

Planning

Growth & Development

Delegated officer report for planning application

Application no. 127490/LE/2020

Date registered valid: 17 July 2020

Proposal: Certificate of Existing Lawful Development for use of property as house in multiple occupation (Class C4)

Address: 48 Ashford Road, Manchester, M20 3EH

Ward(s): Old Moat Ward

Applicant: Mrs Rosemary Hogg, 8 Forest Park, Coleraine, BT52 1JJ

Agent (if any):

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

Recommendation: APPROVE

Date of recommendation: 8 September 2020

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 July 2020 Expired: 12 August 2020

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 terrace property with a single storey bay at the front and a two storey outrigger at the rear. There are large gardens to the front and rear.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

This is a predominantly residential area.

Description of development

It is claimed that the premises have been used as a small HMO class C4 since before the adoption of the Article 4 Direction on 8 October 2011. In support of the application the following evidence has been provided.

Copies of Tenancy Agreements

4 Persons 01.07.2010 – 30.06.2011

4 Persons 01.07.2011 – 31.08.2012

4 Persons 01.09.2012 – 31.08.2013

4 Persons 01.09.2013 – 31.08.2014

4 Persons 01.09.2014 – 30.06.2015

1 Person 01.07.2015 – 30.06.2016

1 Person	01.07.2015 – 30.06.2016
1 Person	01.07.2015 – 30.06.2016
1 Person	01.07.2015 – 30.06.2016
4 Persons	01.07.2016 – 30.06.2017
4 Persons	01.07.2017 – 30.06.2018
4 Persons	01.07.2018 – 30.06.2019
4 Persons	01.07.2019 – 30.06.2020

Consultations & Notification Responses

Local Residents

No representations received.

Issues

Class C4 small HMO's covers properties with between three and six residents. To qualify for a certificate of Lawful use the applicant needs to demonstrate that the use commenced before the Council adopted the Article 4 Direction which removed the permitted change from Class C3 to Class C4, and that the use has been carried on continuously since that date. In support of the application the applicant has provided copies of tenancy agreements. Having assessed the information it is considered that on the balance of probability the use as a Small HMO Class C4 commenced pre 8 October 2011 and has been carried on continuously to the date of application.

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:

Article 35 Declaration

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 in relation to the property referred to in the application namely 48 Ashford Road the use of the premises as a small house in multiple occupation Class C4 as described in the First Schedule, is lawful by reason of the said use beginning prior to 8 October 2011 and has been in no other use in accordance with the evidence and information provided in the submitted supporting information, as received on 17 July 2020 by the City Council as the Local Planning Authority.

Appendix 1 – List of consultees & neighbours notified

47 Ashford Road, Manchester, M20 3FH
73 Old Moat Lane, Manchester, M20 3EJ
77 Old Moat Lane, Manchester, M20 3EJ
75 Old Moat Lane, Manchester, M20 3EJ
49 Ashford Road, Manchester, M20 3FH
50 Ashford Road, Manchester, M20 3EH
46 Ashford Road, Manchester, M20 3EH

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