

Officer Report

Case Reference: PL/2026/0722
Location: MOSS MILL INDUSTRIAL ESTATE, WOODBINE STREET
EAST, ROCHDALE
Proposal: Application for a certificate of lawfulness to remove the upper
section of the tower brickwork to allow removal of the roof,
telecoms mast and water tank and rebuild roof tower using
existing retained bricks to match existing.
Recommendation: Approve
Officer: Rosalind Gralton

SITE

The site relates to the existing tower and telecommunications equipment atop Moss Mill Industrial Estate.

PROPOSAL

The application seeks a Certificate of Lawful Development for removal the upper section of the tower brickwork to allow removal of the roof, telecoms mast and water tank and rebuild roof tower using existing retained bricks to match existing. This follows a withdrawn planning application 25/01066/FUL

RELEVANT PLANNING POLICY

The Town and Country Planning Act (1990) - **Section 55 - Meaning of “development” and “new development”**.

(1) 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.

(1A) 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.]

(2) The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—

(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;

(b) the carrying out on land within the boundaries of a road by a highway authority of any works required for the maintenance or improvement of the road but, in the case of any such works which are not exclusively for the maintenance of the road, not including any works which may have significant adverse effects on the environment;

(c) the carrying out by a local authority or statutory undertakers of any works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of any street or other land for that purpose;

(d) 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;

(e) the use of any land for the purposes of agriculture or forestry (including afforestation) and the use for any of those purposes of any building occupied together with land so used;

(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.

(g) the demolition of any description of building specified in a direction given by the Secretary of State to local planning authorities generally or to a particular local planning authority.

NATIONAL GUIDANCE

National Planning Practice Guidance (NPPG)

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

25/01066/FUL - Withdrawn

CONSULTATION RESPONSES

Not applicable.

REPRESENTATIONS

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

ANALYSIS

S.55 of the Town and Country Planning Act 1990 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.

The proposed development seeks only to remove the telecommunications equipment atop the existing tower and repair the existing brickwork in a like-for-like appearance and manner. The resulting development would not materially affect the external appearance of the building. A Construction Specification Statement was sent to the case officer from the applicant in July 2026. This provided detail as to the extent of the works required; none of which meet the definition of development, over and above what is pertained within Section 55 of the TCPA.

Having regard to the matters above, on balance, it is concluded that the proposed works would not constitute development under the meaning set out within Section 55 of the Act, and planning permission is therefore not required. On this basis the works described are lawful.

Recommendation: Approve

Approval Reason(s) (1)

- 1 The works described do not fall within the meaning of development set out under Section 55 of the Town and Country Planning Act 1990 and therefore do not require planning permission and are therefore lawful.

Informatives (1)

- 1 For the avoidance of doubt, this decision relates to the following plans and document
 - Application Form
 - 25133-5-002 Existing Elevations
 - 25133-5-001 Moss Mill Location Plan
 - 25133-5-003 Proposed Elevations

