MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	143332/FH/2025
Date registered valid:	5 September 2025
Proposal:	Retention of detached outbuilding in rear garden
Address:	39 Old Hall Lane, Manchester, M13 0TH
Ward(s):	Rusholme Ward
Applicant:	Mr J Henry
Agent (if any):	Mr Jim Seymour, Seymour Planning Limited
Case officer:	David Lawless Tel: 0161 234 4543 Email: david.lawless@manchester.gov.uk
Recommendation:	APPROVE
Date of recommendation:	10 February 2025



Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 8 October 2025

Standard consultations:
No consultations have been printed and sent.

Neighbour notifications
Printed: 16 July 2025 Expired: 6 August 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/area

This application concerns the large workshop type building at the rear of 39 Old Hall Lane, as circled below. The building is sited on a former allotment site, the other parts of which have been absorbed into the neighbouring gardens. As can be seen below the area if predominantly residential in character.



Listed building: No
Conservation area: No
Tree Preservation Order: No

Description of development

The applicant has carried out elevational alterations to and extended the former workshop and is now seeking planning permission to regularise the unauthorised works as well as to use it in association with no. 39 Old Hall Lane.

Consultations & Notification Responses

Local Residents – No comments received.

Policies

Draft National Planning Policy Framework (December 2025) – The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these should be applied. A draft revised NPPF was published for consultation on 16 December 2025. The consultation period runs for 12 weeks and will close on 10 March 2026.

The draft NPPF proposes significant changes to the structure and content of national policy. These include a move to Local Plan-style policy sections, a clearer distinction between plan-making and decision-making policies, and the reintroduction of strategic planning through Spatial Development Strategies. Other notable changes include an expanded presumption in favour of sustainable development, policies promoting higher densities around transport hubs, and support for small and medium-scale housing schemes through a new "medium development" category. The draft also integrates National Development Management Policies, strengthens climate change and biodiversity policies, and introduces measures to encourage clean energy and critical minerals development.

Once adopted, the revised NPPF will replace the current framework and form a key part of national planning policy. At this stage, as the document is subject to consultation and has not yet been finalised, while still a material consideration, it can only be afforded limited weight in the determination of planning applications. In this instance, the relevant sections are outlined below:

Policy DM3 (*Determining development proposals*) – When considering development proposals, local planning authorities should:

a) Work with the applicant in a positive and proactive manner, where necessary seeking solutions to problems arising from initial proposals, to enable a timely decision;
b) Take a proportionate approach to the consideration of the planning matters raised by the proposals, in a way that reflects their scale, complexity and potential impact;
c) Take account of planning matters raised during any pre-application engagement, including any positive responses to this engagement, as well as representations on the proposals;
d) Consult statutory or internal consultees only where it is necessary to do so. Decisions on development proposals should not be delayed in order to secure advice from a statutory or internal consultee beyond their statutory deadlines unless there is insufficient information to make the decision or more detailed advice may enable an approval rather than a refusal;
e) Consider whether otherwise unacceptable development proposals could be made acceptable through the use of planning conditions or planning obligations; and

f) Not refuse applications for development which should clearly be approved, having regard to its accordance with the development plan, the policies in this Framework and any other material considerations.

Policy L4 (*Residential extensions*) – This policy states that development proposals to extend existing dwelling houses should blend effectively with the existing building and its immediate surroundings in terms of its scale and form; and maintain acceptable living standards for current and new occupiers in terms of access to daylight, sunlight, privacy and external amenity space.

The National Planning Policy Framework (December 2024) – The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan, i.e. the Core Strategy Development Plan Document and accompanying policies, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.

Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development, which for decision-taking means:

c) approving development proposals that accord with an up-to-date development plan without delay; or
d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear strong reason for refusing the development proposed; or
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

The Places for Everyone Plan – This plan was adopted on 21 March 2024, as such the Plan and its policies are now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given significant weight in the planning balance. The relevant policy is set out below:

Policy JP-Strat9 (Southern Areas) – This policy states that the economic competitiveness, distinctive local neighbourhood character and environmental attractiveness of the southern areas will be protected and enhanced. There will be a strong emphasis on making as much use as possible of suitable previously developed (brownfield) land and promoting the roles of the areas' town centres and its other key assets.

