

25<sup>th</sup> August 2022  
Development Management  
Manchester City Council  
Town Hall  
Manchester  
M60 2LA

Our ref: CAL103

**By email only**

Dear Sir/ Madam

**APPLICATION FOR CERTIFICATE OF LAWFUL EXISTING USE (CLEUD) FOR THE USE OF THE  
PROPERTY FOR CLASS C3(b) RESIDENTIAL PURPOSES.  
LAND AT 35 MONICA GROVE, MANCHESTER M19 2BN**

This application comprises an application for a Certificate of Lawful Existing Use (CLEUD) for use of the above property as a single dwellinghouse (Class C3(b), on behalf of our client Calico Homes.

The application has been submitted via the Planning Portal (ref PP-11382367) and comprises the following:

Site location plan  
Existing floor plans (prior to current use being implemented)  
Proposed floorplans (property layout since current use was implemented)  
Copy of lease agreement between former owners of property and the Alcohol and Drugs Abstinence Service dated 1<sup>st</sup> October 2007  
Copy of tenancy list  
Correspondence from ADAS  
Sworn affidavit from Darren Lang to be provided in due course

The application fee has been paid separately by our client.

**The Application**

This application has been submitted to demonstrate the lawfulness of the use of the property at 35 Monica Grove as a Class C3(b) dwelling house.

Section 191 of the TCPA 1990 states that:

(1) If any person wishes to ascertain whether

a) Any existing use of buildings or land 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.

Section 191 further indicates that if, on an application under this section, the local planning authority is provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

Applicants are advised that a certificate under this section shall:

a) specify the land to which it relates;

b) describe the use, operations or other matter in question (in the case of any use falling within one of the classes specified in an order under section 55(2)(f), identifying it by reference to that class);

c) give the reasons for determining the use, operations or other matter to be lawful;  
and

d) specify the date of the application for the certificate.

In accordance with the legislation, the application seeks to provide the information required to demonstrate that the use of 35 Monica Grove for Class C3 (b) residential purposes is lawful through the passage of time, as it has been an uninterrupted use for in excess of 10 years.

The relevant test is the “balance of probability” and the Local Planning Authority is advised that if it has no evidence to contradict or undermine the applicant’s claim, the Certificate must be granted, provided that the applicant’s evidence is sufficiently precise and unambiguous to justify the grant of a Certificate.

The Town and Country Planning (Use Classes) Order 1987 as amended, indicates that Class C3 is formed in three parts:

Class C3(b) covers up to six people living together as a single household where care is provided to residents.

In this particular case, 35 Monica Grove was first occupied for Class C3(b) purposes in 2007, following a lease being granted by the former owners of the property (Patricia Sheeran and Jane Cornah, trading as Manone Partners) to the Alcohol and Drug Abstinence Service of Buxton Road, Stockport.

Following completion of the lease agreement, minor internal refurbishment works were carried out to enable the property to provide 3 good sized bedrooms (plus boxroom) with a shared kitchen, bathroom and lounge. The proposed floor plan shows the amended arrangement as the former ground floor lounge (see existing floorplan) was converted to form a bedroom.

The property was then occupied by a succession of tenants of the Alcohol and Drugs Abstinence Service as is demonstrated by the tenancy list, which indicates a pattern of short term tenancies and that the tenants occupied 3 bedrooms within the property.

There is additional evidence to confirm the use of the property over time. In the correspondence file from ADAS, there are letters confirming the January and April 2009 rent payments for the property. Also attached is a letter written by Lynn Barker, the Manager of ADAS in August 2007 which indicates that the organisation were using properties in Monica Grove to provide supported living accommodation for people recovering from drug or alcohol abuse.

The statutory declaration by Darren Lang confirms that the premises have been used by ADAS and their successor organisations Acorn Recovery Projects and Calico Homes for the purposes of supported living accommodation under Class C3(b) of the Town and Country Planning Use Classes Order for an uninterrupted period in excess of 10 years.

The evidence submitted with this application is precise and unambiguous. Our client confirms that the property at 35 Monica Grove has been used for Class C3 (b) purposes for the last 10 years and there have been no other uses during that period.

National Planning Practice Guidance (reference Paragraph: 006 Reference ID: 17c-006-20140306) indicates, that in the case of applications for an existing use, if a local planning authority has no evidence itself, nor any from other third parties, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate.

Therefore the Local Planning Authority is invited to issue a Certificate of Lawfulness in respect of 35 Monica Grove.

Yours faithfully

*C. Thomas*

**Catherine Thomas MRTPI**  
**Smith & Love Planning**