



**Holiday homes adjacent to Chapel Lane, off
Ashworth Road, Heywood, Rochdale, OL11 5NU.**

Certificate of Lawful Development application in respect
of the proposed conversion of existing holiday homes
to a single dwelling (Use Class C3).

Supporting Planning Statement.

On behalf of Mr G Powell.

January 2025.

**SEYMOUR
PLANNING**

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APPENDIX 1: Planning permission 13/00572/FUL.

1. Introduction.

- 1.1 This supporting Planning Statement has been prepared by Seymour Planning Ltd on behalf of Mr G Powell in support of an application for a Certificate of Lawful Development in respect of the proposed conversion of existing holiday homes to a single dwelling (Use Class C3)
- 1.2 The purpose of this Planning Statement is to explain why the proposed use does not require planning permission and would be lawful.

2. Site location.

- 2.1 The application relates to a building containing an existing pair of semi-detached holiday lets located on the north of Chapel Lane in the Ashworth Area of Rochdale. The building is rectangular in footprint and set back from Chapel Lane behind a car parking area. It contains an area of yard/garden to the rear.
- 2.2 The site is adjoined to the north by open fields/grazing land. To the south on the opposite side of Chapel Lane lie three buildings: Egerton Hall (a dwellinghouse owned by the applicants), The Chapel House (a dwellinghouse in separate ownership) and St James' Church.

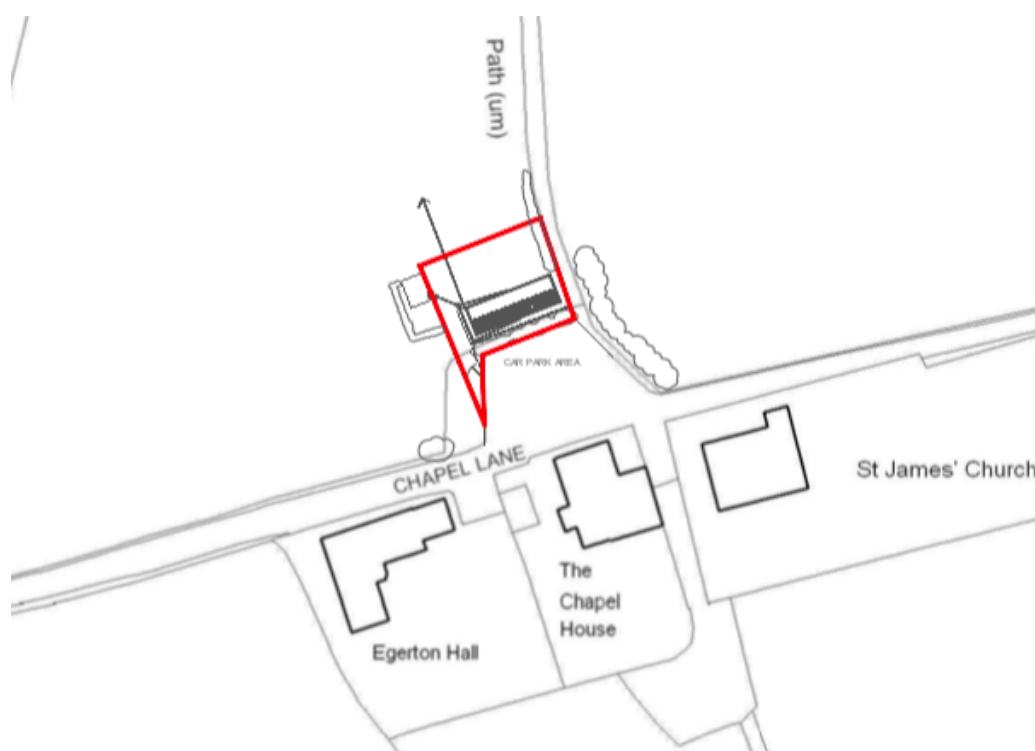


Figure 1: Site location and boundary.

3. Planning History.

3.1 The application site has the following relevant planning history:

- 10/D53179 – Erection of stable block with storage and tack room to accommodate 4 horses. Granted 17 March 2011.
- 13/00572/FUL – Change of use and conversion of existing building to form two holiday homes. Granted 25 July 2013.
- 13/00943/DOC – Submission of details to comply with conditions 4, 5, 6 and 7 of planning permission 13/00572/FUL. Conditions discharged 25 October 2013.

4. The Proposal.

4.1 The application site and proposed is shown on submitted plans:

- Location Plan and existing building plans ref: P244 – 01.
- Proposal's ref: P244 – 02.

4.2 As identified on the plans listed above the proposal seeks to combine the existing two holiday let units into a single residential unit. No changes to the external appearance of the building are proposed. The new single unit would be created via internal works only. A small section of internal walling would be removed to link the units together. Some partition walls would be added to reconfigure room dimensions inside the building.

