

<u>APPLICATION NO:</u>	23/01438/CLD	<u>CASE OFFICER:</u>	Reece Black
<u>WARD:</u>	St Gabriels	<u>PARISH:</u>	
<u>LOCATION:</u>	29 Manley Road, Huyton, Knowsley		
<u>PROPOSAL:</u>	CERTIFICATE OF LAWFULNESS FOR PROPOSED USE FOR ONE PRIVATE HIRE MINIBUS OPERATING FROM THE EXISTING DWELLING		

Site Description

The application site is located at 29 Manley Road, Huyton and is located in an area allocated as a Primarily Residential Area in the Development Plan.

The property is a mid-terraced dwelling, features hard standing to the front of the dwelling and is enclosed by a metal black gate and railings.

Proposal

The application has been submitted under S192 of the Town and Country Planning Act (The 1990 Act). The application seeks permission for a Certificate of Lawfulness for the proposed use for one private hire minibus operating from the existing dwelling.

The application form states that the Certificate of Lawfulness is sought to enable the applicant to run the business, Ormes Travel, from this address.

There will be no change to the existing dwelling or the land within the curtilage of the boundary. The form also states that only one minibus would be operating for the company and would be parked at the dwelling when not in use. The bookings would be managed via social media, emails and phone calls.

There would be no calling to the premises to begin the journey and all journeys would start from the customer's address.

The outline of the proposal would not be considered out of the ordinary and would not require planning permission.

Consultations

There is no statutory requirement to consult third parties including parish councils or neighbours.

Planning History

No recorded planning history.

Legal Context

The key statutory framework for Lawful Development Certificates and their determination is set out in the sections 191-193 of the Town and Country Planning

Act (as amended).

The application is made under S192 of the Town and Country Planning Act 1990 (as amended). An application under S192 seeks to establish whether:

- a) Any proposed use or building or land; or
- b) Any operations to be carried out in, on, over or under land,

Would be lawful.

S192 (2) sets out that if an application under this section, the Local Planning Authority are provided with information satisfying that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect.

It is therefore not an application for planning permission. Instead, it is a legal determination based upon evidence and facts presented by the applicant as to whether the stated activity would be lawful. In such cases, the 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. Issues such as the planning policies do not fall within the consideration as the decision is based on fact and not on policy grounds and therefore planning merits are not relevant at any stage in this particular application process.

Assessment

The applicant has outlined in the submission that the proposed development is to store 1 no minibus at the premises when it is not in use. it will be limited to one minibus only.

The statutory framework covering “lawfulness” for Lawful Development Certificates is set out in section 191 (2) of the Act. In summary, lawful development is development in which no enforcement action may be taken and where no enforcement notice is in force, or, for which planning permission is not required.

The effect of granting a certificate is not to grant planning permission, in this instance, a certificate would confirm that the use of the premises for the proposed use would not amount to development. The main consideration when determining this application for a Lawful Development Certificate for a Proposed Use is whether or not the resultant use would be considered a material change.

As outlined in the application form, the proposed use would not result in a material change on highways or residential amenity due to the use. It would not amount to development.

Conclusion

It is concluded that the proposed use of the premises, for use of one private hire minibus would not result in a material change from that of the previously known. There are no known planning records that indicate that the premises are restricted by planning conditions restricting the use of these premises.

Recommendation

- 1) Approve the requested Certificate of Lawfulness application under Section 192 of the Town and Country Planning Act 1990.

The information provided to the Local Planning Authority is satisfactory to determine that the proposed use and operations of the premises would be a lawful use of the premises.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
17/07/2023	#00834860-6532A3	-	LOCATION PLAN

Signed Case Officer¹: **Reece Black**

Signed Authorising Officer²: **K Foster**

Date: **6 September 2023**

Informatives

Not applicable.

¹ I confirm that I do not have a personal relationship with the applicant, agent or other interested parties; I also confirm that I do not have a financial interest in the site or the development proposed

² I confirm that I do not have a personal relationship with the applicant, agent or other interested parties; I also confirm that I do not have a financial interest in the site or the development proposed