

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

25/00663/CPE

CASE OFFICER

Claire Ringwood

DATE

9th October 2025**Address:** Ken Mills Engineering Co, New Street, Rochdale, OL12 6NS**Proposal:** Certificate of Lawfulness for existing use of premises as Class E(g)(iii) light industrial

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
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CHECKED AND SIGNED OFF BY: RK

DATE: 09/10/2025

SITE

The application site is a large industrial building on the corner of New Street, Sweet Briar Lane and Sweet Briar Close. The building is attached to 13 New Street which was used as a loading bay entrance but has recently been granted planning permission for the conversion to a dwelling. The site has had a significant industrial presence since at least 1851 when it was first depicted on the first edition OS map. It comprised of a number of different structures joined together with the main two storey front elevation facing onto New Street. The flank elevation of the single storey structure runs along Sweet Briars Lane. The buildings within the terrace appear to be constructed of brick with stone facings. To the rear of the terrace was a large steel framed building and an arched steel shed along the Sweet Briars Lane boundary which have now been demolished. There are mature trees to the rear separating properties on Glenden Foot and Hawley Green. The surrounding area is predominantly residential and the building is attached to the end of a row of terrace properties.

The site is bound by a narrow footway and there is a registered cycleway along New Street and Sweet Briar Close. There is access at the rear on Sweet Briar Close with a pedestrian alleyway directly next to it leading to Bentley Street.

The site falls within a Defined Urban Area as defined in Rochdale Borough Council's saved Unitary Development Plan (UDP) Proposals Map and an SSSI Impact Risk Zone.

PROPOSAL

Certificate of Lawfulness for existing use of premises as Class E(g) light industrial.

Background information on the Use Classes

The current Use Classes were last updated on 1st September 2020. Class B1 – Business was revoked and replaced with the new Class E(g).

B1 – Business

Uses which can be carried out in a residential area without detriment to its amenity. This class was formed of three parts:

- ☐ B1(a) Offices – Other than a use within Class A2
- ☐ B1(b) Research and development of products or processes
- ☐ B1(c) Industrial processes

B2 – General Industrial

Use for the carrying on of an industrial process other than one falling within the uses described in Class E. There is no permitted change to C3 (dwellinghouses).

New Class E – Commercial, Business and Service

This Class more broadly covers uses previously defined in the revoked Class A1/2/3, B1, D1(a-b) and indoor sport form D2(e) and is divided into 11 parts including E(g)(iii) – Industrial processes.

Use Class E(g)(iii) is described as any industrial process which can be carried out in any residential area without detriment to the amenity of that area by reason of noise,

vibration, smell, fumes, smoke, soot, ash, dust or grit. There is a permitted change to C3 (dwellinghouses) subject to prior approval (PD Class MA).

RELEVANT SITE HISTORY

89/D22927 - Extension To Engineering Works. Refused 08/06/1989.

13/00991/FUL - Demolition of part of building and change of use and conversion of remainder of building to one dwelling and 8 apartments. Approved 15/01/2015.

24/00398/FUL - Change of use of part general industrial building (use class B2) to 1 x 5 bedroom residential dwelling (Use Class C3) installation of new windows and doors and application of render and external façade to front and rear elevations. Approved 14/11/2024.

24/01199/DOC - Discharge of conditions 3 (contamination), 4 (tree survey and protection), 5 (materials), 6 (boundary treatment), 11 (landscaping) and 13 (biodiversity enhancements) of planning permission 24/00398/FUL. Request completed 14/02/2025.

25/00023/FUL - Alterations to fenestration including new openings for windows, doors, and skylights. Approved 24/03/2025.

[Officer Note: Condition 3 related to full product specifications for windows, external doors and detailed designs of the windows, roof light and door reveals. At the time of writing, this condition has not been discharged].

25/00429/PRA56 - Prior approval for change of use from commercial, business and service (Class E) to 12 residential flats (Class C). Refused 12/06/2025.

[Officer Note: This prior approval was refused because it failed to demonstrate that the lawful use of the premises falls within Use Class E as required and as such, the proposal is not permitted under Class MA, Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015].

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

Business Rates – *previous comments on 25/00429/PRA56 advised:*

The property is currently split into three separate properties. Unit 1: is currently empty and B & L Homes Ltd are liable for the business rates. The property description is workshop and premises. Unit 2: is occupied by Robert Gilbert and the property description is workshop and premises. Unit 3: is occupied by Oliver McDonald and the property description is workshop and premises.

Environmental Health (Noise) – 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:

Planning Statement
Site Location Plan
Drawing No: 23.3108.50 – Existing Floor Plans
Drawing No: 23.3108.51 – Existing Elevations
Drawing No: 23.3108.52 – Existing Site Plan
Received on 27th June 2025

Planning Statement V3
Received on 25th September 2025

Other evidence in the form of sworn statements, company details and business rates details 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 premises as Class E(g)(iii) has been ongoing for more than 10 years.

The relevant time period is 27th June 2015 to 27th June 2025.

The applicant has submitted evidence in the form of sworn statements (and statements) from previous tenants and company details of previous occupiers. The submitted Planning Statement states that in 2015 the building was split into 3 units. The sworn statements cover the relevant time period.

The LPA has little evidence of its own however Rochdale Borough Council Business Rates have stated that the building is split into three separate properties described

as workshop and premises and refer to the same companies as stated in the Planning Statement and sworn statements. Officers are therefore satisfied that the evidence provided is sufficient to show that the building has been used as claimed by this application.

Having regard to the foregoing it is considered, on the balance of probability, that the property known as Ken Mills Engineering Co, New Street, Rochdale, OL12 6NS has been used as Class E(g)(iii) light industrial for more than 10 years.

RECOMMENDATION

GRANT certificate

Reason:

Sufficient evidence is available to demonstrate that, on the balance of probability, the building, as shown on the submitted Existing Floor Plans, received on 27th June 2025 of the building known as Ken Mills Engineering Co, New Street, Rochdale, OL12 6NS has been in use as Class E(g)(iii) light industrial for a period of at least 10 years.

Notes for Applicant:

1. This application relates to the following plans:

Site Location Plan

Drawing No: 23.3108.50 – Existing Floor Plans

Drawing No: 23.3108.51 – Existing Elevations

Drawing No: 23.3108.52 – Existing Site Plan

Received on 27th June 2025

2. The applicant is advised that there are outstanding conditions relating to planning permission 25/00023/FUL.

LOCATION PLAN



Report Author Claire Ringwood