

Planning statement for certificate of lawful development

Site address / Project

19 Mornington Crescent, Fallowfield, Manchester, M14 6DF

Applicant

Mr Simon Shah / Zataso Ltd

Author

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Date

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Introduction

The applicant is a private landlord who is applying for a certificate of lawful use to demonstrate the property has been used as a small-scale house in multiple occupation (*Class C4*) for over 10 years. He has just recently purchased the six bedrooomed property as an investment property and wishes to regularize the operation by seeking a certificate for the avoidance of any doubt of the properties use in the future.

Statement of fact

The property was previously purchased by Mr Michael Noel McCormack of Winmarith Homes Ltd in 2005 as part of their portfolio of rental / investment properties. It has always been used as a rental property by them till its recent sale to the new owner / applicant Mr Simon Shah of Zataso Ltd. He has also bought the property for investment purposes with tenants in situ for the 2022-23 acadmeic year.

Tenancy agreements spanning over a decade have been attached in **Appendix A**. The current HMO licence is attached in **Appendix B**.

Planning History

There is one application on record 074908/FH/2005/S1 for a single storey side extension. This was carried out by the previous owner Mr McCormack immediately after he purchased the property in 2005.

Legislative Background – Town and Country Planning Act 1990

Section 191 covers certificates of existing use or development.

Sub-section 1 states:

A person who wishes to ascertain whether;

- a. Any existing use of buildings or other land is lawful;*
- b. Any operations which have been carried out in, on, over or under land are lawful;*
- c. Any other matter constituting a failure to comply with any conditions or limitations subject to which planning permission has been granted is lawful”.*

Section 191(4) states:

“if an application under this section, the local planning authority are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matters described in the application or that description as

modified by the local planning authority or a description substituted by them, they shall issue a certificate to that effect; and in many other case they shall refuse the application”.

National Planning Policy Guidance published in March 2014

Section 12 provides guidance on effective enforcement.

Under paragraph 17B (id-17b-004-20100306) at bullet point 3:

“Development become immune from enforcement action if no action is taken:- within ten years of any breach of planning control (essentially other change of use)”

Of equal importance, under section 171B-Q3 of the Town and Country Planning Act it goes onto clarify situations regarding time limits.

“In the case of any breach of planning control, no enforcement action may be taken after the end of a period of 10 years beginning the date of the breach”

Summary

We believe that through the statement of facts and evidence supplied we have demonstrated that the property has been used as a small-scale house in multiple occupation (*Class C4*) since at least the 1st July 2011 and remained in continuous use since to this date.

On any given date in the past ten years the property has been occupied by three or more unrelated persons and thus a certificate of lawful use should be granted.