

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
25/00399/CPE 2025	Claire Ringwood	22 nd October

Address: Land And Building On North Side, Liley Street, Rochdale, OL16 2AT**Proposal:** Certificate of Lawfulness for the existing use of the site as a single dwelling for traveller family

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/A
	Pre-commencement conditions agreed (or notification period expired)?	N/A

RECOMMENDATION	Grant unconditionally
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CHECKED AND SIGNED OFF BY: RK

DATE: 23/10/2025

SITE

The application site comprises an area of land to the north of Liley Street adjacent to Roch Vale Caravan Park and opposite Heritage Caravan Park. The site is located within a Mixed Employment Zone.

PROPOSAL

Certificate of Lawfulness for the existing use of the site as a single dwelling for traveller family.

RELEVANT SITE HISTORY

78/D06157 - Change Of Use To Vehicle Dismantles. Refused 09/04/1978.

80/D11309 - New Parking Area. Approved 22/09/1980.

81/D12966 - Use Of Premises For Offices Storage And Fitting Of Motor Vehicle Tyres And Car Park. Approved 08/10/1981.

06/D47689 - Use Of Land And Construction Of Vehicle Parking Area Including Erection Of 2M High Perimeter Fence And Gates. Approved 07/09/2006.

Pringle Street

93/D29406 - Change Of Use Of Land To Form Extension To Residential Caravan Site And Construction Of 6 Toilet Block And 1 Wardens Office. Approved 08/07/1993.

Land At Junction Of Liley Street And Walpole Street

14/00609/FUL - Use of land for residential occupation by travellers with associated hardstanding and utility block. Approved 22/10/2014.

RELEVANT PLANNING POLICY AND GUIDANCE

Section 10 of the Planning and Compensation Act 1991 established a procedure that enables anyone who wishes to do so, to apply to the local planning authority to determine whether a proposed use or operation, or an existing operational development or an existing use of land, or any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted, is lawful, and is so, be granted a certificate to that effect.

A Lawful Development Certificate is a legal document stating the lawfulness of past, present or future development. If granted by the local planning authority, the certificate means that enforcement action cannot be carried out to the development referred to in the certificate. However, the certificate will not protect from enforcement action by the planning authority if the specified use or development is then changed 'materially' without a planning application for it.

The certificate is not planning permission. The planning merits of use, operation or activity in the application are not relevant. The issue of a certificate depends entirely on factual evidence about the history and planning status of the building or other land and the interpretation of any relevant planning law or judicial authority. The responsibility is on the applicant to provide evidence to support the application.

The NPPG states that 'The applicant is responsible for providing sufficient information to support an application. In the case of applications for existing use (section 191 of the Town and Country Planning Act 1990), if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicants version of events less than probable, there is no good reason to refuse the application, provided the applicants evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability'.

CONSULTATION RESPONSES

Planning Enforcement – no comments at the time of writing.

Council Tax – no records for this address.

Electoral Services – no comments at the time of writing.

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.

EVIDENCE SUBMITTED

The applicant submitted the following information:

Roch Vale – Extension Site [*Location Plan*]
Received on 2nd May 2025

Official copy of register of title
HM Land Registry Official copy of title plan
Received on 30th May 2025

Other evidence in the form of a statutory declaration, briefing note and other information have also been submitted. Due to the information within these documents they are listed separately and are confidential.

ANALYSIS OF EVIDENCE

The applicant has submitted a lawful development certificate to establish the use of the site as a single dwelling for a traveller family has been ongoing for more than 10 years.

The relevant time period is 11th April 2015 to 11th April 2025.

The applicant has submitted evidence in the form of a statutory declaration along with a briefing note from 2013 and an agreement between RBC and the future tenant in regard to the use of the site. The LPA has little evidence of its own however, the evidence submitted has been provided by RBC Strategic Housing and Officers are therefore satisfied that the evidence provided is sufficient to show that the site has been used as claimed by this application.

Google Streetview imagery also appears to align with this timeline.

Having regard to the foregoing it is considered, on the balance of probability, that the land and building on the north side of Liley Street, Rochdale, OL16 2AT, as identified on the submitted Location Plan – Roch Vale Extension Site, has been in use as a single dwelling for a traveller family for more than 10 years.

