

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133260/LE/2022

Date registered valid: 18 March 2022

Proposal: Certificate of Existing Lawful Development for use of property as a house in multiple occupation (Class C4)

Address: 57 Ackroyd Street, Manchester, M11 1NT

Ward(s): Clayton & Openshaw Ward

Applicant: Mr R Cross, 13 Cardus Street, Manchester, M19 3EX

Agent (if any): Mr Jim Seymour, Seymour Planning Limited, 27 Central Drive, Romiley, Stockport, SK6 4PE

Case officer: Steven McCoombe
Tel: 0161 234 4607
Email: steven.mccoombe@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 9 May 2022

Application details

Type of application: Certificate Lawful Development Existing

Development type: Change of use

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 30 March 2022 Expired: 20 April 2022

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 property relates to a two storey, mid terraced dwellinghouse.

The property incorporates small front and rear yard areas.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The immediate area is predominantly residential in character, mainly comprising bungalows and two storey dwellinghouses.

Description of development

Certificate of Existing Lawful Development for use of property as a house in multiple occupation (Class C4). It is indicated that 4 rooms have been let.

Consultations & Notification Responses

Local Residents/Occupiers – No representations received.

Issues

Lawfulness

The application has been accompanied by the following documents:

- Land Registry Documents confirming date of purchase in October 2008 and applicant ownership details. It is declared that at the time of purchase in 2008, the property was not used as family dwellinghouse and has not been used for such purposes since;
- Statutory Declaration from site owner regarding HMO use and duration;
- Most current HMO License granted on 4 February 2019;
- Historic Council Tax records;
- Historic Tenancy Agreements for each room within property. The agreements span from 2010 and indicate the letting of 4 rooms.

In light of the submitted evidence, it is considered that based on the submitted information and on the balance of probability, the property has been in use as a 4 bedroom HMO (Class C4) since at least 2008 and therefore in occupation as a small-scale HMO for at least 10 years, the relevant period for establishing the lawful use of houses in multiple occupation and also prior to the introduction of the Council's Article 4 direction on 8 October 2011 which removed the permitted development right in Manchester to change from a dwellinghouse (Class C3) to a small house in multiple occupation (Class C4).

On this basis, the proposed use would therefore constitute an existing lawful use of the property.

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: Approve

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

1) From the evidence available and the planning law applicable to the property, Manchester City Council is satisfied that in relation to the property referred to in the Second Schedule hereto, the use of the premises as a House in Multiple Occupation within Class C4 of the Town and Country Planning (Use Classes) Order as amended described in the First Schedule is lawful by reason of the said use having been in existence for a period of 10 years up to the date

of this application and prior to the introduction of the City Council's Article 4 Direction introduced on 8th October 2011, relating to houses in multiple occupation.

Appendix 1 – List of consultees & neighbours notified

59 Ackroyd Street, Manchester, M11 1NT

55 Ackroyd Street, Manchester, M11 1NT

Appendix 2 – Planning constraints

Article 4 Direction - Removal of PD Rights Change Of Use From Class C3 To Class C4

Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Historic Landfill Site 250m Buffer -

Area Team Boundary - Name: NORTH2