Core Strategy Development Plan Document – The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the

long term strategic planning policies for Manchester's future development. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents. Relevant policies in the Core Strategy are detailed below:

Policy SP1, *Spatial Principles,* - Development in all parts of the City should make a positive contribution to neighbourhoods of choice including creating well designed places that enhance or create character and protect and enhance the built and natural environment.

Policy DM1, *Development Management* – This policy states that all development should have regard to a number of specific issues, of which the following are of most relevance:-

- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Community safety and crime prevention.
- Design for health.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Flood risk and drainage.

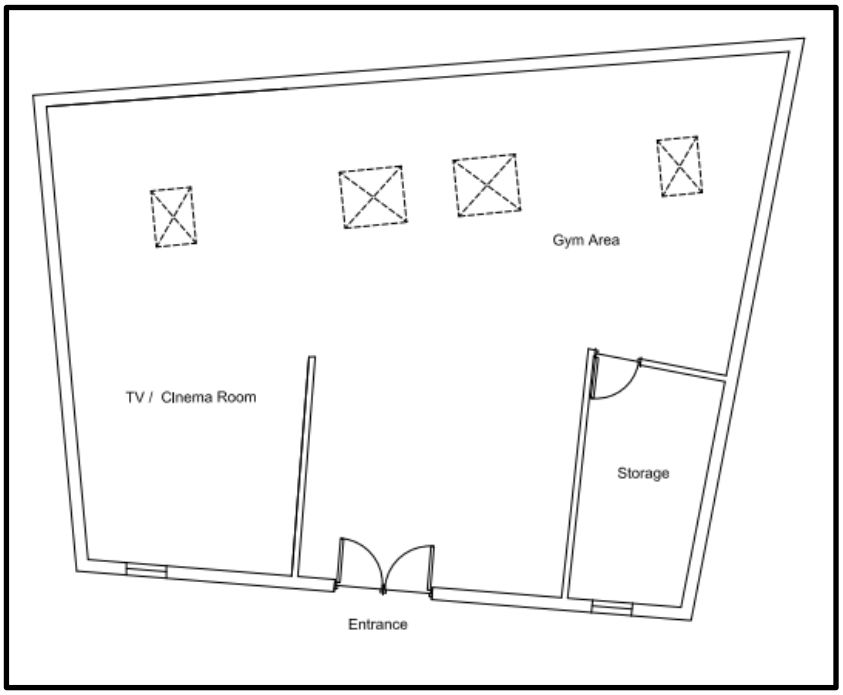
Issues

Principle of the Proposal – There has been an outbuilding on this site since at least 2000, as seen on the earliest image available on Google Earth. As a result, there is no objection in principle to there being an outbuilding in this location.



In terms of its future use, the applicant is proposing to use the building as incidental accommodation, e.g. a shed, gym or home office and one that is not capable of being used as living accommodation with a bedroom, bathroom and kitchen etc, such as a granny flat. The use

of the building for incidental purposes is evidenced by the layout plan submitted by the applicant which shows there being a tv/cinema room, gym area and storage room:



There is no objection in principle to the use of the former workshop as incidental accommodation, subject to an assessment of its impact upon residential and visual amenity levels, as well as pedestrian and highway safety levels experienced along Old Hall Lane.

While the applicant has not stated an intention to use the building as ancillary residential accommodation, i.e. capable of being lived in like a granny flat, it is considered prudent to assess the application for these purposes too. An ancillary use, while still subordinate to the main dwelling, may include separate living quarters for family members, provided it remains functionally linked to the host property and does not constitute a separate planning unit.

In this case, the principle of using the proposed building as ancillary residential accommodation is also considered acceptable, having regard to the residential character of the host property and the surrounding area. Again, any impact upon amenity levels and pedestrian and highway safety must be assessed.

Design – The original outbuilding was constructed from timber with extensive areas of glazing and, as shown below, was in a noticeably dilapidated condition.



The applicant has now upgraded and extended the structure using modern metal cladding panels to the walls and roof, together with new windows and doors. These alterations have updated and significantly improved the appearance of the outbuilding.



Given the clear enhancement to the building's overall visual quality, there is no objection to the design of the new outbuilding.

Residential Amenity – The use of the garage for either incidental or ancillary residential accommodation would not result in overlooking or a loss of privacy for neighbouring occupiers. Furthermore, given the structure's modest height, it would not give rise to overshadowing of adjacent dwellings or their associated gardens.

