Euan Kellie PROPERTY SOLUTIONS

Neo
9 Charlotte Street
Manchester
M1 4ET

www.euankellie.co.uk

Development Management
Manchester City Council
Floor 6 Town Hall Extension
Albert Square
Manchester
M60 2LA

Our Ref: EKPS/230305/JK

Submitted via the Planning Portal

21 August 2026

Dear Sir or Madam,

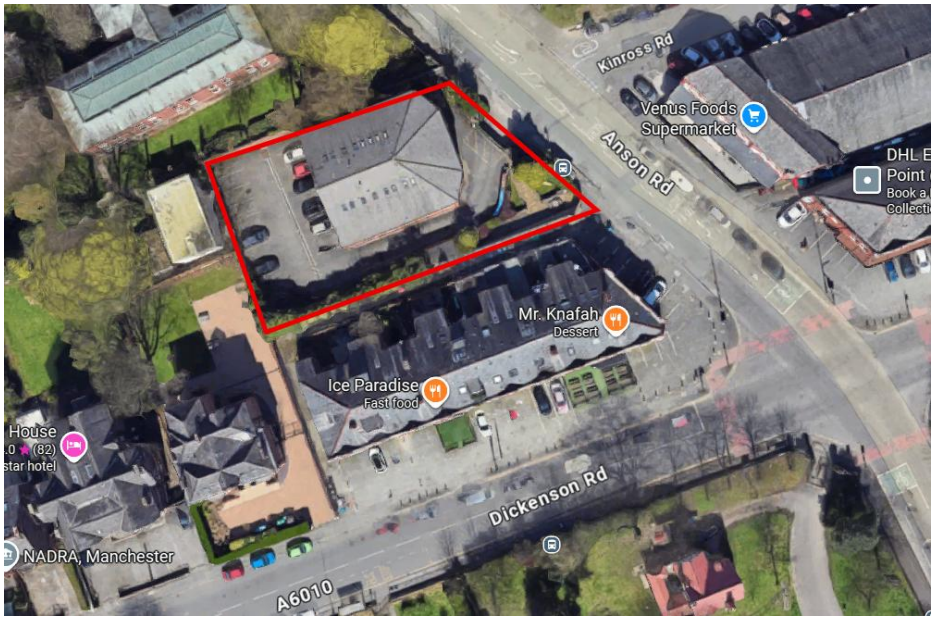
Application for Certificate of Lawful Existing Use and Development David Navin Court, 32 Anson Road, Manchester M14 5BP

On behalf of our client, David Navin Holdings Ltd., we are pleased to submit an application for a Certificate of Lawful Existing Use and Development in respect of David Navin Court, 32 Anson Road, Manchester M14 5BP (hereafter referred to as the Site) in relation to the following:

> *"Application for Lawful Development Certificate to establish the existing lawful development and use of two apartments within the roof space (Use Class C3) and the development of windows and roof-lights to serve the rooms enclosed within them."*

Site Description and Background

The Site comprises of an apartment building - known as David Navin Court - set within an area of hardstanding that provides car parking and circulation space, accessed from Anson Road. The boundary to the Site is outlined in red within **Figure 1**, below.



^ Figure 1: Site boundary and location

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Registered Company Number: 08510332. VAT Number: 166 1177 09.

Regulated by RICS

David Navin Court was constructed in 1998, following the approval of planning application ref: 051360/FO/CENTL1/97 on 10 July 1997, which carried the following description of development:

> *"Erection of a three storey building to form 18no. one and two bedroom flats after demolition of former builders yard."*

David Navin Court was constructed in full accordance with the permission described above, however in 1999 the roof-space of the building was converted to create two additional apartments – No's 19 and 20 – thus creating a new third floor level. These apartments are served by windows and roof-lights that were not previously granted planning permission.

The owner of the Site wishes to regularise the presence and use of the two additional apartments within the roof-space (third floor), along with the windows and roof-lights that serve those apartments.