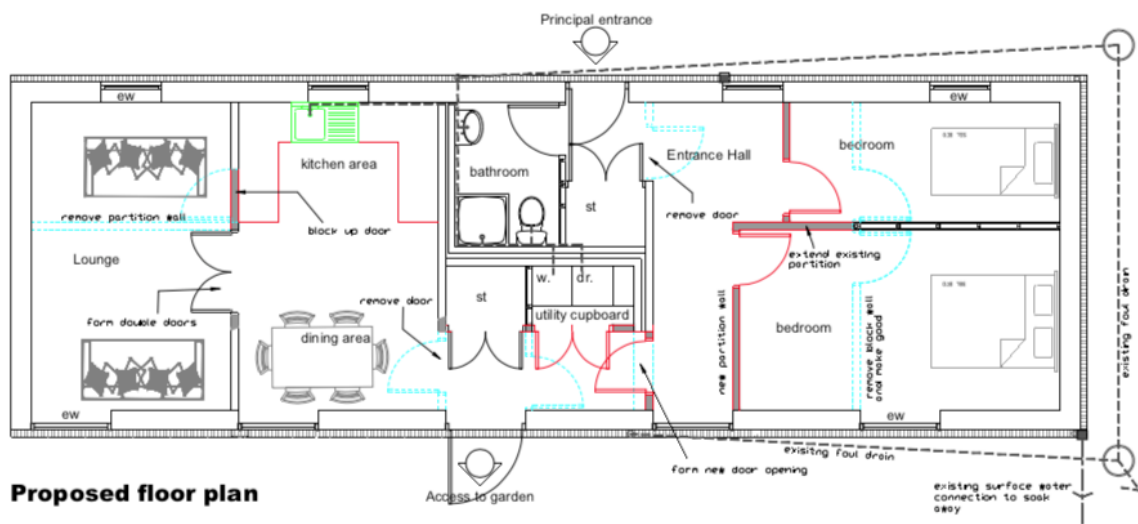


Figure 2: Proposed internal works shown in red.

5. Legal Context.

5.1 Section 55 of the Town and Country Planning Act 1990 (the Act) defines the meaning of “development” and “new development”.

5.2 At section 55 (1) it states:

Subject to the following provisions of this section, in this Act, except where the context otherwise requires, “development,” means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

5.3 At section 55 (2) it states:

For the purposes of this Act “building operations” includes—

- (a) demolition of buildings;
- (b) rebuilding;
- (c) structural alterations of or additions to buildings; and
- (d) other operations normally undertaken by a person carrying on business as a builder.

5.4 At section 55 (2) it identifies a series of operations or uses of land that **do not** involve development of land including and of relevance to this application:

(a) the carrying out for the maintenance, improvement or other alteration of any building or works which—

- (i) **affect only the interior of the building**, or
- (ii) do not materially affect the external appearance of the building,

and are not works for making good war damage or works begun after 5th December 1968 for the alteration of a building by providing additional space in it underground;

And

(f) in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section, **the use of the buildings or other land** or, subject to the provisions of the order, of any part of the buildings or the other land, **for any other purpose of the same class.**

5.5 Section 192 of the Act relates to Certificates of Lawfulness of Proposed Use or Development.

5.6 At Section 192(1) the Act states that:

(1) If any person wishes to ascertain whether—

(a) any proposed use of buildings or other land; or

(b) any operations proposed to be carried out in, on, over or under land,

would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question.

5.7 At section 192 (2) the Act states that:

If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application,

they shall issue a certificate to that effect; and in any other case they shall refuse the application.

6. Analysis.

- 6.1 The building contains two holiday homes which were lawfully implemented under planning permission 13/00572/FUL and discharge of condition approval 13/00943/DOC.
- 6.2 Small scale holiday homes (up to six residents) fall within use class C3 of the Town and Country Planning (Use Classes Order) 1987.
- 6.3 Section 54 (f) of The Act states that to change a building to another use within the same use class does not constitute development.
- 6.4 Planning permission 13/00572/FUL did **not** restrict the use of the premises to holiday homes only within use class C3 by planning condition (see appendix 1).
- 6.5 The existing holiday home use and proposed dwelling use therefore both fall with use Class C3.
- 6.6 Planning permission is also not required to convert two dwellings to a single dwelling (unlike vice versa as specified by S55 (3) (a) of The Act).
- 6.7 The conversion to a single dwelling would be carried out via internal works only i.e., the removal of a small section of internal wall and addition of partition walls to reconfigure room dimensions inside the building. No external changes are proposed to the building.
- 6.8 Section 55 (2) (a) (i) of The Act states that works that affect only the interior of the building do **not** constitute development.
- 6.9 It is submitted therefore that the proposed conversion, as described and as identified on the submitted plans, therefore **does not** constitute development and, in turn, **does not** require planning permission. **The building can therefore lawfully be used as a single C3 dwelling.**

6.10 In accordance with Section 192(4) of the Town and Country Planning Act 1990 it is respectfully requested that a positive Certificate of Lawful Proposed Development should be issued by the Local Planning Authority.

