

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 Fahad Patel
45 Woodvale Avenue
Bolton
BL3 3HF

On Behalf Of:

Khojani
iCare Solution LTD
101 Wellington Road North
Stockport
SK4 2LP

Application Number: 71590

Date of Registration: 03/02/2025

First Schedule

Lawful development certificate for proposed change of use from dwellinghouse (Class C3a) to a care home for three children aged 7-17 with up to two staff working on a rota basis(Class C2)

Second Schedule

13 Milner Avenue, Bury, BL9 6NG

Bury Metropolitan Borough Council hereby certifies that on 03/02/2025 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 13 Milner Avenue to a residential children's home for up to three 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 03/02/2025, would not represent a material change of use from the existing Class C3 dwellinghouse use, and would therefore be Lawful Development.

Applicant Plan Numbers:

01, Site Plan, Location Plan, Supporting Statement

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 'Paul Harris', written in a cursive style.

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On behalf of the Council

Date of Decision: 14/05/2025