

Officers Report

Case Reference: PL/2026/0065
Location: 351 EDENFIELD ROAD, ROCHDALE, OL11 5YY
Proposal: Application for a certificate of lawfulness for the existing use of property as a 5-bed HMO (Use Class C4)
Recommendation: Approve
Officer: Rosalind Gralton

SITE

The site relates to a two-storey mid terrace property in Rochdale. It is located at 351 Edenfield Road, in the Cutgate area. Based on internet searches, it is accepted the most recent use of the property was a dwellinghouse, Class C3.

PROPOSAL

Application for a certificate of existing lawfulness for change of use from a dwelling (C3) into a 5-bedroom HMO (C4). The application form states the property has been in use as a 5 bed HMO since 23/01/2026. The agent has confirmed in writing that the maximum number of occupants would be five.

RELEVANT PLANNING POLICY

The Town and Country Planning Act (1990)

S.55 - Meaning of “development” and “new development”

S.192 - Certificate of lawfulness of proposed use or development

The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (“the UCO Amendment Regulations”)

RELEVANT SITE HISTORY

None

CONSULTATION RESPONSES

Not applicable

REPRESENTATIONS

In accordance with the Council's Code of Publicity for Planning Applications, no publicity was undertaken for this application.

ANALYSIS

S.55(1&1A) of the Town and Country Planning Act 1990 (the Act) sets out the meaning of development as:

"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.

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.

S.55(2) goes on to set out a number of operations or uses of land which are not taken for the purposes of the Act to involve development. This includes:

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

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

The proposed changes to the internal layout are not considered development. It is accepted the previous use has been Class C3 (dwellinghouse).

The Town and Country Planning (Use Classes) Order 1987 schedule Part C Class C3 sets out the use of a dwellinghouse:

Class C3. Dwellinghouses

Use as a dwellinghouse (whether or not as a sole or main residence) —

- (a) by a single person or by people living together as a family, or
- (b) by not more than 6 residents living together as a single household (including a household where care is provided for residents).

Class C4. Houses in multiple Occupation

Use of a dwellinghouse by not more than six residents as a HMO

The proposal would convert 1no. dwelling house (C3) into a 5-bedroom, maximum of 5 occupants, HMO. This this would fall under the parameters of Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015. It is not considered the proposal would result in a material change.

Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015

L. Development consisting of a change of use of a building—

(a)from a use falling within Class C4 (houses in multiple occupation) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule;

(b)from a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, to a use falling within Class C4 (houses in multiple occupation) of that Schedule.

This proposal is a permitted change of use under permitted development as long as the works are carried out in accordance with the description of development and plans.

RECOMMENDATION

GRANT UNCONDITIONALLY

Reason

The development described comprises permitted development as it falls within the parameters of Schedule 2, Part 3, Class L (General Permitted Development) (England) Order 2015 and would therefore not require planning permission.

Recommendation: Approve

Approval Reason(s) (1)

- 1 The development described comprises permitted development as it falls within the parameters of Schedule 2, Part 3, Class L (General Permitted Development) (England) Order 2015 and would therefore not require planning permission.

Informatives (1)

For the avoidance of doubt this decision relates to the following plans:

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- Location Plan
- Edenfield Plan - Ground Floor, 1st Floor, 2nd Floor