MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	130384/LE/2021
Date registered valid:	13 May 2021
Proposal:	Certificate of Lawful Existing Use for use of house as 4 bed C4 House in Multiple Occupation
Address:	19 Grenfell Road, Manchester, M20 6TG
Ward(s):	Didsbury West Ward
Applicant:	Cuthbert DGD Properties Ltd 208 Wilmslow Road, Manchester, M14 6LF
Agent (if any):	David Busby 208 Wilmslow Road, Manchester, M14 6LF
Case officer:	Janet Lawless Tel: 0161 234 4535 Email: janet.lawless@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	7 July 2021

Application details

Type of application: Certificate Lawful Development Existing

Development type: Certificates of lawfulness

Date of site visit: Non required for this type of application

Standard consultations:
No consultations have been printed and sent.

Neighbour notifications
Printed: 21 May 2021 Expired: 11 June 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

The property that is the subject of the Certificate of Lawful Use application is a mid- terraced 3 storey red brick villa style property. It forms part of a development for the erection of 8 residential properties following the demolition of the buildings on the site, application ref:046198/FO/SOUTH1/94

The property currently under consideration is identified as 19 Grenfell Road. It has a small walled garden to the front, with a bay window to the ground floor. It forms part of an 'L' shaped development that occupies the corner of Grenfell Road and Davenfield Road in the Didsbury West ward of the City. There is a pedestrian access taken off Grenfell Road, leading to a stepped access to the front of the property, with a gated vehicular access taken off Davenfield Road, which leads through to a rear courtyard which provides off street parking and rear access to the properties.
There is in curtilage parking provided to the rear of the property, and it is located within a sustainable area for modes of public transport. There are no TRO's on either side of the road, so on street parking is also available. Access around the area is also possible on cycle.
The bins are stored in the rear yard of the property and brought through for kerb side collection on refuse day.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The remainder of the area is predominantly residential in nature, with roads comprising of large runs of terraced houses and semi / detached properties whose design has informed the style of the proposal site. Barlow Moor Road provides local shops and services to sustain the

occupants of the proposal site. It has a mix of residential and commercial properties some of these being later additions and are departures from the original styles and patterns of development throughout the area.

Description of development

The applicant seeks to demonstrate that at the time the Article 4 Direction requiring planning permission, for Class C4, came into effect, that the house was in use as a small scale House in Multiple Occupation (HMO), since prior to 2010, with evidence submitted for assessment from 2010, occupied by a maximum of 4 tenants and that the use has been subsequently and continuously undertaken.
The information submitted is a comprehensive record of shorthold tenancy agreements from 2010 with a maximum of 4 occupants, together with a sworn affidavit from the management company to that effect.

Consultations & Notification Responses

Local Residents were informed- no representations have been received.

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 supporting information comprises of the following:-

1 A site location plan edged in red.

2 A letter from the letting Agency (Around Town Flats) reporting their management of the property as an HMO continuously since 2008.

3 Copies of Tenancy Agreements spanning the period from January 2010 to July 2021 (ongoing).

4 Copy of floor Plan

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 a HMO (Class C4) is considered to be the lawful use of the house.

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 polices 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

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. The submitted information has been sufficient to allow the application to be viewed positively.

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 submission of the application.

Appendix 1 – List of consultees & neighbours notified

14 Grenfell Road, Manchester, M20 6TQ
18 Grenfell Road, Manchester, M20 6TQ
13 Grenfell Road, Manchester, M20 6TG
Flat 5, Davenfield House, 1 - 3 Davenfield Road, Manchester, M20 6TL
Flat 4, Davenfield House, 1 - 3 Davenfield Road, Manchester, M20 6TL
Flat 3, Davenfield House, 1 - 3 Davenfield Road, Manchester, M20 6TL
Flat 2, Davenfield House, 1 - 3 Davenfield Road, Manchester, M20 6TL
Flat 1, Davenfield House, 1 - 3 Davenfield Road, Manchester, M20 6TL
24 Churchwood Road, Manchester, M20 6TY
17 Grenfell Road, Manchester, M20 6TG
Flat 3, 15 Grenfell Road, Manchester, M20 6TG
26 Churchwood Road, Manchester, M20 6TY
22 Churchwood Road, Manchester, M20 6TY
20 Churchwood Road, Manchester, M20 6TY
18 Churchwood Road, Manchester, M20 6TY
16 Churchwood Road, Manchester, M20 6TY
16 Grenfell Road, Manchester, M20 6TQ
Flat 2, 15 Grenfell Road, Manchester, M20 6TG
21 Grenfell Road, Manchester, M20 6TG
Flat 1, 15 Grenfell Road, Manchester, M20 6TG

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