

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132689/LE/2022

Date registered valid: 13 January 2022

Proposal: Certificate for Lawful Existing Use of property as Small HMO (Use Class C4)

Address: 58 Yew Tree Road, Manchester, M14 7PP

Ward(s): Fallowfield Ward

Applicant: G Rafferty Rafferty Peck Properties Limited 13 Chandos Road South, Manchester, M21 0TH

Agent (if any): Stephen Lamb 11 Princes Road, Stockport, SK4 3NQ

Case officer: Dave Morris
Tel: 0161 600 7924
Email: dave.morris@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 09.02.2022

Application details

Type of application: Certificate Lawful Development Existing

Development type: Certificates of lawfulness

Date of site visit: None required for this type of application

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 19 January 2022 Expired: 9 February 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

This application relates to a two storey mid terraced property.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

Predominantly Residential

Description of development

It is claimed that the premises have been used as a small HMO within Class C4 for more than 10 years.

Consultations & Notification Responses

No representations received.

Issues

There is no Planning history to the property other than this current application.

There is no recorded Enforcement history

Supplied Evidence.

Tenancy Agreements

3 Person	January 2012 to July 2012
3 Person	July 2012 to June 2013
3 Persons	July 2013 to June 2014
3 Persons	July 2014 to June 2015
3 Persons	July 2015-June 2016
3 Persons	July 2016 to 2017
3 Persons	July 2018 to June 2019
3 Persons	July 2019 to June 2020 x2
3 Persons	July 2020, June 2021
3 Persons	July 2021 to June 2022

TA dated 28 March 2017 for three persons , no dates.

Addendum Agreement

2 Signatures, starting July 2016 no end date
3 signatures, starting July 2018 no end date
3 Signatures, starting July 2019, no end date
3 Signatures, no dates but signed in September October November 2019
3 Signatures, no dates but signed February 2021

My Deposits

3 Persons July 2017 to June 2018

The tenancy agreements show that the premises were used as a three bed HMO from January 2012 until the present day with a gap in 2017-18. This is however, covered by the My Deposits document . On the balance of probability it is considered that the evidence supports the contention that the property has been used as a small HMO within Class C4 for more than 10 years.

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

Article 35 Declaration

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

1) From the evidence available and with reference to the relevant planning legislation, Manchester City Council is satisfied that in relation to the property referred to in the Second Schedule hereto, the use 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.

Appendix 1 – List of consultees & neighbours notified

8 Rosford Avenue, Manchester, M14 7BW
14 Rosford Avenue, Manchester, M14 7BW
62 Yew Tree Road, Manchester, M14 7PP
54 Yew Tree Road, Manchester, M14 7PP
10 Rosford Avenue, Manchester, M14 7BW
6 Rosford Avenue, Manchester, M14 7BW
12 Rosford Avenue, Manchester, M14 7BW
190 - 200 Platt Lane, Manchester, M14 7DE
16 Lynton Street, Manchester, M14 7NZ
60 Yew Tree Road, Manchester, M14 7PP
18 Lynton Street, Manchester, M14 7NZ
56 Yew Tree Road, Manchester, M14 7PP

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
Area Team Boundary - Name: SOUTH