Relevant Legislation

Section 191 of the Town and Country Planning Act 1990 ("the TCPA") allows for an applicant to apply for a Lawful Development Certificate in order to confirm that an existing use of land, or some operational development, or some activity being carried out in breach of a planning condition, is lawful for planning purposes.

By virtue of Section 191(2), uses and operations are 'lawful' at any time if they did not involve 'development', if no enforcement action may be taken against them, and they are not in contravention of any enforcement notice which is in force.

Section 171B of the TCPA sets out the relevant timescales for taking enforcement action. Section 171B (3) states that in the case of any other breach of planning control (except relevant demolition works), no enforcement action may be taken after the end of the period of ten years, beginning with the date of the breach.

Planning Practice Guidance ("PPG") regarding Lawful Development Certificates (LDC's) advises that in the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, 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 on the balance of probability.

This application seeks to establish the lawful presence of the two apartments at third floor level and the windows that serve them, by providing the necessary evidence to demonstrate that they have been present and (in the case of the apartments) have been in continuous use for at least 10 years (i.e. since August 2016), in-line with the timescales referenced within Section 171B of the TCPA. This shall be demonstrated via references to several different sources of factual information and evidence, which are set out in the section below.

Planning History

Former builders yard, Anson Road, Longsight

Erection of a three-storey building to form 18no. one and two bedroom flats after demolition of former builders yard – Approved 10 July 1997.

Only the decision notice for the above application is available to view on the Council's public register, with no other plans, forms or an officer report present on the file.

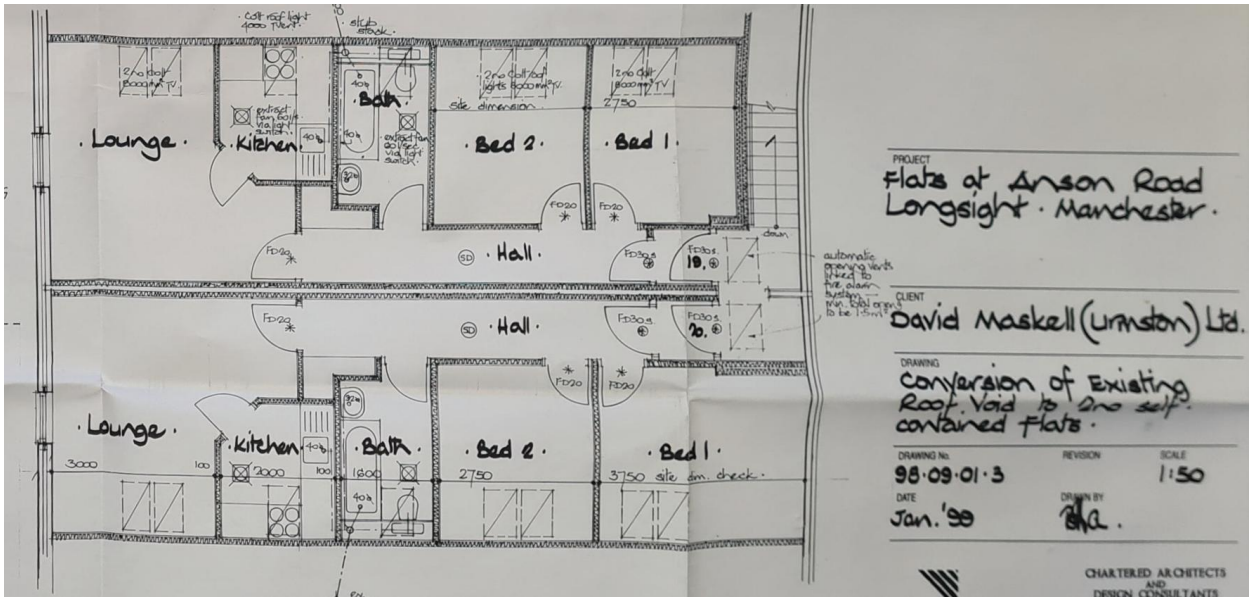
Appraisal

Several sources of information are available, demonstrating that the apartments and windows have been present for over 10 years and, in the case of the apartments, have been in continuous use for that time period also. These sources of information are presented in turn below:

