

APPLICATION NUMBER: 24/00099/CPL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
24/00099/CPL	Hamish Rigg	11/03/2024

Address: 209 Spotland Road, Rochdale, OL12 7AF

Proposal: Application for a certificate of lawful development for a 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/A
	Neighbour comments received?	N/A

EIA	Screening opinion completed and saved to Onbase?	N/A
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RECOMMENDATION	GRANT unconditionally
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CHECKED AND SIGNED OFF BY: RK

DATE: 27/03/2024

SITE

The application relates to 209 Spotland Road, a two-storey terrace property in Rochdale Town Centre. The property faces north, fronting the pavement and overlooking the highway. It is adjoined by no.207 to the east, and no. 211 to the west. The rear boundary of the curtilage faces south, bordering the car park serving the industrial units to the south of the property.

PROPOSAL

The proposal will consist of a change of use From C3 (dwellinghouse) to C4 (house in multiple occupation).

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

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 therefore not considered development. However the application proposes a change of use which must be had regard to.

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).

And use Class C4 as:

Class C4. Houses in multiple Occupation

Use of a dwellinghouse by not more than six residents as a HMO

The proposal would convert one dwellinghouse into 4 self-contained bedsits. Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) allows for:

L. 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.

On the evidence available, it is reasonably concluded that the application property is a dwellinghouse falling within Use Class C3. The proposed change of use to Use Class C4 therefore comprises permitted development under Part 3 Class L.

RECOMMENDATION

GRANT UNCONDITIONALLY

Reason

The proposed change of use comprises permitted development as it would comply with the requirements of Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Notes for Applicant:

In the avoidance of doubt, this certificate relates to the following set of plans:

- location and site plan: (DR) A202
- Existing plans: (DR) A100
- Elevations: (DR) A101
- Proposed floor plans: (DR) A200
- Proposed plans 3D: (DR) A201
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Report Author Hamish Rigg