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Supporting Planning Statement

Flat 1, 386 Moss Lane East, Manchester

Iceni Projects Limited on behalf of
WAKMOOR (ASSETS) LIMITED

September 2025

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Supporting Planning Statement
FLAT 1, 386 MOSS LANE EAST, MANCHESTER

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1. INTRODUCTION

- 1.1 This Supporting Planning Statement has been prepared on behalf of WAKmoor (Assests) Limited (the 'Applicant'), in support of an application for a Certificate of Lawfulness for Existing Use or Development (CLEUD) at Flat 1, 386 Moss Lane East, Greater Manchester ('the Property') as described below:

"Application for a Certificate of Lawfulness for the existing use of premises as 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 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

- 1.4 386 Moss Lane East is in the Rusholme area of Central Manchester. It is a two-storey mid-terrace property split into two titles. It is understood that the site is contained within an area covered by an article 4 direction.
- 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 Use 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 Use Class C3 use to Use 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 Flat 1 386 Moss Lane East was converted from Use

Class C3 dwelling to Use Class C4 HMO prior to the 8th of October 2011 and as such, is and has been lawfully used as UseClass C4 small HMO since September 2010.

This Statement

- 1.8 The purpose of this statement is to provide supporting evidence to demonstrate why we consider the building to have lawfully 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 UseClass 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.
 - Assured Shorthold Tenancy (AST) Agreements [un-redacted].
 - Supporting Planning Statement (this document).
 - Copy of Landlord Licence [un-redacted].
 - Copy of Statement of Truth [un-redacted].

2. BACKGROUND

- 2.1 This section describes the application Property and its surroundings and identifies the relevant policy designations / allocations and sets out the Property's planning history.

The Applicant

- 2.2 The Applicant 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 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 The Applicant ensures 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 southern side of Moss Lane East. The property, as a whole, is split into two properties. Flat 2, occupies the ground floor and accommodates 3 bedrooms with shared facilities. Flat 1 (The application Site) occupies the first and second floor spaces. The first floor accommodates three bedrooms, shared bathroom, kitchen and lounge areas. The second floor, which is a loft conversion, accommodated bedroom 4 and 5 with a shared bathroom. All bedrooms have a room number. Each bedroom is lockable, each with a different lock. Bedroom doors are fire doors with intumescent strips. All facilities are shared, including the kitchen and bathroom.
- 2.5 The Site is in a primarily residential area and is accessible via public transport, with bus stops on Moss Lane East within a 1-minute walk of Property, which provide regular services to Piccadilly Gardens in the City Centre, and Flixton. The Site is within walking distance to shops, local services, community facilities, as well as public open space and sports facilities (including Moss Side Park, and Whitworth Park). The site is approx. 850m from the university of Manchester and is suitable located for the intended use and occupier.

Allocations / Designations

- 2.6 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.

- 2.7 According to the Manchester City Council Adopted Policies Map, the site is not allocated or designated for any particular use but is within the ‘Central Manchester’ policy area.
- 2.8 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).
- 2.9 According to the Environment Agency Flood Map for Planning, the entirety of the site is within Flood Zone 1 (lowest probability of flooding) with no surface water concerns. According to the Historic England Map Search, the property is not listed and there are no listed buildings within the vicinity.
- 2.10 There are no other known planning designations for the site.

Planning History

- 2.11 An application was submitted and validated on the 21st of July 2023 which sought permission for the use of the property as a small House in Multiple Occupation (HMO - Use Class C4). The application was refused, for the following reason: -

“The applicant has failed to demonstrate that Flat 1, 386 Moss Lane East, Manchester, M14 4PX 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.”

- 2.12 The case officer’s report was not shared with this refusal, and we are unable to see any further comments associated with this application. However, this application now seeks to demonstrate a lawful 10-year period in which the property was used as an HMO (Use Class C4) with no major or significant breaks in occupation.

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.

Permitted Development

- 4.2 Effective on the 1st of October 2010, Class L of Schedule 2 to the GPDO, allowed for the change of use between C3 and C4 as permitted development. The April and October changes to the legislation meant that from 1 October 2010, a change of use from a dwellinghouse (class C3) to a house in multiple occupation (Class C4) and from a house in multiple occupation to a dwellinghouse is possible under permitted development rights and planning applications are not needed, unless a local Article 4 Direction was in force.
- 4.3 We understand that an article 4 direction came into force on the 8th October 2011, removing the Class L permitted development rights across the City of Manchester. However, the property was in use by 3-6 unrelated individuals on the date in which the Class L Schedule 2 of the GDPO came into effect, and a formal planning application was not required at that time to lawfully convert the property into a lawful C4 Use.
- 4.4 The below section demonstrates that the property was in C4 use during the date in which Class L of Schedule 2 to the GPDO came into effect, where in that time planning permission was not required to lawfully convert from C3 to C4.