Historically, concerns have been raised regarding similar buildings being used as self-contained residential units. While it is acknowledged that the applicant proposes the outbuilding solely for incidental purposes, it remains appropriate to impose conditions to prevent its future use as an independent dwelling. Condition no. 3 would ensure the building cannot be occupied as separate living accommodation, and condition no. 4 would restrict its use to purposes ancillary to the host dwelling within Use Class C3, thereby preventing its use for short-term letting such as Airbnb.

In view of the above, it is considered that the proposal would not have a detrimental impact on the levels of residential amenity currently enjoyed by the occupants of adjoining properties.

Visual Amenity – As the proposal has improved the appearance of the outbuilding, it is not considered that the development would have a detrimental impact upon the levels of visual amenity enjoyed by the occupants of those dwellings that adjoin the site.

Furthermore, as the building is not readily visible from Old Hall Lane it is not considered the proposal would have a detrimental impact upon the levels of visual amenity enjoyed along this section of Old Hall Lane.



Pedestrian and Highway Safety – The proposal would not lead to a reduction in off-street parking spaces available at no. 39 Old Hall Lane. Consequently, the development is not considered to have an adverse impact on pedestrian or highway safety along Old Hall Lane.

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 polices 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: APPROVE

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to issues arising from the consideration of this application.

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

1) The development hereby approved shall be carried out in accordance with the following drawings received on 30 June 2025:

a) Drawing no. 191-PL-OS1 - Location Plan
b) Drawing no. 191-PL-OS1(2) - Location Plan (historical status)
c) Drawing no. 191-PL-GL1 - Existing and Original Site Plan
d) Drawing no. 191-PL-GA1 - Existing and Original Workshop Plan
e) Drawing no. 191-PL-GA2 - Existing and Original Workshop Roof Plan
f) Drawing no. 191-PL-EL1 - Existing Elevations
g) Supporting Statement

and the following drawing received on 30 October 2025:

h) Drawing no. 191-PL-GA1 – Garden Outhouse Floor Plan

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

2) The development hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling known as no. 39 Old Hall Lane (M13 0TH). It shall not be used as a separate, self-contained residential unit independently from the main dwelling.

Reason - To ensure that the development remains ancillary to the main dwelling and does not result in the creation of a separate residential unit, in order to safeguard the character of the area, safeguard existing levels of residential amenity and maintain appropriate levels of parking provision, pursuant to Policies SP1 and DM1 of the Manchester Core Strategy.

3) The residential use hereby approved shall be used only as an ancillary private accommodation (which description shall not include serviced properties or similar uses where sleeping accommodation, with or without other services, is provided by way of trade for money or money's worth and occupied by the same person for less than ninety consecutive nights) and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason - In the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through provision of accommodation that is suitable for private residential purposes and to ensure the achievement of the public benefit identified pursuant to policies SP1, DM1, EN3 , H1, H7 and H11 of the Manchester Core Strategy and the guidance contained within National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

39A Old Hall Lane, Rusholme, Manchester, M13 0TH
45 Old Hall Lane, Rusholme, Manchester, M13 0TH
41 Old Hall Lane, Rusholme, Manchester, M13 0TH
35 Old Hall Lane, Rusholme, Manchester, M13 0TH
61 Elsdon Road, Manchester, M13 0TN
59 Elsdon Road, Manchester, M13 0TN
47 Old Hall Lane, Rusholme, Manchester, M13 0TH
43 Old Hall Lane, Rusholme, Manchester, M13 0TH
28 Old Hall Lane, Rusholme, Manchester, M13 0TL
26 Old Hall Lane, Rusholme, Manchester, M13 0TL
5 Hardon Grove, Manchester, M13 0TX
3 Hardon Grove, Manchester, M13 0TX
1 Hardon Grove, Manchester, M13 0TX
44 Elsdon Road, Manchester, M13 0TW
63 Elsdon Road, Manchester, M13 0TN
37 Old Hall Lane, Rusholme, Manchester, M13 0TH

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
HS2 Phase 2b Safeguarding Zones - HS2 Safeguarding Zones (June 2022)
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (More) -
Area Team Boundary - Name: SOUTH AREA