Architectural Plans

Architectural drawings (produced by 'Inside Out Design Partnership') showing the planned conversion of the roof-space to create two additional apartments have been submitted with this application. The plans are dated 'Jan 99' and clearly show the creation of 2no. 2-bed apartments on the 'third floor' at 'Anson Road, Longsight, Manchester'. A 'location plan' and 'existing ground floor plan' are also included on the drawing, along with a cross-section, all of which corresponds with the on-the-ground layout to David Navin Court. The title for the plan is: 'Conversion of Existing Roof Void to 2no. self-contained Flats'.

An extract of the plan is provided below, in **Figure 2**, with the full version available to view at **Appendix 1**.



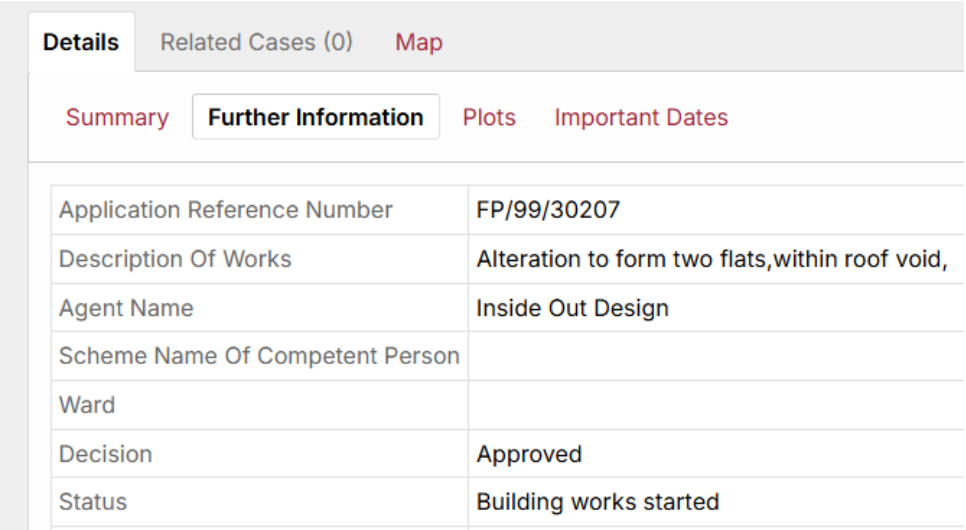
^ Figure 2: Extract from architectural drawing produced by Inside Out Design Partnership in January 1999.

Building Regulations Application

Inspection of MCC's public register shows that an application for Building Regulations was approved on 1 February 1999 under application ref: FP/99/30207, which carried the following description of development:

> *"Alteration to form two flats, within roof void."*

As can be seen in **Figure 3** overleaf, the plans were submitted by Inside Out Design, who produced the plan shown in **Figure 2** / **Appendix 1**. Whilst no documents are available to view on the public register, the information available notes that work had already started.



Details | Related Cases (0) | Map

Summary | Further Information | Plots | Important Dates

Application Reference Number	FP/99/30207
Description Of Works	Alteration to form two flats,within roof void,
Agent Name	Inside Out Design
Scheme Name Of Competent Person	
Ward	
Decision	Approved
Status	Building works started

^ Figure 3: Extract from MCC's public register

Photographs and Media of the Property

The layout shown in **Figure 2** is corroborated by more modern imagery and media that is available for Apartments 19 and 20. A selection of these images, dating from 2 December 2016 and 17 January 2025 (No.19) and 10 September 2013 and 14 June 2021 (No.20) are provided in **Appendix 2**. Video tours of both flats from January 2025 are available, if needed.

The plans and photographs in combination, clearly demonstrate that the two apartments have been in-situ for at least 10 years.

Windows

There is clear evidence to show that the windows serving apartments 19 and 20 have been in place for significantly longer than the 10 years required to demonstrate their lawfulness. In reality, these features were installed with the creation of the apartments in 1999.

