

Planning

Growth & Development

Delegated officer report for planning application

Application no. 142809/LE/2025
Date registered valid: 10 June 2025
Proposal: Retention of single storey outbuilding.
Address: 52 Longford Street, Manchester, M18 8GQ
Ward(s): Gorton & Abbey Hey Ward

Applicant: Mr M Singh
Agent (if any): Mr N Khan NK Architectural
Case officer: Robert Tyrer
Tel: 0161 234 4068
Email: robert.tyrer@manchester.gov.uk

Recommendation: Grant
Date of recommendation: 22 July 2025

Application details

Type of application: Certificate Lawful Development Existing

Development type: Certificates of lawfulness

Date of site visit: 24 June 2025

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 17 June 2025 Expired: 8 July 2025

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application site relates to a rear garden of a two-storey semi-detached dwellinghouse located within a residential area.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of development

The applicant is seeking a certificate of lawfulness of existing use or development for the retention of a single storey outbuilding.

Consultations & Notification Responses

Publicity – Notification letters were sent to nearby residential properties (see appendix 1 for the list of properties).

Local residents/public opinion – No objections, comments or representations in support of the application have been received.

Legislative Issues

Sections 191 and 192 of the Town and Country Planning Act 1990 provide for anyone (not just a person with a legal interest in the land) to apply to the local planning authority (LPA) for a lawful development certificate (LDC). A certificate is a statutory document certifying:

- (1) in the case of an application under section 191, the lawfulness, for planning purposes, of existing operations on, or use of land, or some activity being carried out in breach of a planning condition; or
- (2) in the case of an application under section 192, the lawfulness of proposed operations on, or use of land.

The onus of proof in regard to (1) is firmly on the applicant and the issue of a certificate will depend on the on factual evidence provided about the history and planning status of the building or other land and the interpretation of any relevant planning law or judicial authority. The relevant test of the evidence in this matter is "the balance of probability" and the applicants own evidence does not need to be corroborated by independent evidence. If the LPA have no evidence to contradict the applicant's version of events or make them less then probable, there is no good reason to refuse the issue of a certificate.

In regard to (2), this provides that, if the LPA are supplied with information satisfying them that the use or operations described in the application would be lawful, if instituted or begun at the time of the application, they shall issue a certificate to that effect; and, in any other case, they shall refuse the application.

In short, the purpose section 192 is to enable any person who wishes to find out whether any proposed use or operations would be lawful to apply to the LPA for that purpose.

The application needs to describe the proposal with sufficient clarity and precision to enable the LPA to understand (from a written description and plans) exactly what is involved in the proposal; and to submit whatever supporting information or legal submission that are to be relied upon in order to satisfy the LPA that a certificate should be granted for the proposal.

In making their decision on an application under section 192, the LPA ask themselves the hypothetical question - "If this proposed change of use had already occurred, or if this proposed operation had commenced, on the application date, would it have been lawful for planning purposes?" In doing so, the LPA will not only consider whether the proposal would involve "development" requiring an application for planning permission, but whether it would involve a breach of any existing condition or limitation imposed on a grant of planning permission which has been acted upon, and which therefore constrains what can be done on the land. The LPA will not make a proposal fit a scenario; the only question is whether the proposal made by the applicant is lawful at the time of submission.

The Application

This application is pursued under subsection (1) of section 191, which provides for an application to determine whether a specified existing use, operation, or failure to comply with a planning condition or limitation, which has already been carried out on land, is lawful for planning purposes.

The applicant has built the outbuilding and is seeking confirmation that the outbuilding has been built in line with Part 1, Schedule 2, Class E of the Town and Country (General Permitted Development) Order 2015 (as amended), which is the relevant legislation for determining buildings etc incidental to the enjoyment of a dwellinghouse.

Paragraph	Complies
E.1 (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G,M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);	N/A

E.1 (b) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);	Yes
E.1 (c) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;	Yes
E.1 (d) the building would have more than a single storey;	Yes
E.1 (e) the height of the building, enclosure or container would exceed—	
(i) 4 metres in the case of a building with a dual-pitched roof	N/A
(ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or	Yes
(iii) 3 metres in any other case;	N/A
E.1 (f) the height of the eaves of the building would exceed 2.5 metres;	Yes
E.1 (g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;	N/A
E.1 (h) it would include the construction or provision of a verandah, balcony or raised platform	Yes
E.1 (i) it relates to a dwelling or a microwave antenna;	N/A
E.1 (j) the capacity of the container would exceed 3,500 litres.; or	N/A
E.1 (k) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).	N/A
E.2 In the case of any land within the curtilage of the dwellinghouse which is within— (a)an area of outstanding natural beauty; (b)the Broads; (c)a NationalPark; or (d)a World Heritage Site, development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres	N/A
E.3 In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.	N/A

Incident or Ancillary?

The proposed outbuilding meets the requirements of E.1, specifically E.1(b), (c), (d), (e)(ii), and (f), as well as E.2, E.3 and E.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The proposed floor plans shows that the proposal will be used as an outhouse and storage which is generally not considered part of the primary living accommodation. As the proposal is for retention, officers visited the property and saw that whilst the external part of the outbuilding is complete, internally other than the two rooms the outbuilding was still under construction.

For the purposes of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the use of the outbuilding must remain incidental to the enjoyment of the dwellinghouse. Should the outbuilding be used for purposes that are not incidental, or by individuals who do not reside at the property, this would constitute a breach of planning control and would require planning permission.

Based on the information discussed and assessed above the certificate should be granted.

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Grant

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The existing single storey outbuilding as shown on drawings A111 constitutes permitted development. This extension meets the requirements of Part 1, Schedule 2, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The outbuilding must remain for purposes incidental to the enjoyment of the dwellinghouse and by the occupiers of the property known as 52 Longford Street, Manchester, M18 8GQ.

Appendix 1 – List of consultees & neighbours notified

54 Longford Street, Manchester, M18 8GQ
3 Brightman Street, Manchester, M18 8GN
81 Longford Street, Manchester, M18 8QG
93 Longford Street, Manchester, M18 8QG
85 Longford Street, Manchester, M18 8QG
1 Brightman Street, Manchester, M18 8GN
87 Longford Street, Manchester, M18 8QG
83 Longford Street, Manchester, M18 8QG
79 Longford Street, Manchester, M18 8QG

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Historic Landfill Site 50m Buffer -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH AREA