

Planning Statement in Support of Certificate of Lawfulness Application

V3

Site: Former Ken Mills Engineering Premises, New Street, Shawclough, Rochdale

Proposal: Certificate of Lawfulness for Existing Use of Premises as Class E(g)(iii) (Light Industrial).

Date: 24th June 2024

1. Introduction

This Planning Statement is submitted in support of an application for a Certificate of Lawfulness for the existing use of the former Ken Mills Engineering premises, located on New Street, Shawclough, Rochdale. The application seeks confirmation that the lawful use of the premises is Class E(g)(iii) (light industrial), and not Class B2 (general industrial), by virtue of continuous use for over 10 years for activities consistent with light industrial processes.

This application is made under Section 191 of the Town and Country Planning Act 1990 (as amended), which enables a person to ascertain whether any existing use is lawful.

2. Site and Use Description

The site comprises a long-established industrial premises historically occupied by Ken Mills Engineering. The business has operated from the premises for several decades, undertaking a range of light engineering activities associated with the manufacture and assembly of small-scale machinery and equipment.

The building comprises ground floor industrial floor space with associated office and storage areas. No heavy industrial plant, large-scale noisy processes, or emissions-generating operations have been undertaken at the site. The machinery used has historically included CNC equipment, light fabrication tools, assembly benches, and other equipment typically found in light industrial workshops.

The site is accessed from New Street and is surrounded by residential properties and other light commercial uses. The nature of operations has always been compatible with nearby uses, and no complaints or enforcement action has been recorded in relation to noise, odour, or pollution.

3. Relevant Planning Policy and Use Class Definitions

Under the Town and Country Planning (Use Classes) Order 1987 (as amended), Class E(g)(iii) is defined as:

"An industrial process which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit."

By contrast, Class B2 is defined as general industrial use, which typically involves processes that are unsuitable for residential areas due to their impact.

The distinction between these classes lies primarily in the environmental impact of the operations, with Class E(g)(iii) being reserved for processes that are low-impact and compatible with residential surroundings.

4. Evidence of Existing Lawful Use

The following evidence is submitted to demonstrate that the premises have been in continuous use as Class E(g)(iii) for a minimum period of 10 years dating back to 2014:

a) Planning History

- A review of Rochdale Council's planning records indicates no change of use application to B2 has been submitted in the past 10+ years.
- No enforcement action or breach of use class conditions has occurred at the site.

b) Business Operation General History 1980 - 2007

- Ken Mills Engineering occupied the property from approximately 1980 to 2007, during which time it manufactured compactors for cardboard and cotton waste. These were produced on a small scale using light industrial processes appropriate to a constrained residential location.
- The mill had no formal yard space, and access was only via a small front shutter which could accommodate a 7.5-tonne wagon, illustrating that the scale of operations was necessarily limited.
- The surrounding residential context made large-scale or heavy-duty manufacturing impractical, further reinforcing the classification as light industrial under Class E(g)(iii).
- In 2007, Ken Mills Engineering relocated to Littleborough to expand its operations, citing restricted access and lack of operational space as the primary reasons for moving.

SEE APPENDIX A

c) General History from 2014

- In 2014 the building underwent a general refurbishment, new windows and internal tidy up to make it viable to lease out **SEE APPENDIX C**
- In 2015 the building was split internally to 3 units (units 1 – 3). **SEE APPENDIX C**
- From 2016 to 2022, Lancashire specialist coatings Ltd, consisting of spraying UPVC window frames. **SEE APPENDIX B & C**
- From 2016 to 2024, the building was used for internal car storage and general repairs by Steve Watmough trading as S W Autos. **SEE APPENDIX C**
- From 2022 to late 2024 the present day, the site has continued to be used by various low impact light industrial tenants **SEE APPENDIX C** — all activities typical of low-impact industrial use compatible with Class E(g)(iii).

- The whole of the first floor was used for offices, staff canteen and food preparation facilities including a small recreation area with a snooker table. Main use activities was generally concentrated to the ground floor.

d) Statutory Declarations

- Sworn statements from former tenants, neighbouring businesses, and past management confirm that the site has been continuously used for light industrial purposes for over a decade (2014).
- The declarations assert no heavy machinery, hazardous processes, or large-scale industrial output was present on site.

e) Photographic and Physical Evidence

- No evidence of flue stacks, extractors, or large plant equipment typically found in B2 uses. More consistent with E(g)(iii) use.

f) Local Authority Records

- A request has been submitted under the Freedom of Information Act to confirm no historic environmental complaints have been received.
- Council Tax/Business Rates documentation describes the use as workshop/light industrial.

5. Legal Position

Justification for Class E(g)(iii) Designation

It is submitted that the historical and ongoing use of the former Ken Mills Engineering premises at New Street, Shawclough clearly falls within the scope of Class E(g)(iii) (light industrial). This conclusion is based on the following key factors:

- **SIC Code Alignment:** Ken Mills Engineering operated under Standard Industrial Classification (SIC) Code **28990 – Manufacture of other special-purpose machinery not elsewhere classified**, which includes the production of compact, specialised machinery such as balers and conveyors. These are typically manufactured using light engineering processes appropriate to enclosed workshop environments.
- **Light Industrial Character:** The machinery produced — including compactors and balers for cardboard and cotton — was made using small-scale fabrication and assembly methods without reliance on heavy plant, significant emissions, or environmental discharge. There were no industrial chimneys, extractors, odours, or waste run-off associated with operations.
- **Residential Context:** The premises are in the heart of a predominantly residential neighbourhood, with terraced housing on all sides. This context is a critical determinant in assessing the suitability of a use under Class E(g)(iii), which by definition must be compatible with residential amenity. The light industrial operations historically undertaken were appropriate to this setting.