Figure 4 below shows historic aerial imagery of David Navin Court, which has been taken from Google Earth and is dated 4 August 2003. This shows the lounge windows to flats 19 and 20 (outlined red) as well as the rooflights to both apartments (circled green).

Figure 5 below shows a matching arrangement of windows, taken from Google Maps, however it is understood that this image was taken in 2025.

Figure 6 provides a view of the rooflights on David Navin Court's southern roof-slope, which dates from June 2025. Again the window arrangement corresponds with that shown in **Figure 3**, 22 years earlier.



^ Figure 4: Aerial image from Google Earth (4 August 2003)



^ Figure 5: Aerial image from Google Maps (2025)



^ Figure 6: Image from Google Streetview (June 2025)

The images in **Figures 7 and 8** overleaf show the lounges to Flats 19 and 20 respectively and, importantly, their window arrangement, which correspond with the images above and the floor plan provided in **Figure 2**.



^ Figure 7: Lounge of Flat 19 (2 December 2016)



^ Figure 8: Lounge of Flat 20 (10 September 2013)

All of the above clearly demonstrate that the windows serving the two apartments on the third floor have been in-situ for more than 10 years, having regard to the timescales set out in Section 171B of the TCPA.

Tenancy Agreements

A series of tenancy agreements for both apartments (19 and 20) have been submitted with this application, as follows.

Apartment 19

A total of 13 Tenancy Agreements has been submitted for No.19, demonstrating continuous occupation of the property from September 2013 until the present day. No substantial breaks between tenancies occurred during this time. Where contracts are more than one year apart, this is because the tenant chose to move onto a rolling contract once the initial 12-month contract had concluded.

MCC should be able to cross-reference the above with their own Council Tax records for the property.

The above demonstrates that apartment 19 has been in continuous C3 (Dwellinghouse) use for at least 10 years.

Apartment 20

A total of 11 Tenancy Agreements has been submitted for No.20, demonstrating continuous occupation of the property from October 2012 until the present day. No substantial breaks between tenancies occurred. Where contracts are more than one year apart, this is because the tenant chose to move on to a rolling contract once the initial 12-month contract had concluded.

MCC should be able to cross-reference the above with their own Council Tax records for the property.

The above demonstrates that apartment 20 has been in continuous C3 (Dwellinghouse) use for at least 10 years.

Council Tax Records

The tenancy agreements for Flat 19 can be corroborated by the Council Tax records held by MCC. The applicant, as landlord, only pays Council Tax bills when the property is empty, with residents paying whilst the apartment is occupied. Accordingly, the records available to view within the applicant's account (and which

are summarised within **Appendix 3)**, relate only to the void periods between tenancies, where they have been required to cover the Council Tax. The available records date back to July 2014 (i.e. over 10yrs ago) and show that void periods occur very infrequently (typically once a year), and generally last for a short length of time. Copies of the individual bills listed in Appendix 3 can be provided on request.

The applicant has requested a Login Pin from the MCC Portal, to enable them to access the matching records for Flat 20, however regrettably this has not been provided. If required, officers may be able to liaise with colleagues in MCC Council Tax to obtain these records directly themselves.

Electrical Installation Condition Reports

Reports undertaken by NIC-EIC (Approved Contractor) have been submitted, dating from May 2017 and June 2021, demonstrating that the apartments existed and were occupied at these times, with an estimation that the electrical installation being assessed was installed in c.1996/7, which broadly aligns with the building's original construction date of 1998.

Energy Performance Certificates ("EPCs")

EPCs have been submitted for the No's 19 and 20 Anson Road, dating from September 2008 and April 2019. They describe the units being assessed as 'top floor flats'.

Fire Detection and Alarm System Inspection and Servicing Report

Annual reports dating from 2016 – 2018 have been submitted for 'Flats 1-20, David Navin Court'. Additional years are available upon request, if that would be of assistance.

