



PLANNING STATEMENT

Application for a Lawful Development Certificate
for the creation of 3 flats

Slade Lane
Levenshulme
Manchester
M19 2BY

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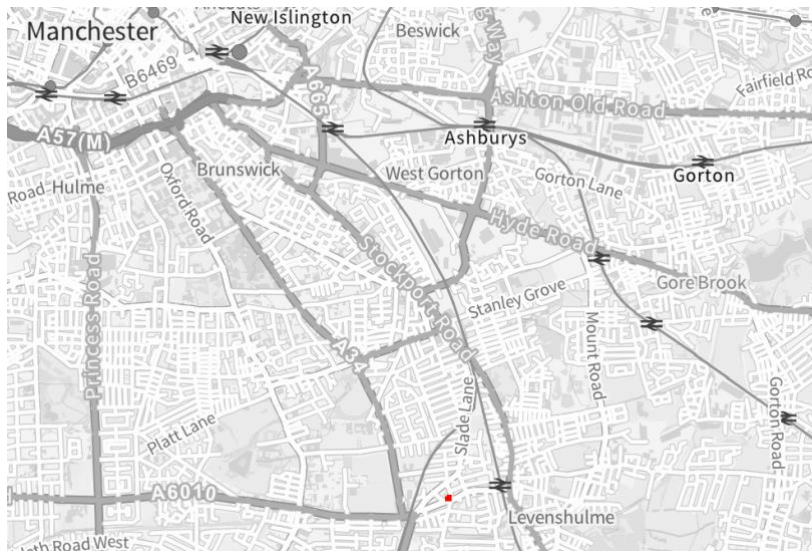
Application for a Lawful Development Certificate for the creation of 3 flats

1. Introduction

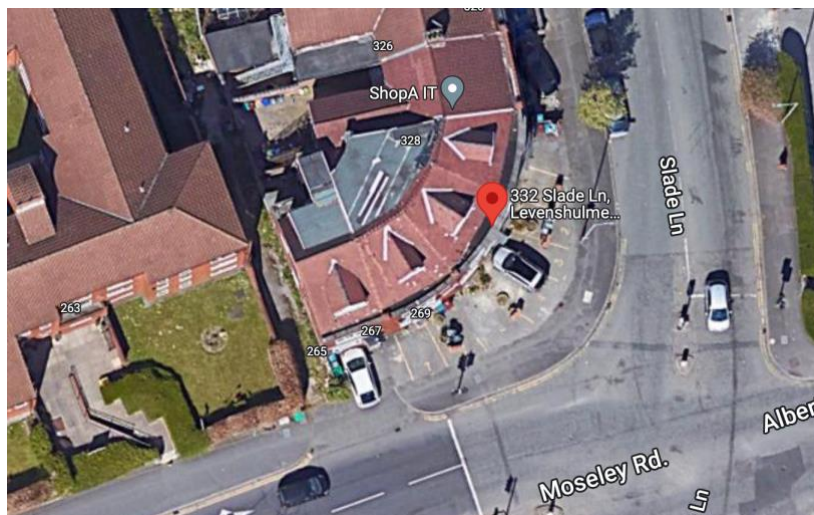
- 1.1 This appraisal has been prepared to support an application for a Lawful Development Certificate for creation and occupation of 3 flats at Slade Lane, Levenshulme.
- 1.2 This statement has been prepared on behalf of the property owner, Mr Hozan Rahman.
- 1.3 This application is submitted in order to regularise the planning status at the property in relation to:
 - Building works carried out at the property to create 3 individual flats
 - Occupation of these dwellings (Use Class C3) for at least 4 years
- 1.4 This statement should be read alongside the following, submitted in order to illustrate the application:
 - Application Form
 - Location Plan
 - Site Plan
 - Floorplans and elevations
 - Other evidence submitted separately and confidentially
 - Statutory declarations from the applicant, tenant of Flat 1 and builder

2. Site and surroundings

- 2.1 The site is located on the corner of Slade Lane and Moseley Road in Levenshulme approximately 5km southeast of the city centre.



- 2.2 The building occupies a corner plot and contains accommodation arranged over three floors.



