

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
25/00643/CPE	Hamish Rigg	07/08/2025

Address: 37 Gale Street Rochdale OL12 0SQ

Proposal: Certificate of Lawfulness to confirm the existing lawful use as a 5-bed HMO (Use Class C4)

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: TH

DATE: 11/08/2025

SITE

The application relates to 37 Gale Street, an end of terrace property on the outskirts of Rochdale town centre. The character of the area is typically suburban, comprising red brick terraced and semi-detached houses.

No. 37 faces south, fronting the pavement and overlooking the highway. It adjoins no. 35 to the west and borders the curtilage of no. 39 to the east. The rear boundary of the curtilage faces north, bordering an alleyway to the rear of Gale Street.

PROPOSAL

Certificate of Lawfulness to confirm the existing lawful use as a 5-bed HMO (Use Class C4).

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

20/01398/FUL – Approved

Conversion of one dwelling into 2 self-contained flats

19/00636/FUL – Refused:

Change of use from one dwelling to mixed use of hot food takeaway (Class A5) at ground floor and flat (Class C3) at first floor with two storey rear extension, formation of new shop front, installation of flue to side and alterations to front and side elevation (resubmission of 19/00088/FUL)

19/00088/FUL – Refused:

Change of use of residential dwelling (Class C3) to hot food takeaway (Class A5) at ground floor, 2 bed flat at first floor, installation of flue to side elevation, first floor extension to rear, new shopfront and insertion of window to side elevation.

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 not considered development.

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).

Class C4. Houses in multiple Occupation

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

The proposal would convert 1no. 5-bedroom dwelling (C3) into a 5-bedroom HMO. This this would fall under 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 and no external works are proposed.

Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015

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.

This proposal is a permitted change of use under permitted development as long as the works are carried out in accordance with the description of development and plans.

RECOMMENDATION

GRANT UNCONDITIONALLY

Reason

The proposal falls 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:

- Floor plans (Magicplan)
- Location plan: PP-14118592v1

Report Author Hamish Rigg