

# **PLANNING STATEMENT**

**56 & 58 HIGH STREET  
BIDDULPH**

**OCTOBER 2025**

**Site Address:**

56 & 58 High Street, Biddulph, Staffordshire, ST8 6AR

**Applicant:**

Biddulph & Tunstall Chiropody Clinic Limited

**Proposal:**

Lawful Development Certificate for Proposed Use:  
Use of existing commercial premises for podiatry / chiropody clinic

**Planning Statement:**

**Date Issued:** 13<sup>th</sup> October 2025

**Job Reference:** RDP/2025/087

**Report Prepared By:**

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## **1 Introduction**

- 1.1 Rob Duncan Planning Consultancy Ltd. has been instructed by Mr. S. Reilly of Biddulph & Tunstall Chiropody Clinic Limited to lodge a lawful development certificate application pursuant to the provisions of section 192 of the Town and Country Planning Act 1990 (As Amended).
- 1.2 The Lawful Development Certificate application seeks to demonstrate that the proposed use of the existing ground floor premises at nos.56 & 58 High Street, Biddulph for a podiatry / chiropody clinic would not amount to development for which planning permission is required, and that consequently it would be lawful.
- 1.3 The premises have most recently been used by a mortgage broker (Askey & Sutcliffe), who occupied the entire ground floor of both nos.56 & 58 High Street. The existing ground floor accommodation is served by two pedestrian entrances, one located at the corner of High Street with South View, the other located on the eastern elevation, and accessed off High Street. That second point of access also provides an entrance to the first floor accommodation above.
- 1.4 The National Planning Practice Guidance confirms that an applicant is responsible for providing sufficient information to support an application for a Lawful Development Certificate to be granted, and that an applicant needs to describe the proposal with sufficient clarity and precision to enable a local planning authority to understand exactly what is involved. This Planning Statement sets out the applicant's case for the Lawful Development Certificate to be granted in light of the above requirements

## **2 Site & Surroundings**

- 2.1 The application site is located within the town centre of Biddulph, and comprises a two storey commercial premises located on the western side of High Street, and on the northwest corner of the cross road between High Street, South View and King Street.
- 2.2 The premises has three separate display windows, two fronting towards High Street, the third fronting towards South View. The building is constructed from red racing brickwork with a grey tiled roof atop. The corner of the first floor of the building overhangs the pedestrian entrance at ground floor below, forming a modest canopy feature.
- 2.3 To the west of the building lies an existing yard area serving the site, which is accessed via a pedestrian door off South View. A stairwell provides an emergency access to the first floor accommodation. Extending westwards away from the site along South View are a number of terraced residential properties.
- 2.4 Commercial premises extend northwards away from the site along High Street, with further commercial premises located to the south and east on the opposite sides of South View and High Street respectively. The site as a whole is located within the Biddulph Town Centre Boundary.

### **3    The Proposal**

3.1    This Lawful Development Certificate seeks confirmation that:

- 1)    The proposed use of the existing commercial premises as a podiatry and chiropody clinic (Use Class E) would not involve development for which planning permission is required, and would therefore be lawful.

#### **4 Planning Assessment**

- 4.1 Section 192(1) of the Town and Country Planning Act 1990 (As Amended) confirms that if any person wishes to ascertain whether any proposed use of buildings or other land would be lawful they may make an application for the to the Local Planning Authority specifying the land and describing the use in question.
- 4.2 Section 192(2) of the Act goes on to state that If the local planning authority are provided with information satisfying them that the use 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.
- 4.3 The Planning Practice Guidance confirms in respect of Lawful Development Certificates that an applicant is responsible for providing sufficient information to support an application. It goes on to state that if a local planning authority has no evidence itself, or from others, to contradict or otherwise make the applicant's version of events less than probable, then 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.
- 4.4 This Lawful Development Certificate application seeks to demonstrate that the proposed use of the existing commercial premises at nos.56 & 58 High Street, Biddulph as a podiatry and chiropody clinic within Use Class E(f) would not amount to development requiring planning permission, and would therefore be lawful.

4.5 Section 57(1) of the Town and Country Planning Act 1990 (As Amended) directs that planning permission is required for the carrying out of any development of land.

