

DELEGATED DECISION REPORT

SMD/2025/0449
Valid 17/10/2025

56 & 58 HIGH STREET
BIDDULPH

LAWFUL DEVELOPMENT
CERTIFICATE FOR A
PROPOSED USE OF THE
PREMISES FALLING WITHIN
USE CLASS E

(CERTIFICATE OF
LAWFULNESS - PROPOSED)

MAIN ISSUES

- Whether the proposed development is lawful or not.

DESCRIPTION OF SITE

The site consists of a ground floor commercial unit currently in Use Class E which forms part of a larger two storey red brick building on Biddulph High Street, above which is a flat, with a pending application for conversion to office space. The site is in a town centre location, and within the Biddulph Development Boundary.

The property still has full permitted development rights and is not listed nor within a conservation area. The site is within the defined Town Centre boundary.

PROPOSAL

The application seeks to obtain a Lawful Development Certificate for the change from financial services to medical services (chiropractic / podiatry clinic) – both falling within the Use Class E.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

- SMD/2025/0447. DESCRIPTION: Change of use of first floor of premises to offices (Use Class E). DECISION: PENDING.
- SMD/2009/0217. (OLD REFERENCE: 09/00483/FUL). DESCRIPTION: Change of Use from A1 (Retail) to A2 (Lettings Agency). DECISION: APPROVED.

- SMD/2007/1017. (OLD REFERENCE: 07/01501/FUL). DESCRIPTION: Change of use to ground floor from Business Class B1 to A2 (Estate Agents) including disabled access, windows and door. DECISION: APPROVED.

CONSULTATIONS

N/A

OFFICER COMMENTS

The proposal is for the conversion of the ground floor of the premises to be converted from financial services to medical services, both Use Class E, provided the medical services is not attached to the residence of the practitioner. The accompanying planning statement confirms that the practitioner lives in Scholar Green, approximately 5 miles from the site.

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. The LPA has no evidence or other reason to believe contrary to the applicant's statement, and has in fact received an application (SMD/2025/0449) for the conversion of the accommodation above into offices. Therefore, it is considered that the medical services will not be attached to the residence of the practitioner, and therefore the site will fall within Use Class E.

Section 55(1) of the Town and Country Planning Act 1990 (As Amended) defines 'development', and Section 55(2) of the Act 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".

In this case the existing use as a estate agents/mortgage broker falls within Class E (c) and the proposed podiatry and chiropody business would fall within Class E (e). Therefore both uses fall within the same use class and the proposal is therefore concluded to not involve development for which planning permission is required, having regard to Section 55(2)(f) of the Town and Country Planning Act 1990 (As Amended).

CONCLUSION / PLANNING BALANCE

As it has been demonstrated, the proposed use will fall into the same Use Class (E) as the existing financial services, and therefore the proposal does not amount to development as defined in the Act, and does not require planning permission. Therefore, the Officer recommendation is to approve.

OFFICER RECOMMENDATION : APPROVE.

Case Officer: Reuben Berriman
Recommendation Date: 12/12/2025

X 

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council