



AUGUST 2025

Supporting Planning Statement

49 Ruskin Avenue, Rusholme, Manchester

Iceni Projects Limited on behalf of
WAKMOOR (ASSETS) LIMITED

August 2025

ICENI PROJECTS LIMITED
ON BEHALF OF WAKMOOR
(ASSETS) LIMITED

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Supporting Planning Statement
49 RUSKIN AVENUE, RUSHOLME, MANCHESTER

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1. INTRODUCTION

- 1.1 This Planning Statement has been prepared by Iceni Projects Ltd (Iceni) on behalf of WAKmoor (Assets) Limited (the 'Applicant'), in support of an application for a Certificate of Lawfulness for Existing Use or Development at 49 Ruskin Avenue in Rusholme, Greater Manchester ('the Property') as described below:

"Application for a Certificate of Lawfulness for the existing use of premises as Use Class C4 House in Multiple Occupation (HMO)"

- 1.2 Following the Applicant's purchase of the property, they are seeking to regularise the lawful planning position through this Certificate of Lawfulness application.
- 1.3 WAKmoor (Assets) Ltd is a reputable and successful property investment company with a well-established portfolio of residential and rental properties across the country. The company has a proven track record of responsible property management, compliance with planning and licensing requirements, and long-term investment in high-quality housing primarily for university students. Their portfolio includes a range of Houses in Multiple Occupation (HMOs), which are managed to a consistently high standard. WAKmoor (Assets) Ltd takes a proactive approach to ensuring all properties meet local authority and national standards and remains committed to maintaining good relationships with tenants and the wider community.

Article 4 Direction

- 1.4 49 Ruskin Avenue is in the Rusholme area of Central Manchester. It is a two-storey mid-terrace property on the northern side of Ruskin Avenue comprising a 6-bed HMO.
- 1.5 Under Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), it is permitted development, not requiring planning permission, to change the use of a building from a Class C3 Dwelling to Use Class C4 HMO and vice versa.
- 1.6 On 8th October 2011 Manchester City Council brought an Article 4 Direction into force, removing the Class L permitted development rights across the City of Manchester. Where the Article 4 direction is in force, an application for planning permission is required for a change from a Class C3 use to a Class C4 use.
- 1.7 This application for a Certificate of Lawfulness for an Existing Use or Development seeks written confirmation from Manchester City Council that 49 Ruskin Avenue has been in use since 2014 until present day, demonstrating more than 10 years evidence as a HMO use.

This Statement

- 1.8 The purpose of this statement is to provide supporting evidence to demonstrate why we consider the building to have a lawful Use Class C4.
- 1.9 The statement will assist Manchester City Council with their assessment of the site and its planning history, enabling the Authority to issue a Certificate of Lawfulness confirming the existing lawful use of the building.
- 1.10 This statement is structured as follows:
- Section 2 describes the application site and its surroundings, outlines the policy designations / allocations for the site, and sets out the planning history of the site;
 - Section 3 sets out planning legislation relevant to the determination of the application;
 - Section 4 provides evidence in support of the existing lawful use of the building as a Class C4 HMO; and
 - Section 5 concludes that a Certificate of Lawfulness can be granted.
- 1.11 This Certificate of Lawfulness Application is supported by the following documents:
- Application form and signed certificates;
 - Site location plan;
 - Existing floor plans;
 - Assured Shorthold Tenancy (AST) Agreements [redacted];
 - Supporting Planning Statement (this document).
 - Copy of Landlord Licence
 - Statements of Truth [redacted]

2. BACKGROUND

- 2.1 This section describes the application site and surroundings, and the Article 4 Direction which covers the Site, identifies the relevant policy designations / allocations, and sets out the Site's planning history.

The Applicant

- 2.2 The Applicant, WAKmoor (Assets) Limited, purchased the property from Beech Properties as an on-going concern, operating as an HMO. The Applicant is a well-established and experienced independent property management business that only own and run homes for students. Their portfolio includes properties in Derby, Lancaster, Lincoln, Liverpool, Manchester, Preston, Salford, and Sheffield. The properties are let via their letting brand, 'We Are Kin'.
- 2.3 We Are Kin ensure that all properties are furnished and finished to a high standard internally, providing high quality living environments for their tenants. Tenants can contact the management team at any time via the company's app, should they have any queries or need to lodge any maintenance issues, these are then resolved as soon as possible.

