

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131410/LE/2021

Date registered valid: 15 September 2021

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

Address: 32 Arnfield Road, Manchester, M20 4AX

Ward(s): Withington Ward

Applicant: Mr Dermot McKenna, Unit 3, Boundary Court, Crossley Road, Heaton Chapel, 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

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

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 two storey red brick semi-detached dwellinghouse with two storey front bay window located within the Withington Ward of Manchester.



Application property

It is claimed that the property has been in use as a House in Multiple Occupation (C4) for up to six people for a period of at least 10 years prior to and up to the submission of this application

Planning history

069842/FH/2003/S1 -Erection of a two storey side and rear extension and single storey rear extension to provide additional living accommodation Approved 09.12.2003

Consultations & Notification Responses

Neighbouring occupiers were notified of the application, one response was received. A summary of the points made are set out below:

Yet another application for a change of use of a residential house into an HMO! I made an objection about the last one I received..to no avail. I thought there was a cap on the number of HMO properties allowed in an area? I noticed alongside this one is the next door property also! There are already numerous properties in this neighbourhood, I am surrounded by them! I am sure the reasons for my objection is obvious but I shall reiterate briefly, noise, lack of interest in the property, deterioration of garden, no neighbourhood community spirit, parking and excess rubbish (inability to use the bins correctly!). My worry is that a lovely residential area deteriorates into "student land"!

Issues

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 6 tenants 01.07.2011 - 30.06.2012

signed 6 tenants 01.07.2012 - 30.06.2013

signed 6 tenants 01.07.2013 - 30.06.2014

signed 6 tenants 01.07.2014 - 30.06.2015

signed 6 tenants 01.07.2015 - 30.06.2016

signed 6 tenants 01.07.2016 - 30.06.2017

signed 6 tenants 01.07.2017 - 30.06.2018

signed 6 tenants 01.07.2018 - 30.06.2019

signed 6 tenants 01.07.2019 - 30.06.2020

signed 5 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. It is therefore considered that the premises were in use for Class C4

purposes at the time that the Article 4 Direction was introduced and this use has subsequently continued accommodating up to 4 people. The use of the premises as an HMO (Class C4) 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 the use is lawful by reason of the said use having been in existence since before 8th October 2011.

From the information that has been provided it is considered that, on the balance of probabilities, the lawful use of the premises was as a House in Multiple Occupation (Class C4) at the time that the Article 4 Direction was introduced and has continued up to the date of the application.

Appendix 1 – List of consultees & neighbours notified

35 Arnfield Road, Manchester, M20 4AQ
11 Alverstone Road, Manchester, M20 4AS
36 Arnfield Road, Manchester, M20 4AX
34 Arnfield Road, Manchester, M20 4AX
9 Alverstone Road, Manchester, M20 4AS
37 Arnfield Road, Manchester, M20 4AQ
30 Arnfield Road, Manchester, M20 4AX
11A Alverstone Road, Manchester, M20 4AS

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
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH