

DELEGATED REPORT

Report by Helen Pressley	Date of report: 27/07/2026	Ref: 73243/LDCE
Registration: 22/05/2026	LDFC:	Expiry Date: 17/07/2026
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 former car tyre shop as an indoor padel facility

Location: Unit 7, Globe Industrial Estate, Darbyshire Street, Radcliffe, Manchester, M26 2TA

Description

Lawful Development Certificate for Existing use of a former car tyre shop as an indoor padel facility

Relevant Planning History

14694 - Change of use from engineering premises to motor auction with cafe - Approve 18/08/1986

01658 - Two externally illuminated wall signs - Approve 05/05/1987

22809 - Substitution of Condition 02 of Planning Permission C/14694/83 to allow car auctions between 1900 hours and 2130 hours on Wednesdays and Fridays Only - Approve 09/11/1989

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 covering letter that confirms that prior to occupation as a padel facility, the building was operated as part of a car tyre business that sold tyres to members of the public. This is evidenced by a Google Streetview dated August 2025 which advertises supply of car tyres at the premises. A letter from the current landlord of the site has also been submitted in support. Whilst this letter is signed it is not a neither a sworn affidavit or a statutory declaration.

The applicant considers that the previous use of the site as a car tyre shop trading with a direct retail function, involving visiting customers, sales transactions and associated comings and going typical of a commercial premises serving the public would fall under Use Class E.

The applicant considers that the current use as an indoor padel facility would also fall under

Use Class E.

The planning site history suggests the last lawful use at the site was car auctions which would be considered to be a Sui Generis Use.

The signed landlords letter states the following:

- The previous occupier operated continuously from the premises from 2013 until the end of April 2025.
- Throughout that period, the occupier traded as a tyre sales business from the premises.
- Following the expiry of the original lease, the tenant remained in occupation on a rolling tenancy, and there was no change to the nature of the business during that time.
- The primary use of the premises was the retail sale of tyres and related products to members of the public.
- Tyre fitting and associated services were provided only as part of the tyre sales business and were ancillary to the main retail operation; they were not the primary use of the Premises.
- Customers regularly attended the Premises in person to purchase tyres and related products directly.
- To the best of my knowledge, there was no material change in the way the business operated at any point during the tenant's occupation.
- I have always understood and regarded the Premises as being occupied and operated as a tyre sales business.

The letter further confirms that:

- The premises included customer parking used by members of the public visiting to purchase tyres.
- The unit contained a retail counter and customer service/display area within the internal office room, where tyres and related products were sold and displayed.
- A substantial stock of tyres was held and stored at the Premises for retail sale.
- There was regular customer footfall, with members of the public attending the Premises throughout normal trading hours.

The applicant has not provided any further evidence in relation to the former use of the unit through the submission of business rates, a companies house profile, floor plans etc. The signage provided as evidence references the former company being suppliers and fitters for new and part worn tyres which could also suggest a car repairs and mechanics use rather than a primarily commercial services and business use. This use would fall under B2 - General Industry and not Class E.

Whilst the landlord's letter states that the primary use of the premises was retail sales, and that fitting was ancillary no details have been provided in relation to the exact nature of the former business in terms of percentage of retail sales, percentage of fittings undertaken etc. Whilst the letter confirms that members of the public visited the site, this is not evidence that the primary use of the site was retail as members of the public would also have to attend if the primary use was fitting. From the information submitted it is unclear if the former use was B2, Class E or a mixed use.

Whilst the applicant confirms that the current use would fall under Use Class E as "indoor sport and recreation" they have been ambiguous in their definition of the former use, using the wider Class E category of "commercial, business and service" rather than referencing the sub-paragraph to which they consider the former use to fall under.

The onus is on the applicant to provide evidence to pass the legal test that on the balance of probability what has been applied for is or would be lawful. In this instance, it is considered that on the balance of probability the applicant has failed to demonstrate the tyre company previously operating at the unit functioned primarily as a use that would fall

DELEGATED REPORT

within Class E rather than an employment site that provided car maintenance, fitting services and repairs that would fall within Use Class B2. The signage referenced as evidence clearly references fitting services. The extent of these fitting services, compared to the sales element has not been evidenced.

A full planning application for the use of the property as Padel Courts and its operational development will therefore need to be submitted.

Recommendation: Refuse

Conditions and Reasons:

- 1 The applicant has failed to prove, on the balance of probability, that the tyre company previously operating at the unit functioned primarily as a use that would fall within Use Class E (Commercial, Business and Service). As such, a full planning application for the use of the property as Padel Courts and its operational development will need to be submitted.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP	27/07/2026	DM	27/07/2026