

DELEGATED REPORT

Report by Helen Pressley	Date of report: 28/08/2025	Ref: 72144/LDCP
Registration: 10/07/2025	LDFC:	Expiry Date: 04/09/2025
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: NREQ

Proposal: Lawful development certificate for proposed conversion of dwelling into HMO

Location: 108 Rochdale Old Road, Bury, BL9 7LR

Description

Lawful development certificate for proposed conversion of dwelling into HMO

Relevant Planning History

71629 - Prior approval for proposed single storey rear extension - Prior Approval Not Required - Extension 20/03/2025

71778 - Lawful development certificate for proposed loft dormer extension at rear - Lawful Development 19/05/2025

Publicity

None

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - None

Development Plan and Policies

Issues and Analysis

Part 3, Class L of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) allows a permitted change of use between dwellinghouses in Use Class C3(a) and small HMOs in Use Class C4 (up to 6 persons living as a single household) and vice versa.

Permitted Development

Development consisting of a change of use of a building—

- (a) from a use falling within Class C4 (houses in multiple occupation) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule;
- (b) from a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, to a use falling within Class C4 (houses in multiple occupation) of that Schedule.

Development not permitted

L.1 Development is not permitted by Class L if it would result in the use—

- (a) as two or more separate dwellinghouses falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order of any building previously used as a single dwellinghouse falling within Class C4 (houses in multiple occupation) of that Schedule; or
- (b) as two or more separate dwellinghouses falling within Class C4 (houses in multiple occupation) of that Schedule of any building previously used as a single dwellinghouse

falling within Class C3 (dwellinghouses) of that Schedule.

There is no planning history or any other evidence to suggest that the building has been anything other than in lawful use as single dwellinghouse. As such on the balance of probability the building was in domestic use class C3(a) and so would qualify for the permitted development right. Permitted Development Rights have not been removed.

The submitted floor plans show a total of six bedrooms with en suite bathrooms and shared communal kitchen/diner and living space. 2no. bedrooms would be located within the roof space utilising a dormer extension that was deemed lawful under application reference 71778. The existing cellar is shown to be utilised as a plant and store room. As such the building is capable of being occupied by up to 6 individuals living a single household. Therefore the existing use of an HMO is lawful within the terms of Part 3, Class L of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Recommendation: LAWFUL

Conditions and Reasons:

- 1 The existing use as described in the First Schedule, is deemed to be 'Permitted Development' having regard Article 3, Schedule 2, Part 3, Class L of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP	28/08/2025	HL	29/8/25