

DELEGATED REPORT

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Report by Helen Pressley	Date of report: 03/03/2026	Ref: 72829/LDCE
Registration: 06/02/2026	LDFC:	Expiry Date: 03/04/2026
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 existing use of a car park associated with 5 Crompton Street

Location: 5 Crompton Street, Bury, BL9 0AD

Description

Lawful development certificate for existing use of a car park associated with 5 Crompton Street.

Relevant Planning History

5 Crompton Street

49341 - Change of use from former post office to licensed food and drink operation (Class A4) - Approve with Conditions 20/02/2008

53996 - Change of Use from Sui Generis (Post Office with Sorting Office) to Shop (Class A1) and change of elevation to provide additional access and new windows - Withdrawn - Invalid 20/05/2011

55352 - Change of use of building from Sui Generis to D2 (Assembly & Leisure). - Approve with Conditions 03/09/2012

62907 - 1 No. non-illuminated fascia sign - Approve with Conditions 20/08/2018 Site Plan K691/01 confirms reinstatement of 3 no. bollards.

69480 - Prior approval for proposed change of use from Class E to 16 no. apartments (Class C3) - Prior Approval Not required 17/05/2023

70177 - Change of use from Class E to 16 no. apartments (Class C3). Application for a Non Material Amendment to Prior Approval 69480 to allow addition of stairs within some apartments. Apartments 1, 6, 7, 8, 12, 14 and 15 will include an additional floor in the apartment to increase living space and modifications to internal arrangement. - Approve with Conditions 20/11/2023

70320 - Replace existing windows and doors - Removal of three doors and reinstatement of full length windows; Partial removal of bricked door with insertion of window; 3 no. windows with railings to be removed and replaced with larger windows - Refused 07/02/2024

Enforcement Case 12/0429 - Change of use - 13/08/2012

5 Crompton Street and land to side/Lions Gardens

49406 - Change of use from former post office to a licensed food and drink operation (Class A4) (Alternative scheme to Reference 49341 - includes external area- Approve with Conditions 19/03/2008 *Proposed external drinking area approved with chairs and table indicated.*

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54208 - Change of use from Sui Generis (post office with sorting office facilities) to mixed use comprising retail (Class A1) , financial and professional services (Class A2), restaurant and cafe (Class A3), and drinking establishment (Class A4); Alterations to side elevation to provide canopy, additional access and new windows - Approve with Conditions 02/11/2011 *The application included some of the external area at the side in Lion Gardens where it is envisaged to provide some tables and chairs in association with the cafe/drinking uses, although details of this area were not submitted.*

58302 - Two storey extension to side elevation to form additional internal staircase - Withdrawn by Applicant 06/02/2015

58453 - Change of use from ground floor children's play centre and first/second floor offices to creche/day nursery/children's play centre (Class D1) to the ground/first/second floors; New access to first floor flat roof area at rear and installation of 1.8 metre high railings to create outside play area - Approve with Conditions 23/04/2015 *Site Plan K691/01 confirms reinstatement of 3 no. bollards.*

58472 - Two storey extension to side elevation to form additional internal staircase (resubmission) - Approve with Conditions 15/04/2015

69687 - First floor rear extension to form 1 no. lower first floor flat and loft conversion/roof alterations with dormers to form 2 no. second floor flats with external alterations and associated works - Refused 24/08/2023

Land to side of 5 Crompton Street/Lions Gardens

Enforcement Case 12/0465 - Change of use of land to Car Park

59675 - Creation of car park and turning area/drop off point to serve existing nursery premises - Refused 19/04/2016

71410 - Construction of a brick wall to the side to create secure courtyard amenity space with cycle and refuse storage provision - Withdrawn invalid

72861 - Creation of enclosure to serve the residents at 5 Crompton Street - Pending Decision

16/0002 - Breach of condition no. 3 of planning permission 58453 - 06/06/2016

17/0516 - Change of use of land to vehicle parking - 14/05/2018

Publicity

N/A

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A

Development Plan and Policies

Issues and Analysis

The applicant's case is evidenced by:

- A sequence of Google Earth images from October 2014 to November 2024.
- Acknowledgement of parking on site from Bury Council and the previous occupier of the site dated 2015 (Appendices B-D).
- The assertion that no Enforcement Notice or other enforcement action has been served in respect of the use of the site, and therefore the statutory immunity period has not

been interrupted.

The applicant has not stated the exact dates the 10 years continuous use relates to however the application form states the use started on the 3rd October 2014 and the google street view images are from between 2014 and 2024 the LPA has assessed the evidence under this assumption.