4.6 Section 55(1) defines 'development' as including:

- *Building operations*
- *Material changes of use of land and buildings*
- *Engineering operations*
- *Other operations normally undertaken by a person carrying on a business as a builder*
- *Subdivision of a building (including any part of it) used as a dwellinghouse for use as 2 or more dwelling houses*

4.7 Section 55(2) of the Act nevertheless sets out a list of operations and uses of land that **should not be taken to involve development**. The list includes:

*"a) the carrying out for the maintenance, improvement, or other alteration of any building of works which only affect the interior of the building, or do not materially affect the external appearance of the building"*

*"(f) the case of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section, the use of the buildings or other land or, subject to the provisions of the order, of any part of the buildings or the other land, for any other purpose of the same class"*

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- 4.8 The provisions of Section 55(2)(f) of the Act are reflected within section 3 of the Town and Country Planning (Use Classes) Order 1987, which similarly confirms that where a building is used for a purpose of any class specified in Schedule 1 of the Order, the use of that building for any purpose within the same use class is not to be taken to involve development of the land.
- 4.9 Prior to 2020, commercial uses were separated into different use classes, for example:
- A1 – Retail
  - A2 – Financial & Professional Services
  - A3 – Restaurants
  - B1 – Offices / Research & Development / Light Industrial Uses
- 4.10 However, following amendments to the Use Classes Order in 2020 via the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, such commercial uses now fall under one single Use Class, known as Use Class E (Commercial, Business & Service).
- 4.11 The existing premises have historically been used for purposes that would have previously fallen within Use Class A2 (Financial & Professional Services). This is evidenced by the Google Streetview images enclosed as Appendix A, and by planning applications SMD/2009/0217 and SMD/2009/0217 which granted consent for these premises to be used for such purposes. Copies of those approval notices are enclosed as Appendices B and C.
- 4.12 The premises had originally comprised of two separate commercial units, with no.58 being occupied by a mortgage broker (Askey & Sutcliffe Associated Limited), and no.56 by an estate agents (Martin & Co.). The two premises have subsequently been amalgamated into a single commercial
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premises, with the entirety of the ground floor now comprising one single commercial space.

- 4.13 The amalgamation of the two commercial premises into one commercial premise would not in itself have amounted to development requiring planning permission, as the premises have remained in the same use (Use Class A2 as was / now Use Class E) and there were no consequential changes to the external appearance of the premises (other than advertisements which are subject to separate legislation in any event). The amalgamation of the premises into one commercial unit did not therefore amount to development for which planning permission would have been required.
- 4.14 Having regard to the evidence above it is clear that the existing premises have been used for a considerable period of time for professional services, and that consequently the lawful use of the building can be held to fall within Use Class E(c) – Professional Services.
- 4.15 The applicant's proposed podiatry and chiropody clinic constitutes a medical service, and one which is not attached to the residence of the practitioner, who lives in Scholar Green approximately 5 miles away. Consequently, the proposed use of the premises is also held to fall within Use Class (Use Class E(e) – Medical Services).
- 4.16 The proposal also only entails modest internal works, with no changes required to the external appearance of the building. The proposal is therefore concluded to not involve development for which planning permission is required, having regard to Section 55(2)(a) and 55(2)(f) of the Town and Country Planning Act 1990 (As Amended).
- 4.17 There are furthermore no restrictions within the planning history that might otherwise restrict the use of the premises. Application SMD/2007/1017

granted consent for the change of use of the ground floor of 58 High Street from B1 (offices) to A2 (Estate Agents). The permission has been implemented as evidenced by the images in Appendix A, and confirms the lawful use of the ground floor of no.58 as being within what was then known as Use Class A2 (now Use Class E).

- 4.18 Application SMD/2007/1017 imposes no conditions that would otherwise restrict the change of use of the premises to any alternative use. Condition 3 is noted to clarify that the change of use approved in the application relates only to no.58 and that it does not convey change of use for no.56, but that in itself does not restrict any change in the use of the building in the future. A copy of the decision notice for application SMD/2007/1017 is enclosed as Appendix B.
- 4.19 Application SMD/2009/0217 granted consent for the change of use of no.56 High Street from use class A1 (retail) to A2 (Lettings Agency). That permission has also been implemented, as evidenced by the images in Appendix A. The consent serves to confirm that the lawful use of the ground floor of no.56 High Street as being within what was then known as Use Class A2 (now Use Class E). Application SMD/2009/0217 similarly imposes no conditions that would otherwise restrict the change of use of the premises to any alternative use. A copy of the decision notice for that application is enclosed as Appendix C.
- 4.20 The local area is furthermore not subject to an Article 4 Directions that might otherwise prevent the change of use of premises / buildings within the local area.

## **5 Conclusion**

- 5.1 The evidence submitted within this application demonstrates well beyond the balance of probability that the proposed use of the existing commercial premises as a podiatry and chiropody clinic would not amount to development requiring planning permission,
- 5.2 By virtue of the provisions of section 55(2)(a) and 55(2)(f) of the Act, the proposed use of the building as a podiatry and chiropody clinic (Use Class E) and the associated internal works, should not be taken to involve development of the land.
- 5.3 It is turn follows that the proposal does not require planning permission and would consequently be lawful. The Local Authority is respectfully requested to issue a Lawful Development Certificate confirming the same.