

APPLICATION NUMBER: 22/01488/CPL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
22/01488/CPL	Rosalind Gralton	18/01/2023

Address: 29B-29C First Floor Flat, Milnrow Road, Rochdale, Rochdale, OL16 1UG

Proposal: Certificate of lawfulness for proposed change of use of first floor from Class C4 (house in multiple occupation) to Class C3 (dwellinghouse) (re-submission 22/01260/CPL)

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/A	Contrary to national policy?	N/A
	Applicant a Council Member or officer?	N/A	Contrary to previous decision?	N/A
	Major with 10 or more objections and recommending approval?	N/A	Called in or Planning Panel objection?	N/A

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

CHECKED AND SIGNED OFF BY: L.Ashworth

DATE: 23.01.2023

SITE

The application form specifies that the application relates to the first floor of no. 29 Milnrow Road.

The property is a two storey detached structure, with a tyre shop and work bay on the ground floor.

PROPOSAL

The applicant has applied for a certificate of lawfulness for the proposed change of use of a first floor flat from C4 (house in multiple occupation) to C3 (dwellinghouse).

RELEVANT PLANNING POLICY

The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 ("the UCO Amendment Regulations")

RELEVANT SITE HISTORY

22/01260/CPL - Certificate of lawfulness for proposed change of use from C4 (house in multiple occupation) to C3 (dwellinghouse) – Refused

Reason for refusal:

The proposal would fall within the parameters of Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015. However, the applicant has failed to provide accurate plans to which this certificate of lawfulness relates, by reason of an incorrect location plan. As such a certificate of lawfulness cannot be granted.

06/D48397 - NEW SHOP FRONT – Approved with conditions 25.01.2007

CONSULTATION RESPONSES

N/A

REPRESENTATIONS

In accordance with the Council's Code of Publicity, this application has not been publicised.

ANALYSIS

Section 192 of the Town and Country Planning Act directs that

(1) If any person wishes to ascertain whether—

(a) any proposed use of buildings or other land is lawful;

(b) any operations which have been carried out in, on, over or under land;

would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question.

(2) If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

(3) A certificate under this section shall—

(a) specify the land to which it relates;

(b) describe the use or operations in question (in the case of any use falling within one of the classes specified in an order under section 55(2)(f), identifying it by reference to that class);

(c) give the reasons for determining the use or operations to be lawful; and

(d) specify the date of the application for the certificate.

(4) The lawfulness of any use or operations for which a certificate is in force under this section shall be conclusively presumed unless there is a material change, before

the use is instituted or the operations are begun, in any of the matters relevant to determining such lawfulness

Schedule 2, Part C, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015, which provides permitted development rights, considers:

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.

Development not permitted

L.1 Development is not permitted by Class L if it would result in the use—

(a) as two or more separate dwellinghouses falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order of any building previously used as a single dwellinghouse falling within Class C4 (houses in multiple occupation) of that Schedule; or

(b) as two or more separate dwellinghouses falling within Class C4 (houses in multiple occupation) of that Schedule of any building previously used as a single dwellinghouse falling within Class C3 (dwellinghouses) of that Schedule.

The proposed change of use would convert one HMO into one self-contained flat, and as such the proposal would fall within the parameters of Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015. It is not considered the proposal would result in a material change of use, given the lesser impact of the proposed scheme from a four bed HMO to a single dwellinghouse.

RECOMMENDATION

GRANT UNCONDITIONALLY

REASON

The proposal would fall within the parameters of Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Notes for Applicant:

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

Location Plan - received by the Council 22/11/2022

Existing and Proposed Floor Plans dwg. no. 1193.01 received 22/11/22

Report Author Rosalind Gralton