Fire Risk Assessment ("FRAs")

FRAs dating between October 2011 and September 2023 have been submitted with the application for Flats 19 and 20 which the reports confirm are located on the third floor of the building.

Gas Safety Records

Gas Safety Records dating from June 2016 to June 2018 have been submitted for Flats 19 and 20 of 'David Navin Court'. Additional years are available upon request, if these would be of assistance.

Asbestos Report

An Asbestos Report for David Navin Court, produced by Asbestos Associated in February 2018, has been submitted with the application. This includes a third floor layout plan for 32 Anson Road, which aligns with the 1999 floor-plan shown in **Figure 2 / Appendix 1**.

The tenancy agreements and various safety checks referenced above provide a clear picture of continuous occupation and regular monitoring in-line with relevant safety standards for apartments 19 and 20.

Summary

Taken altogether, the evidence provided within this application demonstrates - in a precise and unambiguous manner - that the third floor apartments (No's 19 and 20) within David Navin Court have been in continuous use for more than 10 years, having regard to the timescales set out in Section 171B of the TCPA. Likewise, the windows serving these apartments have also been in-situ for more than 10 years.

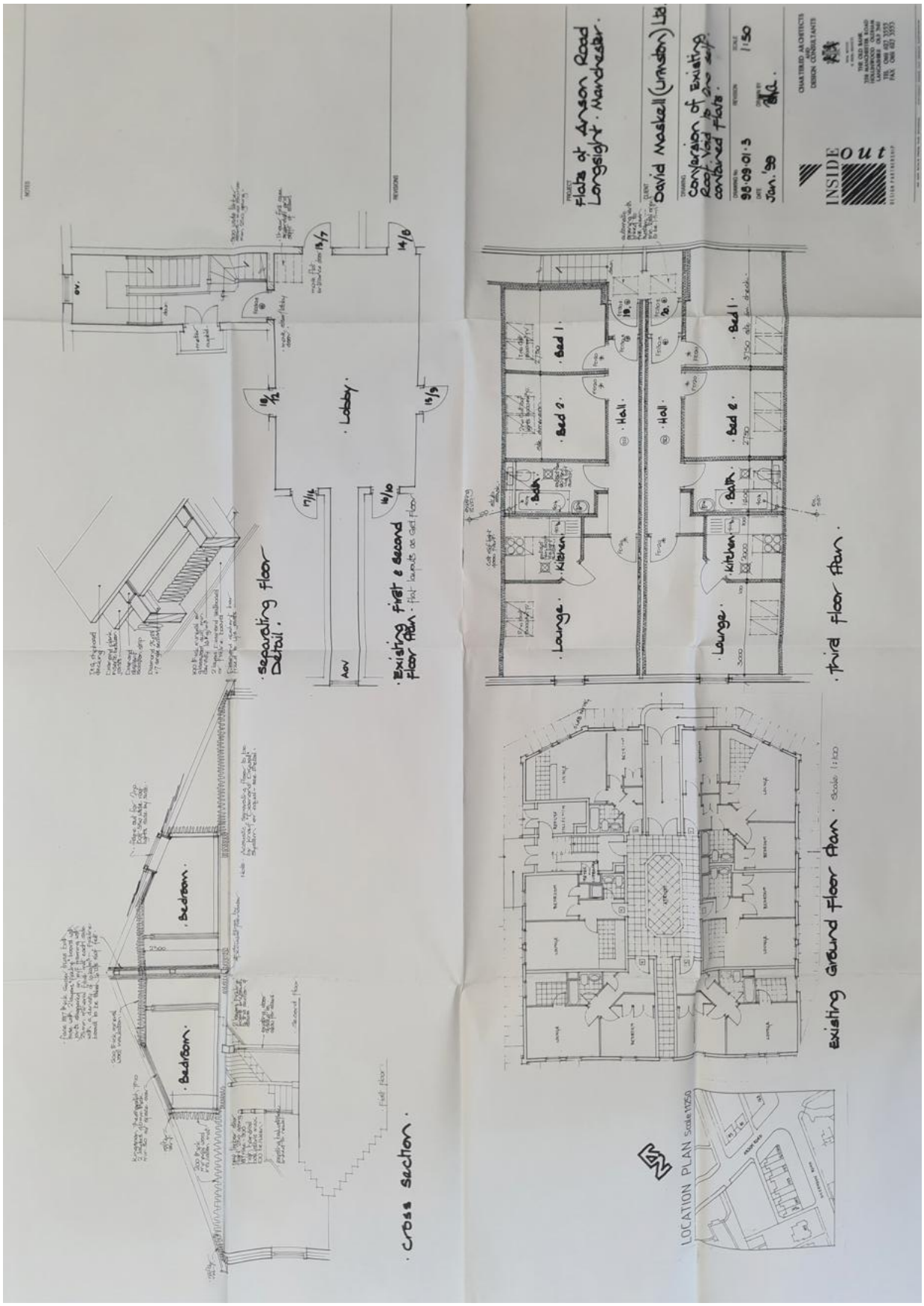
We trust that MCC have all of the necessary information before them to issue the relevant Lawful Development Certificate, however please do not hesitate to contact me on [redacted] if you require anything further.