Google Earth Images

The google earth and street view images within the submission documentation are selective in their representation of the site as having continuous use for car parking. Google Street view images taken in August 2023 and August 2020 for instance show no vehicles parked on the site. Indeed the August 2023 streetview image shows heras fencing around the site preventing access for car parking, which is still in situ on the case officers last site visit (20th February 2026) with the site now being utilised for bin storage. No cars were parked here on this visit.

Whilst bollards have been removed, in breach of condition 3 of application 58453, which will be further expanded on below, cars do not appear to have been continuously parked here if the applicant is solely reliant on google street view and earth images as their evidence. Indeed the google earth images from June 2023 and November 2024 supplied by the applicant would suggest a site compound in association with the conversion of the property rather than a car park. Indeed site photos taken in relation to other applications at the site by the LPA would confirm that the use of the site during this period was not a car park but a compound.

As above, the google earth images appear to be selective. Google Earth images 22 April 2020, 19th April 2018, 7th March 2018 show no vehicles parked within this area of land.

It is considered that selective images taken over the period from 2014 - 2024 do not, on the balance of probability evidence a continued use as a car park.

Acknowledgement of Parking

The planning application site history is detailed above, and reflects the planning history set out by the applicant. The LPA history however has been separated into the site, and the adjacent property 5 Crompton Street and includes enforcement cases that will be expanded on below. These enforcement cases have not been referenced or clarified by the applicant within their submission.

Enforcement

The applicant is incorrect within their assertion that no enforcement action has been taken at the site.

Enforcement Case 12/0465 - Change of use of land to car park. Relates to the area of land to the side of 5 Crompton Street. Case notes added 19/12/2012 confirm car no longer parked there on further site visits and as such the case was closed with no further action.

Enforcement Case Reference 12/0429 - Change of use - 13/08/2012 - Application 55352 submitted. Change of use of building from Sui Generis to D2 (Assembly & Leisure). Approved with Conditions 4/09/2012. This consent related to 5 Crompton Street rather than the area of land to the side

Enforcement Case 16/0002 - Breach of condition 3 of planning application 58453. Breach of condition notice was issued on the 6th June 2016 in relation to the reinstatement of bollard at the boundary of Lions Garden and Crompton Street to ensure that vehicles are prevented from entering and parking on the existing pedestrianised area.

Site visits and associated photographs taken by enforcement on the 6th January 2017 and 20th January 2017 show no cars parked and bollards reinstated.

As the bollards were reinstated prosecution proceedings were withdrawn on the 26th January 2017.

Enforcement Case 16/0002 would be the most relevant to the LDC as enforcement action has clearly been taken and as such the statutory immunity period has been interrupted. For clarity condition 3 of application 58453 states the following:

No development shall commence unless and until the missing bollards at the boundary of Lions Square with Crompton Street indicated on approved plan reference K691/01 have been reinstated to an agreed specification and to the written satisfaction of the Local Planning Authority.

Reason. To ensure that vehicles are prevented from entering and parking on the existing pedestrianised area, in the interests of pedestrian safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.

The reasons for this condition are clear, and the subsequent breach of condition notice enforced the requirements to comply with this condition.

There has been no other change of use of land approved in relation to this parcel of land following the breach of condition notice served in 2016.

Enforcement Case 17/0516 - change of use of land to vehicle parking. Letters were sent to the owner of 5 Crompton Street and the lessee of the area of land to the side in December 2017 to cease the use of the site for car parking following the refusal of application 59675. No response was received from the lessee. It appears that the Freeholder confirmed it was not in the lease to use the site as car parking and it was passed to them to enforce the lease agreement. Highways were also made aware of the issue in relation to the need to reinstate bollards.

Discrepancies in submission

The applicant has stated on the application form that they are the owner, not the lessee. The submitted statement contradicts this stating that the applicant is the lessee of Land Registry Title Number MAN169237 which is the main parcel of land to which this LDC relates.

Land Registry checks confirm that Bury Council are the Freeholder. This case will therefore be passed to Bury Council Estates to enforce their lease if they are still the Freeholder as the LPA would be unable to take planning enforcement action against the Council.

Conclusion

The applicant has failed to prove, on the balance of probability, that the use to which the application relates has been established continuously for ten years from 3rd October 2014 or ten years prior to the date of the application, or that the use has been established without enforcement action. As such, a full planning application for the use of the land as a car park and its operational development and engineering works will need to be submitted.

Recommendation: Refuse

Conditions and Reasons:

- 1 The applicant has failed to prove, on the balance of probability, that the use to which the application relates has been established continuously for ten years from 3rd October 2014, ten years prior to the date of the application, or that the use has been established without enforcement action. As such, a full planning application for the

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<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP	03/03/2026	DM	06.03.2026