

Officers Report

Case Reference: PL/2026/0001
Location: 7 CRONKEYSHAW ROAD, ROCHDALE, OL12 0QR
Proposal: Certificate of Lawfulness to confirm existing use of property as a 5-bedroom HMO (Use Class C4)
Recommendation: Permitted Development
Officer: Majid Mir

SITE

The application relates to 7 Cronkeyshaw Road, a two-storey mid-terrace property. The character of the area is predominantly residential, comprising high density red brick/rendered terraced properties.

No. 7 faces northwards, fronting on to the pavement and overlooking the highway. On the opposite side of Cronkeyshaw Road is Cronkeyshaw Common, a large open greenspace that is identified as Greenspace Corridor and a recreational open space. It adjoins to numbers 8-11 Cronkeyshaw Road to the east. The property is used as a social club and flats. To the west, no. 7 is adjoined to the dwelling of no. 6 Cronkeyshaw Road. To the rear, no. 7 directly faces the dwelling of no. 10 Swain Street.

PROPOSAL

The application seeks a Certificate of Lawfulness to confirm the existing lawful use as a 5-bed HMO (Use Class C4).

RELEVANT PLANNING POLICY

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

The Town and Country Planning Act (1990)

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020

RELEVANT SITE HISTORY

Not applicable.

CONSULTATION RESPONSES

Not applicable.

REPRESENTATIONS

In accordance with the Council's Code of Publicity for Planning Applications, no publicity was undertaken for this application. No comments have been received by the council.

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.

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 one dwelling (C3) into a five bedroom 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 and no external works are proposed.

Schedule 2 Part 3 Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015 sets out that development is not permitted under Class L if it would result in the use—

(a) as two or more separate dwellinghouses falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order of any building previously used as a single dwellinghouse falling within Class C4 (houses in multiple occupation) of that Schedule; or

(b) as two or more separate dwellinghouses falling within Class C4 (houses in multiple occupation) of that Schedule of any building previously used as a single dwellinghouse falling within Class C3 (dwellinghouses) 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.

Conclusion

The application seeks to confirm the use of the building as a five-bedroom HMO is lawful. Existing gazetteer records confirms the building as a residential dwellinghouse and the submitted floor plans indicate the HMO to comprise of five bedrooms. The applicant has provided evidence from Building Control Completion Certificate, Legionella Risk Assessment, Fire Risk Assessment, Electrical Installation Certificate, Emergency Lighting Certificate, Fire Detection and Alarm System report, Gas Safety report, asbestos survey and EPC survey. In the absence any evidence to indicate otherwise, the existing and proposed use would fall under Class C3 and C4 respectively, as set out in Schedule 1 Part C of the Town and Country Planning (Use Classes) Order 1987.

Further to the above, the submitted internal layout indicates a single main entrance door and a shared living/dining area kitchen on the ground floor, with one bedroom on the ground floor and remaining bedrooms on the first floor. The property would function as a single dwellinghouse. As such, the proposal would accord with the provisions of Schedule 2 Part 3 Class L of the GPDO. No external works have taken place which would constitutes development and no material change of use has occurred.

Recommendation: Permitted Development

Approval Reason(s) (1)

- 1 The proposal falls within the parameters of Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015 and the development described therefore comprises permitted development which would not require Planning Permission.

Informatives (1)

- 1 In the avoidance of doubt, this certificate relates to the following set of plans
 - Location Plan
 - Cronkeyshaw Plan (Floor plans)