

35283

Planning- decision without public consultation.

Provision of consent to lawful use of premises at N0 3 Ratcliffe Terrace, Edinburgh from retail to Cafe /hot food use following application under the 10 year rule; after withdrawal of a planning application which had multiple Objections.

The process does not allow public intervention unless on a legal challenge-this was made by John Brown and Company on behalf of owners in the tenement.

The information I wish to receive is the responses made and the reasons for decisions made and whether the Objection raised that the 10 year rule could not apply given the shop had been classified for rating declaration as retail. Thus not a café.

No responses were made to the inquiry sent in by John Brown and Company.

The reasons for the decisions made are publicly available to read within the report of handling (copy attached).

The objection raised was considered during the assessment and further information gathered through the investigation lead to the formal decision, as stated within the report of handling.

Report of Handling

Application for Certificate of Lawfulness (existing)
3 Ratcliffe Terrace, Edinburgh, EH9 1SX

Proposal: Existing cafe / take away.

Item – Fast Track Decision
Application Number – 21/02249/CLE
Ward – B15 - Southside/Newington

Recommendation

It is recommended that this application be **Granted** subject to the details below.

Summary

The premises are in Class 3 use as defined by the Town and Country Planning (Use Classes) (Scotland) Order, 1997, as amended and have been for a period in excess of 10 years.

SECTION A – Application Background

Site Description

Ground floor unit with residential above located along Ratcliff Terrace.

Description Of The Proposal

A certificate of lawfulness - existing is sought to confirm class 3 use.

Relevant Site History

No relevant site history.

Consultation Engagement

No Consultations.

Publicity and Public Engagement

Date of Neighbour Notification: Not Applicable

Date of Advertisement: Not Applicable

Date of Site Notice: Not Applicable

Number of Contributors: 0

Section B - Assessment

Determining Issues

On the facts of the case and the planning law applicable to the site, is the specified use, operational development or failure to comply with a condition, lawful?

Assessment

Based on the information submitted as part of this application for a certificate of lawfulness, it is established:

The material issue in the determination of this application is whether sufficient information has been submitted to demonstrate that the operations are lawful, and do not require an application for planning consent.

The applicant has provided evidence to demonstrate that the property has been in use as a class 3 for at least 10 years. Further investigation of the unit's online presence has revealed customer reviews dating from the 14th April 2010 trading as a class 3 cafe, demonstrating that the premise has been in continuous use as a class 3 cafe for at least 10 years.

Further to the evidence presented and on the balance of probability, the existing use of the premises as a class 3 unit has been continuous for a period extending 10 years. It is therefore concluded that the existing use is lawful.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Background Reading/External References

To view details of the application go to the [Planning Portal](#)

Further Information - [Local Development Plan](#)

Date Registered: 29 April 2021

Drawing Numbers/Scheme

01-02

Scheme 1

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Appendix 1

Consultations

No consultations undertaken.