

DELEGATED REPORT

Report by Claire Booth	Date of report: 19/08/2026	Ref: 72849/LDCE
Registration: 24/06/2026	LDfC:	Expiry Date: 19/08/2026
Site Visit: 08/04/2026	Site Notice: N/A	Press Date: N/A
18:30:00		
Objections:	Con Area: N/A	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level:
		Stat Class: NREQ

Proposal: Lawful Development Certificate that the dwelling is being used as annexe accommodation in association with the management of the Hawthorn Hotel in accordance with Condition no. 3 pursuant to application 62382

Location: House at rear of Hawthorn Hotel, Stand Lane, Radcliffe, Manchester, M26 1JR

Description

The application site is a part two storey, part single storey, building located to the rear of the Hawthorn Hotel, Stand Land, Radcliffe.

A Certificate of Lawfulness for an Existing Use or Development has been applied for to demonstrate that the property's annexe has been in use as an ancillary accommodation / occupancy condition found in Condition 3 of application 62383, for a period in excess of 10 years.

Relevant Planning History

62383 - Demolition of existing single storey rear wing and erection of self-contained living accommodation at rear for hotel management; Alterations to car park and access to King Street - Approved with conditions, 02/03/2018.

Condition 3 pursuant to this application stated:

3. The building to which this approval relates shall only be used as ancillary accommodation in relation to the existing hotel and for no other purpose/use.

Reason: To help maintain the amenities of the existing hotel in the interests of highway safety pursuant to UDP Policy HT2/4 Car Parking and New Development.

Publicity

Not applicable.

Statutory/Non-Statutory Consultations

Not applicable.

Pre-start Conditions - Not applicable.

Development Plan and Policies

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 PfE 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

In order for a certificate to be granted the Council must be satisfied that, from evidence, on the balance of probability the claims made are valid and if this is the case, the certificate should be issued.

The applicant has provided evidence that he owns the Hawthorn Hotel. The applicant has submitted a Building Regulation completion certificate, Council Tax records and Sworn Affidavits from both himself stating he occupies the property and manages the Hawthorn Hotel and therefore occupies the property to which this LDC relates in accordance with the requirements of the Condition. Affidavits have also been submitted from neighbours who

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he has lived near to for in excess of 10 years.

Based on all the above, and as the LPA has no reason to disbelieve nor has evidence to the contrary that the applicant lives at the property and manages the Hawthorn Hotel pursuant to the respective condition. On the balance of probability it therefore is reasonable to confirm the dwelling is being occupied in accordance with the requirements of Condition no. 3 pursuant to application no. 62383. It is therefore considered the LDC application is Lawful.

Recommendation: LAWFUL

Conditions and Reasons:

- 1 The use of the premises as annexe accommodation in association with the management of the Hawthorn Hotel, Stand Lane, Radcliffe, and as set out in the First Schedule on land outlined in red on plans received on the 02 June 2026 set out in the Second Schedule is considered to be a lawful use and consistent with the provisions of the Town and Country Planning Act 1990: Section 192, as amended.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB	19/08/2026	DM	19/08/2026