

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131420/LE/2021

Date registered valid: 15 September 2021

Proposal: Certificate of lawful existing use of the property as a House in Multiple Occupation

Address: 25 Heaton Road, Manchester, M20 4PU

Ward(s): Withington Ward

Applicant: Mr Dermot McKenna, Unit 3, Boundary Court, Crossley Road, Stockport, SK4 5GA

Agent (if any):

Case officer: Robert Griffin
Tel: 0161 234 4527
Email: robert.griffin@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 10.11.2021

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: 22 September 2021

Expired: 13 October 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

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

The application relates to a victorian semi-detached red brick and slate roof corner property with ground floor bay windows. There is private amenity space to the front, side and rear.



Application site

It is claimed that the property has been in use as a House in Multiple Occupation (sui generis) for a period of over 10 years prior to and up to the submission of this application.

Planning History

047819/FO/SOUTH1/95 - Change of use from Health Centre to dwelling - Approved
090997/FO/2009/S1 - Erection of a pair of two storey semi-detached properties with living accommodation in the roof with associated landscaping and parking on former garden of 25-27 Heaton Road - Allowed on Appeal March 2010. Documents on the file for this appeal and application indicate that 25-27 Heaton Road are existing HMOs at that time.

Consultations & Notification Responses

Neighbouring properties were notified of the proposals, no responses were received.

Policy

Core Strategy Development Plan Document Adopted 11th July 2012

Houses in Multiple Occupation

From 1st October 2010 change of use from a Class C3 dwellinghouse to a Class C4 House in Multiple Occupation (HMO) became permitted development, therefore planning permission is no longer needed. The Council made an Article 4 Direction on 7th October 2010 which means that planning permission will be needed for this type of development. The direction was confirmed by the Council in January 2011 and came into force on 8th October 2011. The Council will use the policy below to control further changes of use from a C3 to a C4. The policy also controls change of use to HMOs which are 'sui generis'.

The following information has been submitted in support of the application:

Tenancy agreements

signed 9 tenants 01.07.2011 - 30.06.2011
signed 9 tenants 01.07.2012 - 30.06.2013
signed 7 tenants 01.07.2013 - 30.06.2014
signed 10 tenants 01.07.2014 - 30.06.2015
signed 10 tenants 01.07.2015 - 30.06.2016
signed 9 tenants 01.07.2016 - 30.06.2017
signed 10 tenants 01.07.2017 - 30.06.2018
signed 10 tenants 01.07.2018 - 30.06.2019
signed 10 tenants 01.07.2019 - 30.06.2020
signed 10 tenants 01.07.2020 - 30.06.2021

Conclusion - From the information that has been provided it is considered, that on the balance of probabilities, the rooms comprising the property had been let to individual tenants with access to shared facilities, the submitted correspondence together with correspondence relating to past planning applications dating back to 2008 indicate the property has been let to unrelated individuals for a long period of time which has continued to the present time. It is therefore considered that the premises have been in use as a House in Multiple Occupation (sui generis) for a period of 10 years up until the date of the application. The use of the premises as an HMO (sui generis) is considered to be the 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, on the balance of probabilities, the lawful use of the premises is as a House in Multiple Occupation (sui generis) and that this use has continued for an uninterrupted period of 10 years.

Appendix 1 – List of consultees & neighbours notified

27 Heaton Road, Manchester, M20 4PU
27 Parsonage Road, Manchester, M20 4PW
36C Parsonage Road, Manchester, M20 4PE
Basement, 25 - 27 Heaton Road, Manchester, M20 4PU
Flat 4, 23 Heaton Road, Manchester, M20 4PX
Flat 2, Park Lane Court, 31 Parsonage Road, Manchester, M20 4PS
Flat 3, 23 Heaton Road, Manchester, M20 4PX
Flat 2, 23 Heaton Road, Manchester, M20 4PX
Flat 3, Park Lane Court, 31 Parsonage Road, Manchester, M20 4PS
Flat 1, 23 Heaton Road, Manchester, M20 4PX
Flat 8, Park Lane Court, 31 Parsonage Road, Manchester, M20 4PS
Flat 7, Park Lane Court, 31 Parsonage Road, Manchester, M20 4PS
Flat 6, Park Lane Court, 31 Parsonage Road, Manchester, M20 4PS
Flat 5, Park Lane Court, 31 Parsonage Road, Manchester, M20 4PS
Flat 4, Park Lane Court, 31 Parsonage Road, Manchester, M20 4PS
36 Parsonage Road, Manchester, M20 4PE
Flat 1, Park Lane Court, 31 Parsonage Road, Manchester, M20 4PS

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