

**Statement in Support of Application for a Certificate of Lawfulness
(Proposed Use)**

Site: 42 Haymarket Street, Bury, BL9 0AY

This application seeks confirmation that the proposed use of the premises as a restaurant/café falls within Class E (Commercial, Business and Service) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and would therefore be lawful.

The lawful use of the premises has been established as a retail use (Class A1), as confirmed by a Certificate of Lawfulness granted in 2019. Following changes to the Use Classes Order in 2020, this use now falls within Class E(a). Restaurant and café uses fall within Class E(b). As such, a change between these uses does not constitute development and does not require planning permission.

The proposed use of the premises is as a restaurant/café, providing freshly prepared food for consumption primarily on the premises. The layout includes customer seating across both the ground and first floors, supporting a dine-in focused operation.

A service counter is proposed at ground floor level; however, this is a common feature within modern restaurant formats and does not in itself indicate a hot food takeaway use. The proposed layout provides customer seating across both the ground and first floors, comprising a total of approximately 10 tables/ clusters with capacity for around 50 covers. In addition, customer toilet facilities are provided within the premises. The scale of seating provision and supporting facilities is consistent with, and reinforces, the use of the premises as a restaurant/café focused on on-site dining. The layout of the premises, including the provision of customer seating across both floors, is designed to support a dine-in restaurant function.

Whilst it is acknowledged that customers may purchase food for consumption off the premises, any such activity would be ancillary to the primary use of the premises as a restaurant/café. The proposed use does not comprise a hot food takeaway (Sui Generis).

Planning permission was previously refused for a change of use to a hot food takeaway. The current proposal is materially different, being limited to a Class E restaurant use, which does not require planning permission.

The application does not relate to any external alterations or operational development, and is solely concerned with the lawful use of the premises.

On this basis, it is considered that the proposed use falls within Class E of the Use Classes Order and would be lawful. A Certificate of Lawfulness is therefore sought to confirm this position.

Please find attached photos that show the layout of the restaurant and the arrangements of tables which focus on the dine in experience.