Yours faithfully,

[redacted]

James Ketley MRTPI
Associate Director
[redacted]

Appendix 1: Conversion plans for David Navin Court – January 1999



Appendix 2: Images of No's 19 and 20 David Navin Court

Flat 19, David Navin Court, Anson Road



^ Kitchen, taken 2 December 2016



^ Lounge, taken 2 December 2016



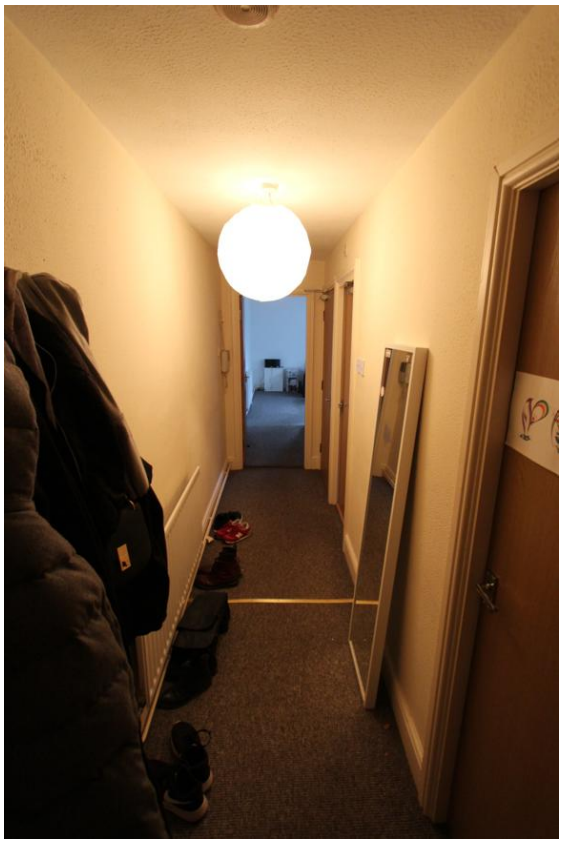
^ Bathroom, taken 2 December 2016



^ Bedroom 1, taken 2 December 2016



^ Bedroom 2, taken 2 December 2016



^ Hallway, taken 2 December 2016



^ Kitchen, taken 17 January 2025



^ Lounge, taken 17 January 2025



