

Officer Report

Case Reference: PL/2026/0599
Location: 30 FLETTON CLOSE, ROCHDALE, OL12 6BF
Proposal: Certificate of Lawfulness application for the proposed use of an existing room within main dwellinghouse as a therapy clinic.
Recommendation: Approve
Officer: Bob Melling

SITE

The application relates to no. 30 Fletton Close, a two storey, detached property located in a residential area in Healey. The dwelling faces south-west onto the highway, adjacent to no. 28 Fletton Close to the south-west and no.23 Fletton Mews to the north-west. The rear boundary of curtilage borders protected recreational open space. The property benefits from off road parking sited to the front of the dwelling.

PROPOSAL

Certificate of lawfulness is sought for the use of a room within the premise (Class C3) as an appointment-only complementary therapy clinic operating from home.

RELEVANT SITE HISTORY

22/00959/HOUS: Single storey side and rear extension, rear door and decking. Approved.

15/00725/FUL: Residential development of 11 dwellings with associated access, parking, landscaping, footpath link and open space (Resubmission of 14/01309/FUL). Approved.

RELEVANT PLANNING POLICY

Town and Country Planning Act 1990 Section 192

(1) If any person wishes to ascertain whether—

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

(b) any operations proposed to be 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.

National Guidance

National Planning Practice Guidance (NPPG)

CONSULTATION RESPONSES

N/A

REPRESENTATIONS

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

ANALYSIS

The NPPG provides guidance on the determination of lawful development certificates, where the LPA needs to consider whether, on the facts of the case and relevant planning law, the specific matter would be lawful. Planning merits are not relevant at any stage in this particular application.

With regard to the burden of proof, the NPPG notes that "*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.*" (Paragraph: 006 Reference ID: 17c-006-20140306)

Section 55 of the Town and Country Planning Act 1990 has established the definition of “development” to mean “*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.*”

In respect of changes of use, Article 3(1) of the Town and Country Planning (Use Classes) Order 1987 sets out “*Where a building or other land is used for a purpose of any class specified in the Schedule, the use of that building or that other land for any other purpose of the same class shall not be taken to involve development of the land.*”

Section 55(2)(d) of the Town and Country Planning Act 1990 sets out “*the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such*” would not be taken to involve development of the land.

Therefore, the main consideration for the lawful development certificate is whether, based on the information submitted, the proposed use would be incidental to the use as a dwellinghouse and would result in a material change of use of a dwellinghouse requiring planning permission.

The applicant states that the proposed use of one room within the dwellinghouse for complementary therapy treatments would operate on a small-scale, appointment-only basis. Treatment sessions would be undertaken solely by the occupier, with one client attending at a time. No employees would be employed from the property and there would be no retail sales, waiting area or external signage associated with the business.

The proposed activity would be contained entirely within an existing room of the dwellinghouse and would not involve any structural alterations, extensions or external changes to the property. Clients would attend by appointment only and parking would be available within the existing private driveway, thereby limiting any impact on the surrounding residential area.

Based on the information provided, the proposed complementary therapy use would remain subordinate and ancillary to the primary residential use of the property. The scale and nature of the activity would not result in a level of comings and goings, noise, disturbance or other activity that would materially alter the character of the dwellinghouse as a private residence. The property would continue to function principally as a single dwellinghouse, with only one room used for the proposed business activity.

The Local Planning Authority is therefore satisfied that the proposed use would remain incidental and ancillary to the enjoyment of the dwellinghouse and would not constitute a material change of use of the property. Accordingly, the proposal would not amount to development requiring planning permission and is considered lawful.

RECOMMENDATION: APPROVE

Recommendation: Approve

Approval Reason(s) (1)

- 1 The proposed use of the building would not result in the change of use of the building in the context of the Town and Country (Use Classes) Order (1987) (as amended). Considering the characteristics of the proposed use, as set out within the available evidence, the proposed change of use would not be material and therefore would not comprise development in accordance with the meaning set out under Section 55 of the Town and Country Planning Act 1990 and would subsequently not require planning permission.

Informatives (1)

- 1 For the avoidance of doubt, this permission relates to the following plans:
 - Location Plan dated 29/06/2026
 - Planning application form dated 29/06/2026
 - 'Existing Ground Floor Plan' received on 08/07/2026
 - 'Site / Block Plan - Off-Street Parking' received on 08/07/2026
 - 'Statement In Support Of An Application For A Lawful Development Certificate' signed and dated 08/07/2026