

Report to Planning and Licensing Committee



Date of Meeting	6 August 2020
Portfolio	Councillor Carol Wardle, Cabinet Member for Planning, Development & Housing
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Public/Private Document	Public

Application: 19/01365/HOUS	Township: Rochdale	Ward: Castleton
Appeal Reference: APP/P4225/W/20/325075		Decision level: Delegated
Site Address: Ground Floor Shop, 814 Manchester Road, Castleton, OL11 3AW		
Proposal: Prior approval application for change of use of part of ground floor from shop to flat		
Applicant: Mr Bernard Akin		Agent: N/a
Planning Inspectorate Decision: Appeal Dismissed – 24 th July 2020		
<ul style="list-style-type: none"> – The council refused to grant approval for the change of use of the ground floor from a shop to a flat as under Schedule 2, Part 3, Class M of the GPDO the building must have been used for Class A1 (shops) on 20th March 2013, or in the case of a building which was not in use on that date, when it was last in use. – Class M of the GPDO permits a change of use from Class A1 (shops) to a use falling within Class C3 (dwellinghouse) as well as building operations reasonably necessary to convert the building – Although the site has been vacant for a number of years, it was in retail use between 1990 and 1997. Subsequently, the unit was granted planning approvals for a change of use to a restaurant in both 2000 and 2002 where works were undertaken in order to facilitate this change of use, including internal alterations and the installation of an extraction flue towards implementing a restaurant use. – The appellant did provide black and white photographs of the appeal unit which were of poor quality in order to show no signage for the restaurant use was displayed, however the inspector stated that the signage associated with a restaurant use could have been removed. – In addition, the appellant also submitted a statement from a local resident which stated that the appeal unit had never been used as a restaurant. However, the inspector attached limited weight to it as this is not a sworn affidavit. – The inspector concluded and agreed with the Council that the onus is on the appellant to demonstrate that the building benefits from the permitted development right and does not consider that sufficient evidence had been provided to establish that the unit was last used for Class A1 (shops). Therefore on the balance of probabilities, the permitted development rights under Class M therefore do not apply to the appeal building. 		