

11 Princes Road
Heaton Moor
Stockport
SK4 3NQ

Manchester City Council
Planning Department
PO Box 532
Manchester M60 2LA

31st October 2025

Dear Sir/Madam,

**Application for Lawful Development Certificate – Existing Small HMO - C4 Use
55 Furness Road, Manchester M14 6LX**

I enclose an application for a Lawful Development Certificate for an existing use of the above property as a class C4 Small House in Multiple Occupation (HMO). This application has been made following a previously refused application ref:143511/LE/2025, dated 3rd October 2025, which gave the following reason for this decision:

The applicant has failed to demonstrate that the use as a house of multiple occupation (Class C4) as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended), has continued for a 10-year period up to the date of the application.

This application addresses this concern and provides compelling evidence of the claimed lawful use.

The submitted evidence now clearly demonstrates that the property has been continuously occupied by 4 or 5 individuals as a small HMO for over 10 years. The documentary evidence now provided and attached is as follows:

- Summary of evidence and occupation
- Assured Shorthold Tenancy Agreements and Tenancy Deposits Protection Certificates covering 2016 - 2025
- Summary of deposit and rental payments 2015 and 2016
- Bank statements with deposit and rental payments 2015 and 2016
- Council tax email dated 27th October 2025 confirming the HMO use
- Statutory declarations of Paul and Christine Marsden, confirming continuous small HMO use of the property
- HMO Licence dated 7th January 2020
- Decision notice for application ref:122957/FH/2019 for the erection of first-floor rear extension to form enlarged bedroom to existing Class C4 HMO dated 11 March 2019

The AST evidence shows continuity of occupation from 2016 to the present, with the property let for the current academic year until 2026.

The bank statements provide convincing evidence of the payments made by the individual occupiers in 2015 and 2016, which covers the period for which ASTs are not available. This evidence is corroborated by the confirmation from the Council's Tax Officer that the property was awarded a council tax exemption under Class N (student exemption) for this period.

Additionally, the applicant has provided Statutory Declarations signed by Paul and Christine Marsden which confirms lawful occupation as a small HMO over the qualifying period.

Finally, the Council granted planning permission for an extension to the property in 2019, which clearly referred to it as an existing HMO as shown on the attached decision notice. The officer's report on this application is unfortunately not available on the application web page and a copy is awaited following a request.

Changes of use to an HMO or an extension of an HMO in Manchester are highly sensitive matters and are controlled through an Article 4 Direction. Resulting applications are subject to restrictive Policy H11 of the Manchester Core Strategy 2012.

Officers dealing with this application would have been acutely aware of the need to assess whether the claimed HMO use was legitimate and would have most certainly challenged the claim if there had been any doubt.

Crucially, the decision notice required the use of the property to remain as a small HMO by imposition of the following condition:

The property shall be used as a 5 bed house in multiple occupation class C4 occupied by no more than five residents and no rooms shall be converted or sub divided to form additional bedrooms or be used in conjunction with any increase in the number of bedrooms in the house or any increase in the number of occupants of the house.

It is inconceivable that this permission would have been issued in this way, had there been any doubt about the lawfulness of the HMO use, which would need to have been continuous since the introduction of the Article 4 Direction in 2011.

It is clear from the submitted documentary evidence that the property has been occupied continuously as a small HMO with 4 or 5 unrelated occupiers over the past 10 years. As such, the evidence more than demonstrates on a balance of probabilities (the relevant legal test) that the use is lawful and therefore a Lawful Development Certificate should be issued.

Should you require any further information, please do not hesitate to contact me; otherwise I look forward to receiving the determination at your earliest convenience.

Yours sincerely

Stephen Lamb DipTP MRTPI Planning Consultant