

Officer Report

Case Reference: PL/2026/0083
Location: UNIT F6 FIRST FLOOR, FIELDHOUSE INDUSTRIAL ESTATE, FIELDHOUSE ROAD, ROCHDALE, OL12 0AA
Proposal: Application for a certificate of lawfulness for change of use to administrative office
Recommendation: Approve
Officer: Rosalind Gralton

SITE

The application site consists of a first-floor office at Unit F6 of Fieldhouse Industrial Estate.

PROPOSAL

A Certificate of Lawfulness is sought to confirm the lawful change of use to an administrative office.

RELEVANT PLANNING AND ENFORCEMENT HISTORY

05/D46480 - Change Of Use Of Former Mill To Offices Including Installation Of External Staircase To First Floor; New Entrance And Alterations To Existing Ramped Access. - Grant subject to conditions - 17/01/2006 - Conditions of the permission include:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The car park and hardstanding areas shown on the approved plans (ref: 571.04.A) shall be constructed and marked out in accordance with the details shown and shall be made available before the use hereby permitted is commenced. The said area shall be retained thereafter for car parking and for the manoeuvring of vehicles.
3. The 14 metre long section of the existing fence on the southern boundary of the site, marked in yellow on the approved plan (ref: 571.04.A), shall be retained at all times. No alterations shall be undertaken to the 14 metre long section of fence without the prior approval of the Local Planning Authority.

RELEVANT PLANNING POLICIES

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Burden of Proof

The applicant is responsible for providing sufficient information to support an application. In the case of applications for existing use, if a Local Planning Authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability (PPG Paragraph: 006 Reference ID: 17c-006-20140306)

PUBLICITY

Site Notice: N/A

Press Notice: N/A

Neighbour notification letters: In accordance with the Council's adopted Statement of Community Involvement, no publicity has been carried out for this application.

SUMMARY OF THIRD-PARTY REPRESENTATIONS

None received.

SUMMARY OF CONSULTATION RESPONSES

None received.

ANALYSIS

Section 191 of the Town and Country Planning Act 1990 (as amended) states that the burden of proof is firmly with the applicant. The relevant test is the "balance of probability", and the Council is advised that if it has no evidence of its own to contradict or undermine the applicant's version of events, there is no good reason to refuse the application provided the applicant's evidence is sufficiently precise and unambiguous to justify the grant of a certificate.

Section 56 of the Town and Country Planning Act 1990 (as amended) sets out the considerations relevant to when a development can be considered to have begun for the purposes of the Act. S.56 of the Town and Country Planning Act 1990 (as amended) states that:

(1) Subject to the following provisions of this section, for the purposes of this Act development of land shall be taken to be initiated—

(a) if the development consists of the carrying out of operations, at the time when those operations are begun;

(b) if the development consists of a change in use, at the time when the new use is instituted;

(c) if the development consists both of the carrying out of operations and of a change in use, at the earlier of the times mentioned in paragraphs (a) and (b).

Section 56 (4) of the Town and Country Planning Act 1990 (as amended) provides definition of material operation. It states that:

(4) In subsection (2) “material operation” means—

(a) any work of construction in the course of the erection of a building;

(aa) any work of demolition of a building;

(b) the digging of a trench which is to contain the foundations, or part of the foundations, of a building;

(c) the laying of any underground main or pipe to the foundations, or part of the foundations, of a building or to any such trench as is mentioned in paragraph (b);

(d) any operation in the course of laying out or constructing a road or part of a road;

(e) any change in the use of any land which constitutes material development.

For the avoidance of doubt, the planning merits of the matters applied for do not fall to be considered. The decision will be based strictly on factual evidence, the history and planning status of the site in question and the application of relevant law or judicial authority to the circumstances of the case.

The sites most recent history insofar as it relates to this determination includes a permission granted in 2006 to change the use of former mill to offices. No conditions had a pre-commencement trigger secured and, with the exception of condition 3, which related to a particular section of fencing, none required prior approval of the Local Planning Authority.

The applicant is responsible for providing sufficient information to support an application. In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application.

Condition No. 1 states that development must commence no later than 3 years following the date of the permission, 17/01/2009. For the avoidance of doubt, in order to accord with this condition, development must have commenced before 17th January 2009.

It is clear from the site visit the property has been in use as an office space for a substantial amount of time. Street view photography dating from 2008 suggests the building had been converted into office space. As such, it is considered that the development was lawfully commenced for the purposes of Section 56 of the Town and Country Planning Act 1990 (as amended). As such the building is accepted as being within an office use.

Recommendation: Approve

Approval Reason(s) (1)

- 1 On the basis of the information submitted the application site falls within use class E(g)(i) and its use as an administrative office would not comprise a material change of use and would remain a lawful use.

Informatives (1)

- 2 INFORMATIVE: This Decision Notice relates to the following drawings and documents:-

Site Location Plan, dated 29 January 2026

F6 - First Floor Plans