



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 Building Design Services 418 Bury Road Rochdale OL11 5EU	24/00265/CPL
Location	Description of Development
1 Middleton Road Heywood OL10 2HS	Certificate of lawfulness for proposed change of use from shop storage space into dessert bar

This Authority hereby certifies that on 14 March 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 Both the existing use as a shop storage space and the proposed use as a dessert bar fall within Use Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended) and as such the proposals do not meet the definition of development as set out in Section 55 of the Town and Country Planning Act (1990) and therefore do not require planning permission.

First Schedule

Certificate of lawfulness for proposed change of use from shop storage space into dessert bar

Second Schedule

1 Middleton Road
Heywood
OL10 2HS

Melanie Hale
Head of Planning Services

Date: 11 June 2024

This application relates to the following plans:

- Proposed plans: 2111/2
- Location Plan

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.