



## CUMBERLAND COUNCIL

### DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/25/2378/0E1
2.	<b>Proposed Development:</b>	CERTIFICATE OF LAWFULNESS TO CHANGE OF USE OF THE EXISTING PREMISES USE TO A CONVENIENCE STORE (USE CLASS E)
3.	<b>Location:</b>	FORMER WORKS FOR YOU PREMISES, ENNERDALE ROAD, CLEATOR MOOR
4.	<b>Parish:</b>	Cleator Moor
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	<b>Publicity Representations &amp;Policy</b>	See Report
7.	<b>Report:</b> <b>Site and Location</b>  This application relates to the former Works for You premises, situated on Ennerdale Road in Cleator Moor. The unit was previously in use as a Speedy Hire depot. This use is considered to fall within Class E of the Use Classes Order.  <b>Relevant Planning History</b> Formation of small fuel storage shed in side/rear yard area, approved in March 2014 (application reference 4/14/2043/0F1 relates).  <b>Proposal</b> This application seeks a lawful development certificate for a change of use of the building from a retail unit to a convenience store which would fall within Use Class E(a).  <b>Consultation Responses</b>	

There is no statutory requirement to consult third parties including parish councils or neighbours. It may, however, be reasonable for a local planning authority to seek evidence from these sources, if there is good reason to believe they may possess relevant information about the content of a specific application. Views expressed by third parties on the planning merits of the case, or on whether the applicant has any private rights to carry out the operation, use or activity in question, are irrelevant when determining the application.

### **Planning Policy**

Town and Country Planning Act 1990 – Section 192 as amended by Section 10 of the Planning and Compensation Act 1991;

The Town and Country Planning (Use Classes) Order 1987 (as amended).

### **Assessment**

A lawful development certificate enables applicants to establish whether a proposed or existing development is lawful for planning purposes. In this instance it is claimed that the use of the site subject to this application falls within the same use class as the proposed use as a convenience store and therefore does not require planning permission for a change of use.

The following evidence has been submitted to support this lawful development certificate:

- Application Form;
- Site Location Plan;
- Existing and Proposed Site Plans;
- Existing and Proposed Floor Plans;
- Planning Statement;
- An appeal decision for a similar development.

Based on the evidence submitted, on the balance of probability and based on the facts of the case and the relevant planning legislation it is reasonable to conclude that the proposed use as a retail convenience store of the site falls within Use Class E. It is therefore considered that the proposed use would not involve a material change of use.

Article 3(1) of the Use Classes Order establishes that the use of a building for any other purpose in the same class shall not involve development of the land. The change is therefore considered to be Permitted Development and does not require Planning Permission.

On this basis it is appropriate for a lawful development certificate to be granted in this case.

8.	<p><b>Recommendation:</b> Approval of Certificate of Lawfulness</p>
----	---



**Cumberland  
Council**

<b>Case Officer:</b> Sarah Papaleo	<b>Date :</b> 17/12/2025
<b>Authorising Officer:</b> N.J. Hayhurst	<b>Date :</b> 22/12/2025
<b>Dedicated responses to:-</b> N/A	