

Mr D Johnson



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

20/03/2025

Dear Sir/Madam,

Application for Lawful Development Certificate - Existing Class C4 Use
80 St Ives Road, Rusholme, Manchester, M14 5NH

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).

The property has been continuously occupied as a small HMO for over 10 years and this is continuing with the tenancy agreement in place for the year ahead. The attached documents provide the evidence to demonstrate this fact.

You will see from the planning history of the property that a similar application was made in 2017 (Ref: 2017115465/LE/2017). A Lawful Development Certificate was issued at the time, however an administrative error was made, as the description of the lawful use in the first schedule refers to use class C3c rather than C4 (which had been applied for and evidenced).

This has only recently come to light when our solicitor noticed the error during a re-mortgage. This subsequent application is made following correspondence with your colleague Adam Neil.

Case law (*Slough Estates v Slough BC (No 2)* [1970] and *Barnett v SSC LG & East Hampshire DC* [2009]) has made it clear that a planning permission should stand by itself, and the meaning should be clear and evident from the decision notice. If something is not clear but the planning permission clearly incorporates the application and plans, they may be used as aids to interpretation or to understanding the scope of what is permitted.

The decision notice of the 2017 certificate, when read with the application form, covering letter and other documentary evidence, clearly shows that the lawful use at that time was as a small HMO and therefore that the reference to class C3 was indeed an administrative error.

The potential confusion created by this error, could have serious implications for the future sale or remortgaging of the property, so this application serves to formally correct the situation.

Accordingly, this application provides the supporting evidence to demonstrate the current lawfulness of the C4 use.

Two pieces of evidence have been provided for each tenancy period over the last 10 years. The documentary evidence attached is as follows:

- AST's for each year of occupation
- TDS deposit protection certificates
- Summary of AST's and supporting evidence with dates and names of tenants
- Floor Plans

It is clear from the documentary evidence that on a balance of probabilities, the property has been occupied continuously as a small HMO with between 3 and 6 occupiers over the last 10 years.

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

Mr D Johnson