



Application for a Lawful Development Certificate for an Existing Use or Operation or Activity, including those in breach of a planning condition

Town and Country Planning Act 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number

26

Suffix

Property Name

Address Line 1

Portway

Address Line 2

Address Line 3

Manchester

Town/city

Manchester

Postcode

M22 1UB

Description of site location must be completed if postcode is not known:

Easting (x)

381725

Northing (y)

387059

Description

Applicant Details

Name/Company

Title

First name

Surname

Company Name

Address

Address line 1

Address line 2

Address line 3

Town/City

County

Country

Postcode

Are you an agent acting on behalf of the applicant?

☒ Yes

☐ No

Contact Details

Primary number

Secondary number

Fax number

Email address

Agent Details

Name/Company

Title

First name

Surname

Company Name

Address

Address line 1

Address line 2

Address line 3

Town/City

County

Country

Postcode

Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

***** REDACTED *****

Reason for Lawful Development Certificate

Please indicate why you are applying for a lawful development certificate

- ☒ An existing use
- ☐ Existing building works
- ☐ An existing use, building work or activity in breach of a condition

Being a use, building works or activity which is still going on at the date of this application.

If Yes, to either 'an existing use' or 'an existing use in breach of a condition', please select the relevant Use Class.

Other

Other (please specify)

Property previously considered A3 (now Class E) but has operated A5 (now Sui Generis).

Description of Existing Use, Building Works or Activity

Please fully describe each existing use, building works or activity for which you want the lawful development certificate. Where appropriate, show to which part of the land each use, building works or activity relates

The LPA have advised that the property was considered to have a Class A3 use (now Class E) yet such has been operating as Class A5 (now Sui Generis) by virtue of the majority of sales of hot food being consumed off the premises, and has offered the Applicant the opportunity to apply for full planning permission, or a Certificate of Lawfulness.

Undertaking desktop research, reviewing Google Maps history and that of online review websites, it is clear that the premises has been operating as a 'hot food takeaway' for more than 10 years and therefore, has gained lawfulness given the passing of time.

Although there is no specific evidence of the fitting of the extraction system, reviews clearly demonstrate that hot food has been served at the site in excess of 10 years, to which on the balance of probability, would require mechanical extraction equipment.

Documents obtained detail several former owners, however these can only be provided from February 2015. Details on lease agreement from this tie are Glyn Glindon, Stephanie Glindon and Michelle Denny. Following this, the premises changed hands in 2018 to Ms. Toyah Barker and Ms. Nova Barker.

Grounds for application for a Lawful Development Certificate

Under what grounds is the certificate being sought

- ☒ The use began more than 10 years before the date of this application
- ☐ The use, building works or activity in breach of condition began more than 10 years before the date of this application
- ☐ The use began within the last 10 years, as a result of a change of use not requiring planning permission, and there has not been a change of use requiring planning permission in the last 10 years
- ☐ The building works (for instance, building or engineering works) were substantially completed more than four years before the date of this application.
- ☐ The use as a single dwelling house began more than four years before the date of this application
- ☐ Other - please specify (this might include claims that the change of use or building work was not development, or that it benefited from planning permission granted under the Act or by the General Permitted Development Order).

Is the certificate being sought for a use, operation, or activity in breach of a condition or limitation?

- ☐ Yes
- ☒ No

Please state why a Lawful Development Certificate should be granted

Evidence provided demonstrates that the premises has operated as 'Momma B's' in excess of 10 years. This is shown in Google Map data, where the fore of the premises can clearly be seen as advertising as a food service/cafe from at least 2012. There is no documentary evidence in forms of lease agreements etc. prior to 2015, as the premises has changed owner/occupiers on multiple occasions.

The LPA has advised that the existing lawful use of the premises was that of A3, and that such has been run as A5 (both nor formally revoked). This is not disputed. The current use of the premises, given its limited seating capacity and advertisements of hot food, demonstrate that such use would fall under Sui Generis as most food is consumed off the premises. Although usually requiring planning permission, evidence from Trustpilot as an example, shows positive reviews dating back to February 2014, with some reviews specifically discussing hot food items, buffets and cooked breakfasts.

On the balance of probability, therefore, it is believed that a Certificate should be granted.

Tripadvisor reviews are provided below:

https://www.tripadvisor.co.uk/Restaurant_Review-g7235350-d5422687-Reviews-Momma_B_s-Wythenshawe_Greater_Manchester_England.html

Information in support of a Lawful Development Certificate

When was the use or activity begun, or the building works substantially completed (date must be pre-application submission)?

01-02-2012

In the case of an existing use or activity in breach of conditions has there been any interruption?

- ☐ Yes
- ☒ No

In the case of an existing use of land, has there been any material change of use of the land since the start of the use for which a certificate is sought?

- ☐ Yes
- ☒ No

Residential Information

Does the application for a certificate relate to a residential use where the number of residential units has changed?

☐ Yes

☒ No

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

☒ Yes

☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

☒ The agent

☐ The applicant

☐ Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

☐ Yes

☒ No

Interest in the Land

Please state the applicant's interest in the land

☒ Owner

☐ Lessee

☐ Occupier

☐ Other

Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

(a) a member of staff

(b) an elected member

(c) related to a member of staff

(d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

☐ Yes

☒ No

Declaration

I/We hereby apply for Lawful development: Existing use as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.
I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.
I/We also accept that, in accordance with the Planning Portal's terms and conditions:
- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

☒ I / We agree to the outlined declaration

Signed

Alexis Anderson-Jones MRTPI

Date

13/03/2025