

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
24/00430/CPL	Hamish Rigg	17/07/2024

Address: 43 Industry Road, Rochdale, OL12 0LY

Proposal: Certificate of lawfulness for proposed change of use from dwelling into 4 bedroom HMO

PUBLICITY	Weekly list expired?	n/a	Site notice expired?	n/a
	Neighbour letters expired?	n/a	Press Notice expired?	n/a

DELEGATION	Significant departure from local plan?	N	Contrary to national policy?	N
	Applicant a Council Member or officer?	N	Contrary to previous decision?	N
	Major with 10 or more objections and recommending approval?	N	Called in or Planning Panel objection?	N

COMMENTS	Planning Panel comments received?	N
	Neighbour comments received?	N

EIA	Screening opinion completed and saved to Onbase?	N
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CONDITIONS	Pre-commencement conditions proposed?	N
	Pre-commencement conditions agreed (or notification period expired)?	N

RECOMMENDATION	Grant unconditionally
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CHECKED AND SIGNED OFF BY: RK

DATE:26/07/2024

SITE

The application relates to no. 43 Industry Road, a two-storey terraced property in the inner suburbs of Rochdale Town Centre. The area is typically urban with linear terraced houses, numerous public amenities, and transport links.

No. 43 faces south, fronting the pavement and overlooking the public highway. It is adjoined by no. 41 to the west and no. 45 to the east. The rear boundary of the curtilage faces north, bordering an alleyway that serves the rear gardens of properties along Industry Road and Denton Street.

PROPOSAL

Certificate of lawfulness for proposed change of use from dwellinghouse (C3) into 4 bedroom HMO (C4).

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

None

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(2) of the 1990 act sets 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,*

In light of this, the proposed changes to the internal layout would not comprise development for which planning permission would be required.

In respect of the change of use, Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015 allows for 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.

In the absence of any evidence to dispute the applicant's claim that the existing use of the building falls within Use Class C3, the proposal would convert one dwelling house into 4 self-contained bedsits, and 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.

RECOMMENDATION

GRANT UNCONDITIONALLY

Reason

The change of use of the dwellinghouse to a 4-bedroom house of multiple occupation would accord with the requirements of Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Notes for Applicant:

This application relates to the following plans:

Location Plan (received 07/05/2024)
2142/1 – Existing Floor Plans
2142/2 – Proposed Floor Plans

Informative

The applicant is reminded of the requirement for a House of Multiple Occupation to be licensed by the Council's Private Rented Service prior to the change of use taking place. This Certificate does not serve as a replacement for the need for licensing nor does it serve as justification as to why one should be granted. The Council's Private Rented Service can be contacted at landlordlicensing@rochdale.gov.uk