

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131191/LE/2021

Date registered valid: 28 July 2021

Proposal: Certificate of Lawful Development for Existing Housing in Multiple Occupation (Class C4)

Address: 21 Furness Road, Manchester, M14 6LY

Ward(s): Fallowfield Ward

Applicant: D Johnson, Johnson Homes (Manchester) Ltd, 224 Walton Road, Sale, M33 4FG

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

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

Recommendation: Approve

Date of recommendation: 17.09.2021

Application details

Type of application: Certificate Lawful Development Existing

Development type: Certificates of lawfulness

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 9 August 2021 Expired: 30 August 2021

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/three storey mid terraced property. There is a shallow front garden and a two storey lean to and yard at the rear.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The property is located in a predominantly residential area comprising rows of terraced properties. The area is commonly known as Fallowfield Brow.

Description of development

It is claimed that the property has been used as a small HMO within class C4 for more than 10 years.

Consultations & Notification Responses

No representations received.

Evidence

Tenancy Agreements

5 Persons	01.07.2011 to 30.06.2012
5 Persons	01.07.2012 to 30.06.2013
1 Person	09.09.2013 to 30.06.2014

1 Person	09.09.2013 to 30.06.2014
1 Person	09.09.2013 to 30.06.2021
1 Person	09.09.2013 to 30.06.2014
1 Person	09.09.2013 to 30.06.2021
5 Persons	01.07.2014 to 30.06.2015
5 Persons	01.07.2015 to 30.06.2016
5 Persons	01.07.2016 to 30.06.2017
5 Persons	01.07.2017 to 30.06. 2018
5 Persons	01.07.2018 to 30.06.2019
5 Persons	01.07.2019 to 20.06.2020
5 Persons	01.07.2020 to 30.06.2021
5 Persons	01.07.2021 to 30.06.2022

There is no relevant planning history to the property.

Conclusion

The submitted tenancy agreements show that the premises have been used as a small HOM class C3 since at least 1 July 2011 and has been used continuously as such up to and including the current year. There was a two-month break in 2013, which the agent attributes to the property being refurbished following its sale.

On the balance of probability, it is considered that the property has been used as a small HMO Class C4 for the requisite period and that the Certificate should therefore be granted.

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

0) 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

20 Landcross Road, Manchester, M14 6NA
22 Landcross Road, Manchester, M14 6NA
24 Landcross Road, Manchester, M14 6NA
23 Furness Road, Manchester, M14 6LY
19 Furness Road, Manchester, M14 6LY
20 Furness Road, Manchester, M14 6LY
22 Furness Road, Manchester, M14 6LY
24 Furness Road, Manchester, M14 6LY

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
Regulation 7 Direction (Control Advert) - Control Of To Let Boards (Fallowfield Central)
Area Team Boundary - Name: SOUTH