

Report to Planning and Licensing Committee



Date of Meeting	5th November 2020
Portfolio	Councillor Carol Wardle, Cabinet Member for Planning, Development & Housing
Report Author	Ryan Killeen
Public/Private Document	Public

Application: 19/01240/FUL	Township: Rochdale	Ward: Spotland
Appeal Reference: APP/P4225/D/20/3247472		Decision level: Delegated
Site Address: 115 Spotland Road, Rochdale, OL12 6PJ		
Proposal: Prior notification for change of use from offices to 15 apartments		
Applicant: Mr Yasir Beg		Agent: Mrs Pamela Chesterman
Planning Inspectorate Decision: Appeal Dismissed – 22 October 2020		
<ul style="list-style-type: none"> – The application was refused as it failed to comply with Schedule 2, Part 3, Class O of the General Permitted Development Order, with particular regard to paragraph O.1(b) – O.1(b) does not permit the change of use from B1 Offices to C3 residential where the building was not used for the class B1(a) (offices) use on 29 May 2013, or in the case of a building which was in use before that date but not in use on that date, when it was last in use. – The appellant contended that the lawful use of the building is B1(a) and have occupied the premises since 2007. They supplied various documentation including non-domestic rates, court summons, floor layouts, forms for small business rates reliefs and payment schedules for rates. – The Inspector highlighted the council's evidence which highlighted a planning application restricting use for the purposes of A1 and A2, and a subsequently dismissed appeal to vary this condition. In the previous appeal decision, the inspector proceeded on the basis that the premises were lawfully used for purposes within class A2 – License agreements for the ground floor, first floor and second floor included specific parameters as to how the property is used and services. The inspector considered that the A2 use was acknowledged by the appellant in these agreements, and the inspector was not satisfied that there was no knowledge to some extent of the implementation of the original permissions granted for A2 use. – The inspector concluded that on the basis of the evidence provided, insufficient evidence has been provided to demonstrate that on the balance of probability the appeal property was not solely office use, Class B1(a) on 29 May 2013 or when it was last in use before this date. 		