^ Bathroom, taken 17 January 2025



^ Bedroom1, taken 17 January 2025



^ Bedroom 2, taken 17 January 2025

Flat 20, David Navin Court, Anson Road



^ Kitchen, taken on 10 September 2013



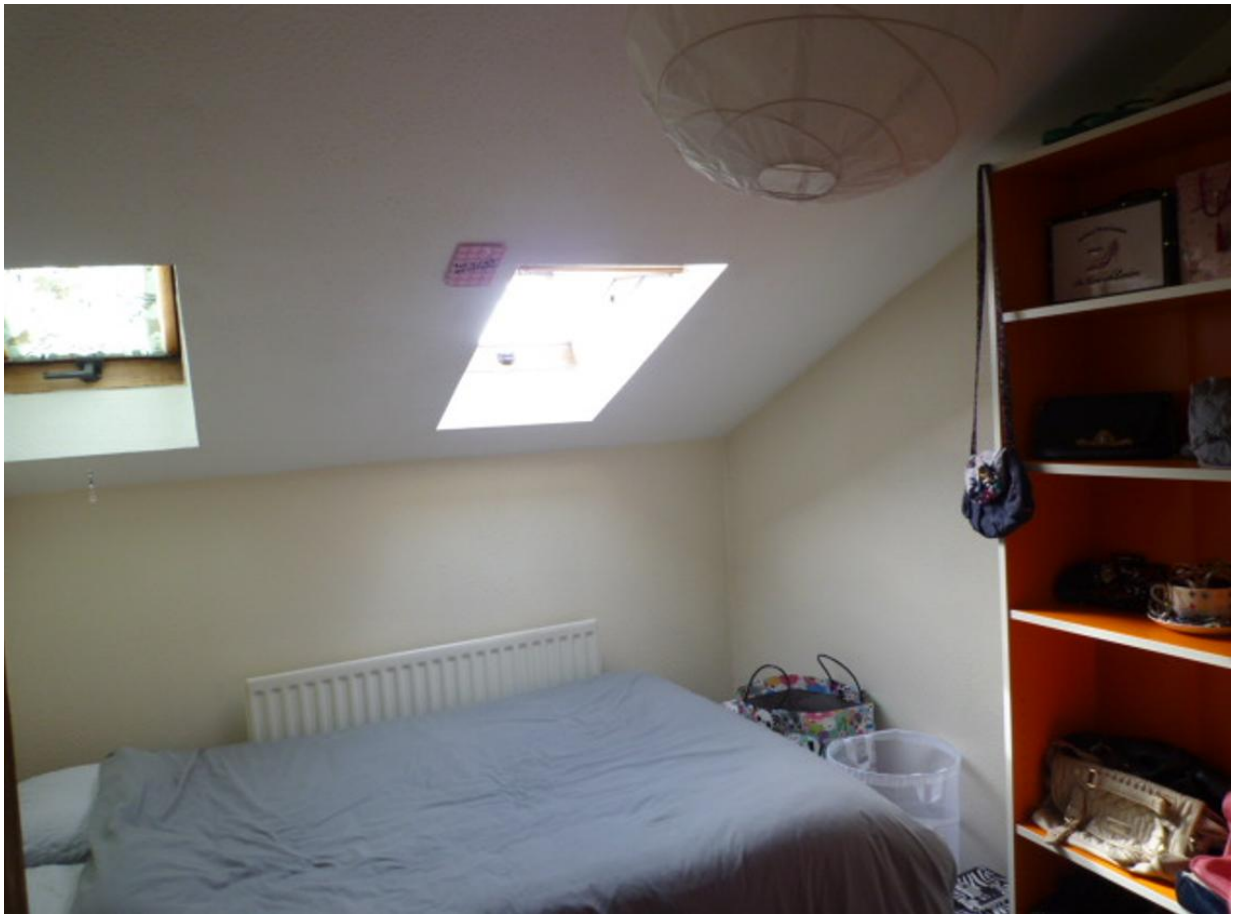
^ Lounge, taken on 10 September 2013



^ Bathroom, taken 10 September 2013



^ Bedroom 1, taken 10 September 2013



^ Bedroom 2, taken 10 September 2013



^ Kitchen, taken 14 June 2021



^ Lounge, taken 14 June 2021



^ Bathroom, taken 14 June 2021



^ Bedroom 1, taken 14 June 2021



^ Bedroom 2, taken 14 June 2021

Appendix 3: Council Tax Records for Flat 19

