

MAYBERN

PLANNING + DEVELOPMENT

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Planning Department
Bury Council
3 Knowsley Place
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2nd October 2026

Dear Sir/Madam,

**APPLICATION FOR CERTIFICATE OF LAWFUL EXISTING USE (CLEUD)
30a BRIDGE STEET, RAMSBOTTOM, BURY, BL0 9AQ.**

This supporting letter has been prepared by Maybern Planning and Development ('Maybern') on behalf of Bridge Street Property Limited ('the applicant' and owner), to support an application for a Certificate of Lawful Existing Use or Development (CLEUD), to confirm the lawful use of 30a Bridge Street, Ramsbottom for residential purposes falling under Use Class C3(a) as a result of continuous use in such purpose for a period in excess of 4 years.

It will be demonstrated 'on the balance of probabilities' that the first-floor dwelling has fallen under Use Class C3(a) for a period in excess of 4 years and consequently the use is lawful and immune from enforcement action. A positive Certificate should therefore be granted.

The application is submitted via the Planning Portal via reference PP-15229997, and in addition to this letter, is supported by the following:

- Completed Application Form
- Site Area Plan
- Signed Statutory Declaration of Mr Philip Cartwright

The requisite application fee of £610 has been paid via the planning portal.

The Site

The property of 30a Bridge Street comprises a first-floor residential unit, accessed from the rear via internal staircase. The front of the building faces onto the main high street within the town of Ramsbottom, Bury. The building currently features an attractive shop frontage, commensurate with its established use on the ground floor. Pedestrian access to the ground floor is separate to that of the first-floor residential unit.

Relevant Legislation

Section 191 of the Town and Country Planning Act 1990 (as amended) provides that a Certificate of Lawful Existing Use or Development is to be used to ascertain whether any existing use of buildings or other land is lawful, as well as establishing the lawfulness of any operations which have been carried out in, over or under land.

Section 191(2) states that:

‘For the purposes of this Act uses and operations are lawful at any time if—

- (a) *‘no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason)’*

Further, Section 191(4) provides:

‘If, on an application under this section, the local planning authority are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application, or that description as modified by the local planning authority or a description substituted by them, they shall issue a certificate to that effect; and in any other case they shall refuse the application.’

Section 171(b) confirms that for breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of a period of 10-years from the date of the breach.

With regards to timescales for enforcement, Section 115 of the Levelling-up and Regeneration Act 2023 substitutes the words from “four years” to read;

“(a) in the case of a breach of planning control in England, ten years beginning with the date on which the operations were substantially completed”

The Planning Act 2008 (Commencement No. 8) and Levelling-up and Regeneration Act 2023 (Commencement No. 4 and Transitional Provisions) Regulations 2024 sets out transitional provision and time limits for enforcement, Section 5 of the above referenced legislation details that the amendments made to the 1990 Act by section 115 of the 2023 Act (time limits for enforcement) do not apply where—

- (a) *‘in respect of a breach of planning control referred to in section 171B(1) of the 1990 Act (1) (time limits), the operations were substantially completed,’.*

National Planning Practice Guidance

The NPPG provides that:

“In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant’s version of events less than probable, there is no good reason to refuse the application, provided the applicant’s evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability”.

Further the PPG states that in determining an application for a lawful development certificate: *“A local planning authority needs to consider whether, on the facts of the case and relevant planning law, the specific matter is or would be lawful. Planning merits are not relevant at any stage in this particular application or appeal process”.*

Paragraph: 004 Reference ID: 17b-004-20180222 of the PPG sets out when development becomes immune from enforcement if no action is taken. This includes the following:

- *“within 4 years for an unauthorised change of use to a single dwellinghouse where the change of use took place before 25 April 2024”*

Evidence in Support of the Application

The building was purchased by Philip Cartwright (previous owner) in December 2020 and at that time the first-floor (application property) and subsequently renovated into a residential unit over a period of time during 2021 and 2022. Following completion of the renovation works in 2022, the unit was let and occupied by the first tenant from September 2022, followed by a second tenant from July 2024 (up to August 2026).

The building was purchased by the applicant in August 2025 (with a sitting tenant occupying the first-floor). The unit is currently temporarily vacant pending occupation by a new tenant.

A statutory declaration is provided by Philip Cartwright confirming the above.

It is clear from the above that the use of the unit falls within the definitions set out in The Town and Country Planning (Use Classes) Order 1987 (as amended 2021); in particular with reference to Use Class C3(a).

It is also clear that the works to the unit were substantially complete to enable use as a residential unit under Use Class C3(a) before 25th April 2024, such that the transitional provision

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and time limits for enforcement laid out within Section 5 of The Planning Act 2008 (Commencement No. 8) and Levelling-up and Regeneration Act 2023 (Commencement No. 4 and Transitional Provisions) Regulations 2024 apply to the application property.

The application demonstrates that the unit in question has been in use for purposes within Use Class C3(a) for a period exceeding 4 years and is therefore immune from enforcement action and is established as lawful.

I trust that the above timeline of tenants and uses that have taken place in the first-floor unit at 30a Bridge Street, Ramsbottom provides sufficient explanation such that the Council can be satisfied that the lawful use of the premises is Use Class C3(a).

Summary and Conclusions

This application seeks a Certificate of Lawful Existing Use or Development (CLEUD) confirming that the lawful use of the identified property falls within Use Class C3(a). The evidence provided is considered sufficiently robust to enable the granting of a positive certificate in accordance with the advice of NPPG and with regard of Section 191 of the Town and Country Planning Act.

We look forward to receiving confirmation that the application has been received and validated, however should you require any further information or clarification please do not hesitate to contact me.

Yours sincerely,



Katie Delaney
Director
For and behalf of Maybern Planning and Development