- 2.3 The building has been used historically for a number of purposes. In particular, it has been in light industrial, retail and office use.

- 2.4 The accommodation provided in the building includes:

- Ground Floor – 3 flats granted by 105687/PIAPA/2014/N2 known as 332 Slade Lane, 269 and 267 Moseley Road.
- First Floor – 3 flats granted by 101979/FO/2013/N2 known as Flats 1, 2 and 3 330 Slade Road.
- Second Floor – 3 flats created and occupied in March 2016 known as Flats 4, 5 and 6. These are the subject of this application.

2.5 There are no special designations that apply to the site.

3. Proposal

3.1 This application is for a Lawful Development Certificate for the 3 existing self-contained flats on the second floor of the building at 332 Slade Lane. Full plans showing all the existing residential accommodation provided within the building are submitted with the application.



4. Planning history

Erection of front and rear dormer extensions to form additional living accommodation and new ground floor site managers office.

Flats 1, 2 And 3 330 Slade Lane Levenshulme Manchester M19 2BY
Ref. No: 109120/FO/2015/N2 | Validated: Tue 16 Jun 2015 | Status: Decided

Notice of prior approval for conversion of ground floor retail unit to 3 apartments and associated external alterations

Ground Floor 330 Slade Lane Levenshulme Manchester M19 2BY
Ref. No: 105687/PIAPA/2014/N2 | Validated: Tue 20 May 2014 | Status: Decided

Change of use of first floor to 3 no. self contained flats

330 Slade Lane Levenshulme Manchester M19 2BY
Ref. No: 101979/FO/2013/N2 | Validated: Thu 25 Apr 2013 | Status: Decided

Change of use from light industrial to retail shop with associated storage and offices

330, Slade Lane, Levenshulme LEVENSHULME
Ref. No: 039725 | Validated: Mon 22 Jul 1991 | Status: Decided

Use of vacant premises for light industrial purposes, warehousing and a garage

330, Slade Lane, Levenshulme LEVENSHULME
Ref. No: 019612 | Validated: Tue 10 May 1983 | Status: Decided

5. The applicant's case

- 5.1 This application seeks to confirm that the 3 flats identified on the plans as Flats 4, 5 and 6 were created and occupied in 2016. This was at least 4 years ago and the flats are therefore immune from any enforcement action.
- 5.2 This application is submitted under the provisions of Section 191 of the Town and Country Planning Act 1990 which states that:
- (1) If any person wishes to ascertain whether –
 - (a) any existing use of buildings or other land is lawful; or
 - (b) any operations which have been carried out in, on, or over land are lawful; or
 - (c) any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful, he may



make an application for the purpose to the local planning authority specifying the land and describing the use, operations or other matter.

and

(2) For the purposes of this Act uses and operations are lawful at any time if –

(a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and

(b) they do not constitute a contravention of any of the requirements of any of the requirements of any enforcement notice then in force.

5.3 Section 171B of the Town and Country Planning Act 1990 states that:

(1) Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed.

(2) Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach.

(3) In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.

5.4 Flats 4, 5 and 6 were completed and occupied in March 2016. We are submitting evidence to this effect in the form of the following documentation:

- Statutory Declaration from the applicant. This sets out the means and dates of the completion of the building works undertaken to create Flats 4, 5 and 6. It also contains details of the tenants who have occupied the flats and dates of occupation.
- Statutory Declaration from a long-term tenant of Flat 1 on the first floor of the building, Mr Hamad Izar Al-Abedessalam. Mr Al-Abedessalam has occupied Flat 1 since January 2018.

- Statutory Declaration from Mr Askar Kakaye, the builder who undertook the building works to create the flats. Mr Kakaye continues to carry out works to the building when required.
- Building Control Completion Certificate for works to roof space approved by 109120/FO/2015/N2.

6. Conclusion

- 6.1 It is considered that the evidence submitted is sufficient to demonstrate that, on the balance of probabilities, Flats 4, 5 and 6 identified on the plans submitted have been in existence and occupied in C3 residential use for a period in excess of 4 years.
- 6.2 As such these flats are now considered to be immune from enforcement action.
- 6.3 We therefore respectfully request that a Lawful Development Certificate be issued to confirm that the flats are lawful.