

Officer Report

Case Reference: PL/2026/0478
Location: 19 OAKWAY, MIDDLETON, MANCHESTER, M24 6TD
Proposal: Application for a certificate of lawfulness for partial use of dwelling as office space
Recommendation: Approve
Officer: Aimee Bovaird

Site

The site is located at 19 Oakway, Middleton. This is a two storey detached dwelling benefiting from off street parking and a rear garden.

The site is located within the Defined Urban Area.

Proposal

The application seeks a certificate of lawfulness for partial use of the dwelling as officer space.

Relevant Planning Policy

The Town and Country Planning Act (1990)

S.55 - Meaning of “development” and “new development”

S. 171 – Time Limits

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

Burden of Proof

The applicant is responsible for providing sufficient information to support an application. In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant’s version of events less than probable, there is no good reason to refuse the application, provided the applicant’s evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability (PPG Paragraph: 006 Reference ID: 17c-006-20140306)

Relevant Site History

N/A

Consultation Responses

N/A

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

The Town and Country Planning Act 1990, Section 171B 'Time limits' states the following:

(1) Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of—

(a) in the case of a breach of planning control in England, ten years beginning with the date on which the operations were substantially completed, and

(b) in the case of a breach of planning control in Wales, four years beginning with the date on which the operations were substantially completed.

(2) Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of—

(a) in the case of a breach of planning control in England, ten years beginning with the date of the breach, and

(b) in the case of a breach of planning control in Wales, four years beginning with the date of the breach.

(2A) There is no restriction on when enforcement action may be taken in relation to a breach of planning control in respect of relevant demolition (within the meaning of section 196D).

(3) In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.

(4) The preceding subsections do not prevent—

(a) the service of a breach of condition notice in respect of any breach of planning control if an enforcement notice in respect of the breach is in effect; or

(b) taking further enforcement action in respect of any breach of planning control if, during the period of four years ending with that action being taken, the local planning authority have taken or purported to take enforcement action in respect of that breach.

The application seeks permission for a certificate of lawfulness confirming the lawfulness for partial use of the dwelling as an office.

The applicant has set out within the application form that the office will be limited to administrative and office functions. No external alterations are proposed as part of the proposal. The proposed part of the dwelling house will be an office, the use will be incidental to the main dwelling. The use of the office would not result in staff visits or any impact that would constitute a material change of use.

Conclusion

The proposed use of part of the dwelling as an office is not a material change of use and is considered lawful.

Recommendation: Approve

Approval Reason(s) (1)

- 1 The partial use of the dwellinghouse as office space as described within the application is considered to comprise an activity which is incidental to the use of the dwellinghouse and therefore would not materially change the use of the dwelling and would not comprise development, thus not requiring planning permission.

Informatives (1)

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

- 2
 - Location Plan
 - Floor Plan
 - Application Form