Site and Surroundings

- 2.4 The application site comprises of a two-storey mid-terraced property, located on the northern side of Ruskin Avenue. The Site is in a primarily residential area and is accessible via public transport, with bus stops on Moss Lane East just 0.1-miles away (approximately 3-minute walk), which provide regular services to Piccadilly Gardens in the City Centre, and to Flixton and Chorlton. The Site is within walking distance to shops, local services, community facilities, as well as public open space and sports facilities (including Whitworth Park, Alexandra Park, and Platts Fields Park).
- 2.5 The property is arranged over three floors and provides six bedrooms alongside shared communal facilities, in line with the requirements for a small House in Multiple Occupation (HMO). The ground floor comprises a front lounge, central hallway, a centrally positioned bathroom, a dining room, and a spacious kitchen located to the rear with direct access to the garden. The first floor accommodates three bedrooms (Bedroom 4, Bedroom 5, and Bedroom 6) alongside a second shared bathroom. The second floor contains a further three bedrooms (Bedroom 1, Bedroom 2, and Bedroom 3), all accessed from a compact landing.
- 2.6 All bedrooms are individually accessed via separate lockable doors, and the property benefits from appropriate fire safety measures including fire doors with intumescent strips, smoke/heat detectors, and emergency lighting. Shared facilities, including bathrooms, kitchen, dining, and lounge areas, serve all occupants, ensuring compliance with typical HMO standards for amenity provision.

Allocations / Designations

- 2.7 Manchester's current development plan is guided by a combination of strategic planning documents and large-scale regeneration projects. At the core is the Manchester Local Plan, which includes the Core Strategy 2012–2027 (updated in March 2024) and the newly adopted Places for Everyone Joint Development Plan 2024. These documents set the framework for land use, housing, transport, economic growth, and climate targets across Manchester and neighbouring authorities. Supplementary Planning Documents (SPDs) provide additional guidance on design, sustainability, and infrastructure
- 2.8 According to the Manchester City Council Adopted Policies Map, the site is situated within the 'Central Manchester' and 'Inner area' policies. The site is not within any further statutory constraint or designation.
- 2.9 The application site is covered by an Article 4 Direction which was brought into force on 8th October 2011. The Article 4 Direction removed permitted development rights for the change of use of a dwellinghouse (occupied by a household living as a family) (Use Class C3) to a House of Multiple Occupation (3-6 Occupants, not part of the same household) (Use Class C4).
- 2.10 According to the Environment Agency Flood Map for Planning, the entirety of the site is within Flood Zone 1 (low probability of flooding) with no surface water concern. According to the Historic England Map Search, the property is not listed and there are no listed buildings within the vicinity.
- 2.11 There are no other known planning designations for the site.

Planning History

- 2.12 A planning application was submitted and validated on the 8th of September 2023 (RE: 138040/LE/2023). The application sought permission for the Use of the Property as a small House in Multiple Occupation (Class C4). The planning application was refused. The reason for refusal as cited on the Decision Notice, is included below:-

"The applicant has failed to demonstrate that 49 Ruskin Avenue, Manchester, M14 4DG has been occupied as a small house in multiple occupation (Use Class C4 of the schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended)) for a continual 10-year period up to the date of the application."

- 2.13 It was later explained in the Case Officers report that the "unambiguousness" element of that application was due to the fact that the property was only occupied by only two persons in 2010-2011, followed by 4 persons between September 2011 and August 2012. During the period 2012

and 2014, the property was vacant and there are no AST where no ASTs have been provided. Then from August 2014 the property was occupied by 6 tenants to August 2023.

- 2.14 Taking the above into account, this application is therefore submitted to overcome those previous reasons for refusal, and to demonstrate a consecutive 10-year period in which this building has been occupied in an HMO use. As such, please see section 4 of this report which illustrate 10 years' worth of consecutive use.

3. RELEVANT PLANNING LEGISLATION

- 3.1 Section 171B of the Town and Country Planning Act 1990 (as amended by section 115 of the Levelling-up and Regeneration Act 2023) sets out the statutory time limits within which local planning authorities in England may take enforcement action against breaches of planning control. From April 2024, the time limit for all categories of breach (including operational development, material change of use to a single dwellinghouse, and other breaches) is ten years from the date of the breach or, in the case of operational development, from the date of substantial completion
- 3.2 Under Section 191 of the Town and Country Planning Act 1990, a Certificate of Lawfulness of existing use or development may be applied for if any person wishes to ascertain that an existing use of a building or other land is lawful.
- 3.3 Paragraph 4 of Section 191 states that if, on an application under this section, the local planning authority are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application, they shall issue a certificate to that effect.
- 3.4 Section 191 also states that a certificate under this section shall specify the land to which it relates; describe the use, operations or other matter in question (in the case of any use falling within one of the classes specified in an order under section 55(2)(f), identifying it by reference to that class); give the reasons for determining the use, operations or other matter to be lawful; and specify the date of the application for the certificate.
- 3.5 National Planning Practice Guidance (NPPG) further sets out that an application for a Certificate of Lawfulness must be accompanied by sufficient factual information/evidence for a local planning authority to decide the application.
- 3.6 The NPPG continues that in the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the "balance of probability".