- **No Heavy Goods Vehicle Movements:** The street network surrounding the site comprises narrow, domestic-scale roads with no capacity for HGV access. Goods were delivered and dispatched using small 7.5-tonne vehicles, via a single roller shutter door. This limitation inherently restricted the scale and type of industrial activity to low-impact, small-scale operations.
- **Building Use and Layout:** The premises themselves reflect typical features of a light industrial building. The ground floor was used for assembly and fabrication, while the first floor comprised office space, a canteen, and recreational areas for staff. This supports the argument that the building was not designed or used for general industrial (B2) purposes, but rather for workshop-based engineering compatible with E(g)(iii).
- **Lack of Environmental Impact:** There is no record of complaints relating to noise, odour, or emissions. This confirms that the operations were undertaken in a manner consistent with the low-impact threshold required for Class E(g)(iii).
- **A Typical Example of Class E(g)(iii):** In all aspects — scale, intensity, location, operational impact, and internal configuration — this site represents a classic and textbook example of a light industrial use falling within Class E(g)(iii). The use has been carried out in a quiet, contained, and neighbour-compatible manner, with no conflict arising between the industrial activity and its residential surroundings.
- **Sworn Statements from Former Owners and Tenants from 2014 to Present Day.**
Crucial evidence has been gathered to substantiate the application, prove and demonstrate that the use since at least 2014 has been in alignment with Class E(g)(iii).
- **SIC code alignment:** Lancashire Specialist Coatings Ltd.
- **SW Autos:** In line within Order for Class E(g)(iii) being light industrial process that can be undertaken in a residential area without detriment to amenity.

Taken collectively, these facts present a clear and robust justification for confirming the use as Class E(g)(iii).

In accordance with Section 191 of the Town and Country Planning Act 1990, where it can be demonstrated that a use has been ongoing for more than 10 years without material change or interruption, and without enforcement action, that use becomes lawful.

The submitted evidence establishes that the use of the premises as light industrial (Class E(g)(iii)) has occurred without interruption, enforcement, or change in character or intensity for at least 10 years prior to the date of this application.

Furthermore, the original occupation of the site by Ken Mills Engineering was itself light industrial in character. The limitations of the site, including its residential context, lack of loading bays, and restricted access, inherently constrained the nature and scale of any industrial activity, ensuring that operations remained compatible with Class E(g)(iii).

6. Conclusion

Based on the above, it is respectfully submitted that:

- The use of the premises clearly falls within the scope of Class E(g)(iii).
- This use has occurred continuously and lawfully for over 10 years.
- There has been no material change or intensification that would alter the classification to B2.

Accordingly, the Local Planning Authority is invited to grant a Certificate of Lawfulness confirming that the premises at New Street, Shawclough, is in lawful Class E(g)(iii) use.

The **SIC code 28990** — “*Manufacture of other special-purpose machinery not elsewhere classified*” — can support a Class E(g)(iii) classification, but not automatically. The key factor is how the activity is carried out, not just what is made.

SIC Code 28990 – What It Means

This code applies to businesses that manufacture niche or bespoke machinery, such as:

- Industrial packaging machines
- Material handling equipment
- Workshop machinery
- Custom mechanical systems

This aligns with the historical use of Ken Mills Engineering, which specialised in compact baling, conveying, or handling systems — consistent with this SIC code. It also aligns with the most recent usage from 2007 – 2021 Lancashire Specialist Coatings Limited.

When SIC 28990 Can Be Class E(g)(iii):

It qualifies as Class E(g)(iii) – light industrial if the machinery manufacture:

- Is small-scale
 - Takes place in workshop-like conditions
 - Does not generate noise, fumes, vibration, dust or smell beyond what’s acceptable in a residential area
 - Involves assembly, machining, or prototyping with low environmental impact
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When It Would Fall into Class B2:

- If there are large-scale operations
 - Use of heavy industrial plant
 - Significant noise, extraction systems, welding, chemical processing
 - Activities that disrupt neighbouring properties or residential amenity
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Supporting Class E(g)(iii) with SIC 28990:

Use this SIC code as supporting evidence of the type of business prior to 2014 and reinforce that the way the use was carried out meets the E(g)(iii) definition. In this planning statement and statutory declarations, descriptions of the various operations pre and post 2014 depict operations as:

- Clean, quiet, and precise
- Carried out in enclosed workshop areas
- Compatible with a residential environment
- No complaints or environmental health records

Lancashire Specialist Coatings Ltd.

The operations at the site fall under SIC code 74100 (Specialised Design Activities), which covers creative, professional design services. These activities are low-impact, desk/studio-based, and wholly distinct from B2 general industrial processes, which are characterised by noise, emissions, and heavy production. The use is therefore correctly categorised within Class E(g)(iii) – industrial processes compatible with residential areas – and not B2.

SW Autos (No longer trading).

The activity undertaken at the premises was that of a small-scale sole trader carrying out minor repairs to classic cars. The work was highly specialised and limited in scope, focusing on diagnostic checks, electrical adjustments, and interior works rather than heavy bodywork or large-scale mechanical operations. Activity levels were modest, with minimal noise, no significant fumes, and only occasional vehicle movements.

This is clearly distinct from a general B2 industrial garage use, which is typically characterised by high-impact processes such as bodywork, spraying, and continuous vehicle turnover. Given its scale and nature, the activity satisfies the definition under the Use Classes Order for Class E(g)(iii) – being an industrial process that can be undertaken in a residential area without detriment to amenity and can reasonably be categorised as such.