



HYNDBURN
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BOROUGH OF HYNDBURN

HOME OF THE ACCRINGTON PALS

Planning & Transportation

Scaitcliffe House
Ormerod Street
Accrington
BB5 0PF

APPLICATION NO: 11/22/0004
HYNDBURN BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990
SECTION 192

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER
2015: ARTICLE 39

CERTIFICATE OF LAWFUL USE

The Hyndburn Borough Council hereby certify that on 6th January 2022 the use described in the First Schedule hereto in respect of the land specified in the Second schedule hereto and edged 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):

The present lawful use of the premises is as a rest home for the elderly. The applicant describes the present lawful use of the premises as a residential home for the elderly. The planning history held in the planning register shows that planning permission 11/84/0637 was granted for change of use from dwelling to rest home for the elderly on 17th January 1985. There were no conditions relating to the numbers or character of occupancy. The conclusion is that the present lawful use is within Class C2. Residential institutions.

The proposed use described by the applicant is as a residential family support and residential assessment home for parents whose children are at risk of removal from their care (up to 6 families at any one time having up to 2 children in their care). That use would be within Class C2. Residential institutions.

The conclusion is that the present use is within Class C2 and the proposed use would be within Class C2 of the same Use Class and that no development would be involved in the proposed change of use. Therefore, the planning permission of Hyndburn Borough Council will not be required for that change of use.

First Schedule : Use as a residential family support and residential assessment home for parents whose children are at risk of removal from their care (up to 6 families at any one time having up to 2 children in their care) being a use within Class C2. Residential institutions of the Schedule to The Town and Country Planning (Use Classes) Order 1987 (as amended in 2010 and otherwise).

Second Schedule : Greycroft H F E, 15 Queens Road Accrington BB5 6AR

Notes

1. This certificate is issued solely for the purpose of section 191 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the use specified in the First Schedule taking place on the land described in the Second Schedule was lawful, on the specified date and, thus, was not liable to enforcement action under Section 172 of 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 relate(s) 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, as amended, 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 begun, in any of the matters relevant to determining such lawfulness.

Signed:

Chief Planning and Transportation Officer
On behalf of Hyndburn Borough Council

Date: 11 March 2022

Yours faithfully

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Simon Prideaux

Mr Simon Prideaux
Chief Planning and Transportation Officer

On behalf of Hyndburn Borough Council