

Evidence to Verify Application

Certificate of Lawful Use for and Development for amalgamation at 86 and 84 Church Street West M26 2SY.

Please see attached to the application for existing site plan, block plan, elevations and floor plans to support the application for a Certificate of Lawful and development for the amalgamation of 4no. self contained flats in C3 use class to 2no. single dwelling houses in C3 use class at 86 and 84 Church Street West M26 2SY.

Current planning legislation outlines that where development does not result in a change in the use class of a property, in this case C3, then planning permission is not required (Section 55(2)f of The Town and Country Planning Act 1990). This would seem to apply to this case in which four self contained flat units were amalgamated into two single dwelling house units, where the use class remains C3 and no external works were completed.

The applicant is aware of the case of The London Borough of Richmond-upon-Thames v SSETR and Richmond-upon-Thames Churches Housing Trust [2000] 2 PLR 115 and the Royal Borough of Kensington & Chelsea appeal decision (3028049) (2016) that have ruled that the "same use class" exception cannot be relied upon in residential amalgamation cases. However this is not a blanket rule and each case requires assessment in line with the applicable development plan policy and any other material considerations.

The Bury Adopted Unitary Development Plan does not contain policy considerations that specifically prevent the loss of any number of housing units through the granting of other development. As such any loss of housing units should be judged on its merits taking into account the requirement of the specific house type in a particular area and/or the number of units to be lost, as to the impact on the housing supply as a whole and the local area in particular.

The amalgamation works has led to the net loss of two residential units but there is no known identified chronic shortage of any particular house type in the area that would be subject to current policy requirements. The amalgamation works only involved internal alterations and as such the appearance of 86 and 84 Church Street West has not changed at all and it has also resulted in less impact on the servicing, access and parking on the residential amenity of nearby properties.

As such the amalgamation does not benefit from the protection of the "same use class" exception as laid down in the Richmond ruling and it is considered for the reasons given above the amalgamation of the four dwellings into two dwellings does not constitute a material change of use and would therefore be lawful.