

Officer Report

Case Reference: PL/2026/0266
Location: SPOTLAND BRIDGE MILL, SPOTLAND ROAD, ROCHDALE, OL12 7AG
Proposal: Certificate of lawfulness for the proposed change of use from use E(g)(iii) - industrial processes to E(b) - sale of food and drink
Recommendation: Permitted Development
Officer: Bob Melling

SITE DESCRIPTION AND CONTEXT

The application relates to a vacant self-contained business unit located within Spotland Bridge Mill. The Mill lies approximately 1.35km to the west of Rochdale Town Centre. Spotland Bridge New Mill is a Grade II Listed Building first included on the Statutory List in November 1996.

PROPOSAL

The application seeks a Certificate of Lawfulness under section 192 of the Town and Country Planning Act 1990.

The application seeks confirmation that the proposed use of Units 32 - 33 as a restaurant does not require planning permission.

RELEVANT PLANNING AND ENFORCEMENT HISTORY

83/D15327 - Change Of Use From Dress Manufacturers To Retail \ Wholesale Warehouse. Refused.

91/D26495 - Change Of Use From Industrial Unit To Private Hire Booking Office. Approved.

99/D36638 - Use Of Premises As A Martial Arts School (Retrospective). Approved.

08/D51590 - Internal And External Alterations To Existing Listed Mill Buildings To Allow Mixed Use Development. Approved.

08/D51589 - Change Of Use And Refurbishment Of Existing Buildings Including New Story To East Mill To Provide Mixed Use Scheme Comprising 84 Apartments, 1079 SQ M Of Commercial Floorspace (B1/B2) With Associated Car Parking And Landscaping. Approved.

11/D54883 - Application For A New Planning Permission To Replace An Extant Planning Permission (D51589) For Change Of Use And Refurbishment Of Existing Buildings Including

New Storey To East Mill To Provide Mixed Use Scheme Comprising 84 Apartments, 1079 SQ M Of Commercial Floorspace (B1/B2) With Associated Car Parking And Landscaping. Approved.

11/D54884 - Change Of Use And Refurbishment Of Existing Buildings Including New Storey To East Mill To Provide Mixed Use Scheme Comprising 84 Apartments, 1079 SQ M Of Commercial Floorspace (B1/B2) With Associated Car Parking And Landscaping. Approved.

20/00548/LBC - Replacement of existing windows with PVCu windows. Withdrawn.

20/00602/FUL - Change of use to allow use of part of ground floor from business use (B8) to cafe (Class A3). Approved.

20/01454/LBC - Replacement of existing windows with aluminium windows - Resubmission of 20/00548/LBC. Approved.

22/00825/DOC - Submission of details to comply with condition 3 (materials) on planning permission 20/01454/LBC. Request completed.

23/00229/FUL - Change of use of part of ground floor to microbrewery and brewery tap area including installation of new windows and re-instatement of doorways to north and east elevations. Approved.

23/00230/LBC - Change of use of part of ground floor to microbrewery and brewery tap area including installation of new windows and re-instatement of doorways to north and east elevations. Approved.

23/01135/LBC - Change of use from industrial unit (Class B2) to distillery with gin experience events space and bar (Sui Generis) including replacement of existing windows and alterations to existing entrance on south elevation and provision of new toilets. Approved.

23/01134/FUL - Change of use from industrial unit (Class B2) to distillery with gin experience events space and bar (Sui Generis) including replacement of existing windows and alterations to existing entrance on south elevation and provision of new toilets. Approved.

RELEVANT PLANNING POLICY

National Guidance

National Planning Practice Guidance (NPPG):

The applicant is responsible for providing sufficient information to support an application. 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 (PPG Paragraph: 006 Reference ID: 17c-006-20140306).

Other

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).

PUBLICITY

There is no statutory requirement to consult third parties including parish councils, or neighbours. It may, however, be reasonable for a local planning authority to seek evidence from these sources, if there is good reason to believe they may possess relevant information about the content of a specific application. Views expressed by third parties on the planning merits of the case, or on whether the applicant has any private rights to carry out the operation, use or activity in question, are irrelevant when determining the application (NPPG paragraph 08 Reference ID: 17c-008-20140306).

As there is no statutory requirement to consult third parties, no letters were sent to neighbouring occupiers/owners when this application was validated.

ASSESSMENT

This application for a Certificate of Lawfulness is made under Section 192 of the Town and Country Planning Act 1990. An application under s192 can be made if any person wishes to ascertain whether the following would be lawful –

- a) Any proposed use of buildings or other land; or,*
- b) Any operations proposed to be carried out in, on, over or under land.*

S192 (2) states that: 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 this application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

There are different components to consider in the assessment of this application, namely:

- The current lawful use of the building; and,
- Whether the change to a restaurant, from the current use of the building, would be a permitted change not requiring planning permission.

The applicant contends that the existing lawful use of the application site falls under Class E(g). The applicant has used the Valuation Office's Rating assessment to demonstrate the last lawful use, however this refers to the West Mill, whereas the application site is within the East Mill, as per the submitted plans. The correct Valuation Office's Rating assessment states that the last use of the units was for 'workshop and premises'. Moreover, the Council's gazateer describes the use of the units as 'workshop / light industrial'. Looking at Google Street View imagery, it appears that the units were most recently used by 'Adam Windows Ltd' with Companies House listing the nature of the business as 'joinery installation' and 'painting'. Adam Windows Ltd appear to have occupied the units since at least 2018, although the applicant states that the units are now vacant. On the balance of probabilities, it is the view of the Local Authority that the existing lawful use of the site falls under Class E(g)(iii) as the units were last lawfully used as a workshop premises for the carrying out of relatively low impact industrial processes. On this basis, the proposed change of use from a workshop to a restaurant would be a permitted change not requiring planning permission. Therefore, as both the existing and proposed uses of the units falls under Class E, planning permission is not required.

RECOMMENDATION: Approve.

The proposal constitutes permitted development as the existing use and proposed use fall under Class E.

SUMMARY OF THIRD-PARTY REPRESENTATIONS

N/A

SUMMARY OF CONSULTATION RESPONSES

N/A

Recommendation: Permitted Development

Approval Reason(s) (1)

- 1 The change of use described would be lawful under the provisions of Class E of the The Town and Country Planning (Use Classes) Order 1987 (as amended) and would not require Planning Permission.

Informatives (1)

For the avoidance of doubt the decision relates to the following plans:

- 1
 - Existing. Dwg no. C389-R-01
 - Location Plan. Dwg no. C389-R-04
 - 'Planning Statement' dated March 2026