

DELEGATED REPORT

Report by Claire Booth	Date of report: 02/09/2026	Ref: 73082/LDCP
Registration: 12/06/2026	LDFC:	Expiry Date: 07/08/2026
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: NREQ

Proposal: Lawful development certificate for proposed change of use of the property from a single dwellinghouse (Use Class C3) to a small House in Multiple Occupation (Use Class C4), accommodating up to 6 residents. The proposal includes internal alterations to facilitate the use of the property as a small House in Multiple Occupation (HMO).

Location: 532 Manchester Road, Bury, BL9 9NZ

Description

A Lawful Development Certificate (LDC) has been submitted for the proposed change of use of the property from a single dwellinghouse (Use Class C3) to a small House in Multiple Occupation (Use Class C4), accommodating up to 6 residents. The proposal includes internal alterations to facilitate the use of the property as a small House in Multiple Occupation (HMO).

This LDC relates to no. 532 Manchester Road, the southern end of a pair of two-storey late Victorian/Edwardian semi-detached properties, sited on the corner of Bibby Street which is located on the west side of Manchester Road. The property has a two storey rear outrigger and a single storey conservatory extension. The property has a dual-pitched gable roof with the ridge running roughly perpendicular to Manchester Road. The property is contained by a brick boundary wall extending along the side boundary of the site on Bibby Street with a detached garage across the rear boundary of the site which is accessed from Bibby Street.

The application was made to the Council on the 12 April 2026 and was made valid on the 12 June 2026.

Relevant Planning History

Not applicable.

Publicity

As this application relates to a certificate of lawfulness, the policies of the development plan are of no specific relevance in this case.

Statutory/Non-Statutory Consultations

Not applicable.

Development Plan and Policies

Not applicable.

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within the

adopted Bury Unitary Development Plan (UDP), together with other relevant material planning considerations.

The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP and PpE Policies will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

- The elimination of discrimination, harassment and victimisation;
- The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;
- The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Assessment

This application is made under Section 192 of the Town and Country Planning Act (1990) (as amended) for a Lawful Development Certificate in relation to a proposed development.

As this application is considered on the basis of a matter of fact and law, specific planning merits are not relevant. In order for a Lawful Development Certificate to be granted in this instance, the Council must be satisfied that the proposal, on the balance of probability, is in accordance with the statutory provisions of the Town and Country Planning Use Classes) Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended); in that the proposed use does not

require express planning permission.

Under permitted development rights granted by national legislation, the change of use from a dwelling (Use Class C3) to a small House in Multiple Occupation (Use Class C4), occupied by up to six unrelated individuals, can normally take place without the need for planning permission.

The property was lawfully used as a dwellinghouse (Use Class C3) when the application was made.

A change of use amounts to development if such a change is 'material'. However, Class L of Part 3 of Schedule 2 to The Town and Country Planning (General Permitted Development) (England) Order 2015 makes specific provision for the change from Class C3 to Class C4. In other words, such a change is ordinarily 'permitted development'. The property would have benefited from those rights when the application for an LDC was made.

An Article 4 Direction removing the right to change from Class C3 to Class C4 within this borough came into force in this borough on the 16 July 2026.

The critical date is not the date of the Council's decision, but the date of the application, i.e. the date the application was submitted. This is clear from s192(2) of the Act, which states *'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'*. The introduction of an Article 4 Direction after the application was made could not alter the position on the date of the application; the Direction does not apply retrospectively. This view is supported by a decision by the Planning Inspectorate under Appeal Decision APP/C5690/X/24/3342534 for a site in London where an Article 4 Direction was brought in during the course of an application.

For the reasons given above I conclude, that under the powers transferred to the Local Planning Authority under section 192 of the 1990 Act (as amended) that the proposal was lawful on the date the application was made.

Recommendation: LAWFUL

Conditions and Reasons:

- 1 The proposed use as described in the First Schedule, is deemed to be 'Permitted Development' having regard to Article 3, Schedule 2, Part 3, Class L of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) given the application was made prior to the HMO Article 4 Direction for the borough of Bury coming into force.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB	02/09/2026	HL 04.09.26	