

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:
Mrs Jane Martin Martin Planning Ltd 1 Sandlebridge Farm Mill Lane Alderley Edge SK9 7TD	24/00318/CPL
Location	Description of Development
Stonefield Street Surgery Stonefield Street Milnrow OL16 4JQ	Application for a certificate of lawfulness for the proposed change of use from Doctor's Surgery (Use Class E) to Children's Day Nursery (Use Class E)

This Authority hereby certifies that on 3 April 2024, 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:

- 1 The proposed children's day nursery would not change the existing use class of the site and therefore the proposal would not result in a material change of use of the site. The proposed use therefore would be retained within Use Class E of The Town and Country Planning (Use Classes) Order 2020 (as amended) and as such would not represent development as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended).

First Schedule

Application for a certificate of lawfulness for the proposed change of use from Doctor's Surgery (Use Class E) to Children's Day Nursery (Use Class E)

Second Schedule

Stonefield Street Surgery
Stonefield Street
Milnrow
OL16 4JQ

Melanie Hale
Head of Planning Services

Date: 29 May 2024

For the avoidance of doubt, this decision notice relates to the following plans and documents:-

Location Plan

Letter dated 28 March 2024

Application form

General Layout. Drawing no: D2 002

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.**