



Paul Butler Associates

Planning, Development & Heritage Consultants

18 April 2023

Mrs Julie Roscoe
Head of Planning
Manchester City Council
Town Hall
Albert Square
Manchester
M60 2LA

23.1861

FAO Rob Griffin

Dear Mrs Roscoe,

3A Oswald Road, Chorlton, Manchester, M21 9LH
Application for a Proposed Use or Development under Section 192 of the Town and County Planning Act 1990: Proposed Use for Café and Joinery Showroom (use class E)

I am pleased to submit this application for a Lawful Development Certificate relating to the proposed use of 3A Oswald Road on behalf of my clients Mark Cooper and Ben Howarth-Lees of Helm Joinery.

The application is submitted to establish that the use of 3A Oswald Road as a cafe and joinery showroom is lawful by virtue of the property currently falling with Class E of the Use Classes Order 1987 (as amended), and the proposed use also falling within Class E. The proposed use will primarily be a café, but will also incorporate space for the display of bespoke furniture manufactured by Helm joinery.

The application is made on the basis that the premises, including the associated forecourt / hardstanding areas, has been used for a continuous period of at least ten years for a use falling within Class E of the Use Classes Order 1987 (as amended).s Since the proposed use of the premises as a café and joinery showroom also falls within Class E, no express planning permission is required for the change of use and therefore the proposed café and joinery showroom use is lawful. The Lawful Development Certificate for a Proposed Use or Development is sought to confirm this position.

No external alterations to the property are proposed at this time.

The Application Site

The application site is located at 3A Oswald Road, Chorlton, Manchester, M21 9LH and is outlined red on the submitted Site Location Plan. The application premises occupy the whole of the single storey building, and the associated forecourt / hardstanding areas.

Research of the planning history of the premises has been undertaken using the Council's public access system. This identified the following applications:

109992/FO/2015/S1 - Change of use from builder's yard and offices (Class B1) to gym (Class D2) – Approved 8 January 2016 [Note: the gym use was not implemented]

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027275 - Extensions and alterations to existing builders yard and storage area – Approved
12 November 1986

The applications are discussed where relevant later in this letter.

Supporting Information

The application is supported by the following evidence:

- 1) Letter from Mr Daniel Hewitt regarding the historical use of the property.
- 2) Planning permission 109992/FO/2015/S1 decision letter.

The evidence is discussed below:

- 1) Letter from Mr Daniel Hewitt regarding the historical use of the property

This letter is provided by Mr Daniel Hewitt. Mr Hewitt has direct knowledge of the use of the property going back to 1994, with his parents owning the premises from then to the present date. The letter confirms that the premises has operated as the business location for construction company B.W.Gray & Sons from 1994 – 2016; as the premises of Reclaimed Bespoke a woodwork service; and from 2019 – present by Helm Joinery, a timber design and manufacturing business.

The former and current uses of the premises identified within the letter all fall within the current Use Class E (Commercial, business and service). Specifically the uses would have fallen within the former B1 use class (now Use Class E, part g), which allows:

‘(g) for -
(i)an office to carry out any operational or administrative functions,
(ii)the research and development of products or processes, or
(iii)any industrial process,
being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit’.

- 2) Planning permission 109992/FO/2015/S1 decision letter

Planning permission 109992/FO/2015/S1 was granted 8 January 2016. Within the decision letter the existing use is confirmed as being a ‘builder’s yard and office (use class B1)’. This was accepted by Manchester City Council at the time and the classification was not challenged.

The former Class B1 use has now been amalgamated into Use Class E which is now the lawful use of the premises.

From the above evidence it is clear that the premises have operated for a Class E use for a continuous period of over 10 years (from 1994-2016) and the current lawful use class of the premises is therefore Class E.

Assessment

When considering an application for a Lawful Development Certificate, National Planning Practice Guidance advises *'In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability'*(Paragraph: 006 Reference ID: 17c-006-20140306). It goes on to state *'A local planning authority needs to consider whether, on the facts of the case and relevant planning law, the specific matter is or would be lawful. Planning merits are not relevant at any stage in this particular application or appeal process'* (Paragraph: 009 Reference ID: 17c-009-20140306).

Based on the evidence submitted it is confirmed that the existing use of the premises falls within Use Class E. The proposed use as a café with joinery showroom also falls within Use Class E. This change does not require an express grant of planning permission as there is no change between Use Classes (as both the existing use, and the proposed use, fall within Use Class E (Commercial, Business and Service)). The Lawful Development Certificate is therefore submitted on this basis for confirmation as such.

Submission

In addition to the evidence a 'Site Location Plan' which identifies the application site / premises, and completed application forms for 'a Proposed Use or Development under Section 192 of the Town and County Planning Act 1990' have been submitted via the Planning Portal.

The application fee (£231) will be paid by the applicants during the submission of the application via the Planning Portal.

We trust that this information is sufficient to enable approval of a Certificate of Lawful Development for a Proposed Use or Development to allow for use of the premises as a café and joinery showroom (Use Class E).

If you require and further information please do not hesitate to get in touch. We look forward to working with you.

Yours sincerely



Ralph Taylor BSc. MPLAN MRTPI
Associate Director