



Town and Country Planning Act 1990: Section 192
Town and Country Planning (Development Management Procedure) (England)
Order 2015: Article 39

CERTIFICATE OF LAWFULNESS OF PROPOSED USE OR DEVELOPMENT

Correspondence Address:	Application Number:
Mr M Farooq Building Design Services 6 Stock Close Rochdale OL12 6BB	23/00691/CPL
Location	Description of Development
29 - 31 Milkstone Road Rochdale OL11 1ED	Application for a certificate of lawfulness for proposed change of use from shop to dessert bar and cafe

This Authority hereby certifies that on 27 June 2023, the use described in the First Schedule to this Certificate in respect of the land specified in the Second Schedule and edged in red on the plan attached to this certificate **would be LAWFUL** within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended) for the following reason(s):

Reasons:

Both the existing use as retail and the proposed use as a dessert bar/cafe are within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended) and as such no change of use would arise.

First Schedule

Application for a certificate of lawfulness for proposed change of use from shop to dessert bar and cafe

Second Schedule

29 - 31 Milkstone Road
Rochdale
OL11 1ED

Daniel Ripa
Interim Head of Planning Services

Date: 8 September 2023

In the avoidance of doubt, this certificate relates to the following set of plans:

Location Plan - received 26/06/2023

Existing Plans - 2030/1 - received 26/06/2023

Proposed Plans - 2030/2 - received 26/06/2023

Notes

- 1. This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990**
- 2. It certifies that the use specified in the First Schedule to take place on the land described in the Second Schedule would be lawful on the specified date and, therefore, would not be liable to enforcement action under Part 7 on the 1990 Act on that date.**
- 3. This certificate applies only to the extent of the use described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use which is materially different from that described or which relates 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, 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 are begun, in any of the matters relevant to determining such lawfulness.**