First Schedule****Second Schedule**

Lawful Development Certificate for proposed use of a (C3a) dwelling as a residential home for a maximum of two children with two carers who would sleep overnight on a rota basis (C2).

108 Heys Road, Prestwich, Manchester, M25 1LA

Bury Metropolitan Borough Council hereby certifies that on 12/09/2024 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 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 108 Heys Road, Prestwich, Manchester, M25 1LA to a residential children's home for up to two children with up to two staff working on a rota basis (Class C2) and operating in full accordance with the details set out within the applicants supporting statement submitted 12th September 2024, 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, Floor Plans and Supporting statement (All submitted 12/09/2024)

**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.

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On behalf of the Council

**Date of Decision:** 24/10/2024