

APPLICATION NUMBER: 25/00048/CPL

## DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

25/00048/CPL

CASE OFFICER

Bob Melling

DETERMINATION DATE 17.03.2025 EXT OF TIME N/A

**Address:** Holiday Homes, Chapel Lane, Off Ashworth Road, Rochdale, Heywood, OL11 5NU

**Proposal:** Certificate of lawfulness for proposed conversion of existing holiday lettings to one dwelling

|           |                            |     |                       |     |
|-----------|----------------------------|-----|-----------------------|-----|
| 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/A |
|          | Neighbour comments received?      | N/A |

|     |                                                  |     |
|-----|--------------------------------------------------|-----|
| EIA | Screening opinion completed and saved to Onbase? | N/A |
|-----|--------------------------------------------------|-----|

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

RECOMMENDATION

GRANT

CHECKED AND SIGNED OFF BY: RC

DATE: 12.03.25

## **SITE**

This application relates to an existing building containing a pair of holiday lets at the edge of a field to the north of Chapel Lane in the Ashworth area of Rochdale. To the south of the site, on the opposite side of Chapel Lane, are two dwellings and St. James' Church. The dwellings are known as 'The Chapel House' (the former Egerton Arms PH) and 'Egerton Hall' (a new build dwelling). The Chapel House and the Church are Listed Buildings. Between the application site and The Chapel House is a car parking area off Chapel Lane and the application site is located within the Green Belt.

## **PROPOSAL**

The application seeks a certificate of lawfulness for the proposed conversion of the existing holiday lets to a single dwelling (Use Class C3).

No external alterations are proposed.

## **RELEVANT LEGISLATION AND PLANNING POLICY**

The Town and Country Planning Act (1990) - S.55

The Town and Country (Use Classes) Order (1987) (as amended)

National Planning Practice Guidance (NPPG)

## **RELEVANT SITE HISTORY**

|              |                                                                                                                                       |
|--------------|---------------------------------------------------------------------------------------------------------------------------------------|
| 13/00943/DOC | Submission of details to comply with conditions 4, 5, 6 and 7 of planning permission 13/00572/FUL - Request Completed (November 2013) |
| 13/00572/FUL | Change of use and conversion of existing building to form two holiday homes - Granted STC (July 2013)                                 |

## **CONSULTATION RESPONSES**

N/A

## **REPRESENTATIONS**

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

## **ANALYSIS**

S.55 (1) of the Town and Country Planning Act 1990 ('The Act') sets out:

*Subject to the following provisions of this section, in this Act, except where the context otherwise requires, "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*

S.55 (2) states:

*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) identifies a series of operations or uses of land that do not involve development of land including and of relevance to this application:

- (a) 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, and are not works for making good war damage or works begun after 5th December 1968 for the alteration of a building by providing additional space in it underground;

And:

- (f) in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section, **the use of the buildings or other land** or, subject to the provisions of the order, of any part of the buildings or the other land, **for any other purpose of the same class.**

For the avoidance of doubt, the planning merits of the matters applied for do not fall to be considered. The decision will be based strictly on factual evidence, the history and planning status of the site in question and the application of relevant law or judicial authority to the circumstances of the case.

Paragraph 006 of the NPPG (Reference ID: 17c-006-20140306) states that 'in the case of applications for proposed development, an applicant needs to describe the proposal with sufficient clarity and precision to enable a local planning authority to understand exactly what is involved.'

The building contains two holiday lets which were lawfully implemented under planning permission 13/00572/FUL and discharge of condition approval 13/00943/DOC.

Small scale holiday lets of up to six residents fall within Use Class C3 of the Town and Country Planning (Use Classes Order) 1987. S.54 (f) of The Act states that to change a building to another use within the same use class does not constitute development. Planning permission 13/00572/FUL did not restrict the use of the premises to holiday lets only within Use Class C3 by planning condition. The existing holiday let use and the proposed dwelling use therefore both fall within Use Class C3.

Planning permission is also not required to convert two dwellings to a single dwelling as the works are internal (unlike vice versa as specified by S.55 (3) (a) of The Act). The conversion to a single dwelling would be carried out via internal works and no external changes are proposed to the building. S.55 (2) (a) (i) of The Act states that works that affect only the interior of the building do not constitute development.

In light of the above assessment, it is therefore considered that the proposed conversion as identified in the submitted plans does not constitute development, planning permission is not required, and a lawful development certificate can be granted.

## **RECOMMENDATION**

### **GRANT UNCONDITIONALLY**

1. The proposed conversion of the building does not comprise development within the meaning set out within section 55 of the Town and Country Planning Act (1990) and would not require planning permission.

### **Notes for Applicant:**

For the avoidance of doubt, this decision relates to the following plans and documents:

- Location plan and existing building plans. Dwg no. P244-01
- Proposals. Dwg no. P244-02
- Supporting Planning Statement by Seymour Planning dated January 2025

Report Author Bob Melling