

# 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 Benson  
Storah Architecture  
Storah Architecture  
46 Halifax Road  
Todmorden  
OL14 5QG

**On Behalf Of:**

Mr Smethurst  
Prosperity Children's Services Ltd  
8 Venus House  
Mercury Rise  
Altham Business Park  
Accrington, Lancashire  
BB5 5BY

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**Application Number:** 71378

**Date of Registration:** 25/11/2024

**First Schedule**

Lawful development certificate for change of use from residential (Class C3) to childrens residential care for two children with up to four staff working on a rota basis (Class C2)

**Second Schedule**

26 Springwater Avenue, Ramsbottom, Bury, BL0 9RH

Bury Metropolitan Borough Council hereby certifies that on 25/11/2024 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 26 Springwater Avenue, Ramsbottom, Bury, BL0 9RH to a residential children's home for up to two children with up to four staff working on a rota basis (Class C2) and operating in full accordance with the details set out within the applicants supporting statement submitted 26th November 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:**

24-053-300, 24-053-100, Location Plan and 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 'J. H. H.', is written over a dotted line.

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On behalf of the Council

**Date of Decision:** 31/01/2025