APPENDIX 1: Planning permission 13/00572/FUL.



ROCHDALE
METROPOLITAN BOROUGH
COUNCIL

Town and Country Planning Act 1990
Full Planning Application

PLANNING PERMISSION

Name and address for correspondence:	Applicant name:
A J Cocker Associates 176 Drake Street Rochdale Lancashire OL16 1UP	Mr Ged Powell

Part 1 - Particulars of Application

Date of Application: 30 May 2013

Application No: 13/00572/FUL

Proposal:	Change of use and conversion of existing building to form two holiday homes
Location:	Land Adjacent To Chapel Lane, Off Ashworth Road, Heywood, Rochdale

Part II - Particulars of decision

The Rochdale Metropolitan Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that planning permission has been **Granted subject to conditions** for the carrying out of the development referred to in Part 1 above.

In pursuance of its powers under the above Act, and in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the development was considered to comply with the relevant policy(ies) and/or proposal(s) contained within the Development Plan.

The Council hereby permits the above development in accordance with the details given on the application form and submitted plans subject to the following condition(s):

Conditions and Reasons:

- 1 The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 This permission relates to the following plans:-

P165 - 010

P165 - 011

and the development shall not be carried out other than in complete accordance with these drawings hereby approved.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Rochdale Unitary Development Plan and the National Planning Policy Framework.

- 3 All windows frames and doors shall be of stained timber construction and thereafter so maintained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with Policies D/9 and BE/2 of the Council's Unitary Development Plan.

- 4 No development shall take place until the buildings and surrounding areas of the site (located within the site edged in red on drawing no. P165-011) have been inspected for visual/olfactory evidence of contamination and a report submitted to and approved in writing by the Local Planning Authority which shall contain the following information:

- the nature and integrity of existing floors and hardstanding;
- any evidence of the storage of potentially contaminating substances;
- any visual/olfactory evidence of contamination within or surrounding the buildings;
- photographic evidence of the findings.

If any evidence of possible contamination is identified a scheme for its removal, including details of further investigations where required, shall be submitted to and approved in writing by the Local Planning Authority. The dwellinghouse(s) hereby approved shall not be occupied until the contamination has been treated in accordance with the details in the duly approved scheme and verification of this has been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent pollution of the water environment and to ensure the safe development of the site in the interests of the amenity of future occupiers in accordance with Policies EM/8 and BE/2 of the Council's Unitary Development Plan.

- 5 Notwithstanding the details shown on the approved plans and the requirements of condition 2 of this permission, no development shall first take place until a landscaping scheme for the site (including elements of both 'hard' and 'soft' landscaping) shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include details of the proposed surface treatment of all hard surfaced areas and the type, species, siting, planting distances and programme of planting of any trees and shrubs. The duly approved landscaping scheme shall be carried out within 12 months of the dwellinghouse first being occupied and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within three years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: In order to achieve a satisfactory level of landscaping and provision of adequate off-road parking facilities for the dwellinghouse in the interests of visual amenity and highway safety in accordance with the requirements of Unitary Development Plan Policies D/9 and BE/2.

- 6 No development shall take place until details of the means of surface and foul water disposal have been submitted to and approved in writing by the Local Planning Authority. The details, as approved, shall be implemented in full before the first use of the holiday homes.

Reason: To secure a satisfactory system of drainage and to prevent pollution of the water environment in accordance with Policies EM/7 and EM/8 of the Council's Unitary Development Plan.

- 7 The use hereby agreed shall not commence until full details of the car parking provision for each holiday home has submitted to and agreed in writing by the Local Planning Authority. The car parking provision shall be made available before the first use of the holiday homes and the spaces retained as such thereafter.

Reason. In the interest of highway and pedestrian safety, in accordance with Policies BE/2, A/9 and A/10 of the Council's Unitary Development Plan.

Statement under Article 31(1)(cc) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended):

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraphs 186-187 of the NPPF.

Date of Decision 25 July 2013



.....
Signed on behalf of the Council

IMPORTANT

PLEASE ENSURE THAT YOU HAVE READ AND FULLY UNDERSTOOD THE CONTENTS OF THIS DECISION NOTICE.

YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.

INFORMATIVE:

The applicant is reminded of the need to submit and obtain formal approval of those details required by the conditions of this planning permission before development may lawfully commence on the site. The formal discharge of a planning condition is currently subject to payment of an additional fee per request: £28.00 for householder applications and £97.00 in all other cases.

INFORMATIVE:

The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority Property Search Service on 0845 762 6848 or at www.groundstability.com.



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