4. EVIDENCE IN SUPPORT OF THE EXISTING LAWFUL USE

- 4.1 This section outlines the evidence in support of the current existing lawful use of the building as a Class C4 HMO. Evidence includes details of the current occupiers and their assured shorthold tenancy agreement, the selective licence for the property, and council tax records.

Assured Shorthold Tenancy Agreement

- 4.2 Assure Shorthold Tenancy (AST) Agreements are submitted as evidence in support of this application for a Certificate of Existing Lawfulness. The tenancy agreements provided cover the following timeframes:

Tenants	AST Start Date	AST End Date
Six tenants	September 2014	August 2015
Six tenants	December 2015	June 2016
Six tenants	September 2016	August 2017
Six tenants	September 2017	August 2018
Six tenants	September 2018	August 2019
Six tenants	August 2019	August 2020
Six tenants	September 2020	August 2021
Six tenants	August 2021	August 2022
Six tenants	August 2022	August 2023
Six tenants	August 2023	August 2024
Six tenants	October 2024	July 2025
Six tenants	October 2025	August 2026

- 4.3 All tenancies have been signed by the tenants and redacted copies are provided in **Appendix 1**.
- 4.4 The ASTs demonstrate that the property has been let as an HMO (Use Class C4) for a period of 10 years from at least from September 2014 until present day, showing 10 years of consecutive use. Section 171B of the Town and Country Planning Act 1990 stipulates that no enforcement action may be taken after 'ten years beginning with the date on which the operations were substantially completed'. As such, since the ASTS show that the property has been occupied by six unrelated individuals from at least 2014, where the ten-year rule can be satisfied and the property is immune from enforcement action.
- 4.5 This confirms that the HMO use is established and can appropriately continue in this manner.

Other Corroborative Information

Licensing

- 4.6 The property holds a Mandatory HMO Licence which is valid from 14th October 2019 to 13th July 2024. The Licence confirms that Manchester City Council determine that the property is suitable for occupancy by up to 6 occupants and / or 6 households.

Council Tax

- 4.7 The tenants of the property have been students and therefore a Council Tax relief has been provided to the occupants during their tenancies. It is anticipated that the Council's Planning Officers could obtain the relevant Council Tax records from their colleagues in the Council's Council Tax Department.

Statement of Truth

- 4.8 Submitted alongside this application are sworn statements of truth. As aforementioned, The Applicant, WAKMOOR (Assets) Limited, purchased the property from Beech Properties as an on-going concern, operating as an HMO. Where it has been challenging to retrieve old documentation from the previous property manager, statement of truth has been signed to certify that as far as the client understanding is concerned, the property was in full use as an HMO upon purchase of the property and subsequent portfolio. A copy of the Statement of Truth is appended to this document at **Appendix 2**.

5. SUMMARY AND CONCLUSIONS

- 5.1 On the basis of the evidence submitted, it is clear that 49 Ruskin Avenue, Manchester, has been in continuous use as a small House in Multiple Occupation (Use Class C4) for a period exceeding ten years, from at least September 2014 to the present day. The Assured Shorthold Tenancy Agreements, together with the supporting sworn Statement of Truth, demonstrate an unbroken pattern of lawful occupation by six unrelated tenants within the relevant timeframe.
- 5.2 In accordance with Section 171B of the Town and Country Planning Act 1990, as amended, no enforcement action may now be taken in respect of this use. The Local Planning Authority has not provided any substantive evidence to contradict the applicant's version of events, and the documentation submitted is both precise and unambiguous, thereby satisfying the evidential threshold set out in national planning practice guidance.
- 5.3 The property is therefore immune from enforcement and benefits from a lawful established use as a small House in Multiple Occupation (Use Class C4). It is respectfully requested that the Local Planning Authority grant a Certificate of Lawfulness to formally recognise and confirm this long-standing lawful use.
- 5.4 Should the Council require any further information from us to assist with their assessment of the existing lawful use of the building, please do not hesitate to contact us.

A1. TENANCY AGREEMENTS (REDACTED)

A2. STATEMENT OF TRUTH