Assured Shorthold Tenancy Agreement

- 4.5 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
Five tenants	September 2010	September 2011
Five tenants	September 2011	August 2012
Five tenants	September 2012	September 2013
Five tenants	September 2013	August 2014
Four tenants	September 2014	August 2015
Five tenants	September 2015	September 2016
Five tenants	September 2016	August 2017
Five tenants	September 2017	August 2018

Five tenants	September 2018	August 2019
Five tenants	August 2019	August 2020
Five tenants	September 2020	August 2021
Two Tenants	September 2021	August 2022
Five tenants	September 2022	August 2023
Five tenants	August 2023	August 2024
Five tenants	August 2024	September 2025
Five tenants	August 2025	September 2026

- 4.6 All tenancies have been signed by the tenants and redacted copies are provided in **Appendix 1**.
- 4.7 The ASTs provided demonstrate that the property has been in continuous occupation under Use Class C4 House in Multiple Occupation (HMO) from September 2010. This predates the implementation of the Article 4 Direction, which removed permitted development rights for changes of use from C3 to C4 in Manchester on 8th October 2011.
- 4.8 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 the Applicant has demonstrated that the Property was in use as an HMO from September 2010 until present day with no enforcement action received, this meets the 10-year rule, and no enforcement action can be given.
- 4.9 Between August 2021 and August 2022, the property was not fully let.. However, the HMO use was firmly established in 2009 and continued during this period. The property remained configured and marketed as an HMO, with two unrelated tenants in occupation at all times.
- 4.10 This temporary reduction in tenant numbers coincided with the Covid-19 pandemic, during which Government-imposed lockdowns, university closures, and remote learning led to widespread vacancies across the student housing sector. National trends saw many students return to their family homes rather than enter new tenancy agreements.
- 4.11 Reasonable marketing efforts were made to secure additional tenants during this period, but demand was exceptionally low due to the unprecedented public health restrictions. When lockdown measures were eased in 2022, the property was quickly re-let to five tenants, restoring typical occupancy levels.
- 4.12 As a matter of law, for a use to change from one use class to another, which is classed as development within the terms of the TCPA 1990, such change must be classed as a 'material change of use'. It is difficult to see how the absence of one tenant (for a period of time) can automatically result in a 'blanket' or 'automatic' material change of use to C3 without considering whether the tests for a material change of use have been met.

4.13 The facts a decision maker should take into account are briefly addressed in turn to consider whether the threshold of a material change of use may be reached:

a) Defining Character

I. The Property has the following characteristics: bedroom doors that are fire doors, individual key locks to all bedrooms, numbered internal bedroom doors, shared kitchen and bathroom facilities, with no private facilities within any bedroom and fire alarms with sounders and break glass points. It would be uncommon if not highly unusual for a C3 dwellinghouse to contain many or all of these items. These items would inform the feel and internal character of the Property and would not change should there be one less tenant in situ it is assumed.

II. The tenants are individuals who are unrelated and therefore we consider unlikely to meet the definition of a 'family' in the HA 2004. It is assumed that the tenants would go about their business, eat and socialise individually for the majority of their occupation, which again would give the Properties a distinct defining character from a C3 dwellinghouse. The living pattern of the tenants, which would inform the character of the Properties, would not change should there be one less tenant in situ it is assumed.

b) Intensity of use

I. Intensification of an existing use may constitute a material change of use. With one less tenant in situ, there would be no such intensification.

c) Purpose of owner or occupier

I. The intention of the owner of the Properties to use them as HMOs did not change during the times there was one less tenant in situ, as evidenced by the fact that the void room continued to be advertised as vacant.

d) Impact on Neighbouring Amenity

I. As noted above in respect of the intensity of use, it is assumed that with one less tenant in situ, there would be no increased or detrimental impact upon neighbouring residences.

4.14 The reduced occupancy does not amount to a material change of use to Use Class C3, nor does it interrupt the ten-year rule under Section 171B of the Town and Country Planning Act 1990. The

property's physical layout, management arrangements, and lawful Use Class C4 status remained unchanged.

4.15 .

- 4.16 The evidence provided demonstrates that Flat 1, 386 Moss Lane East was in continuous use as a small House in Multiple Occupation (Use Class C4) from September 2010 and was in such use on 1 October 2010, the date on which the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2010 (SI 2010/2134) came into force. That Order inserted Class I into Part 3 of Schedule 2 to the GPDO 1995 (now Class L in the GPDO 2015), granting permitted development rights for change of use between Class C3 (dwellinghouses) and Class C4 (small HMOs) without the need for planning permission, unless removed by an Article 4 Direction. Manchester City Council's Article 4 Direction removing these rights did not take effect until 8 October 2011, by which time the property had long been in lawful C4 use. Accordingly, the change of use benefited from national permitted development rights and has since achieved immunity from enforcement under Section 171B(3) of the Town and Country Planning Act 1990, having been in continuous C4 use for more than ten years.

Additional Corroborative Information

HMO Licensing

- 4.17 The property held a Selective License between 6th September 2016 and 5th September 2021. Selective licensing requires certain landlords who privately rent properties to obtain a licence from the council. If granted, a licence will be issued with several conditions which the landlord must comply with.
- 4.18 The Council's Selective Licensing scheme for most of the Rusholme area terminated in January 2023. The property falls outside of the remaining selective licencing area in Rusholme. The Council does not have an additional licensing scheme in place.
- 4.19 Whilst the Selective License isn't proof that the property was used as an HMO, it is proof that it was a rental property.

Council Tax

- 4.20 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.

Statements of Truth

- 4.21 The applicant has signed and submitted a statement of truth, to support and certify corroborative information and the intent to use this property as an on-going HMO since WAKMOOR (Assets) Ltd purchased the portfolio from “Beech Properties”.
- 4.22 The Applicant is a well-established and experienced independent property management business that only own and run homes for students. Reasonable endeavours have been made during the specified duration in section 4.2 of this report to market and have the rooms occupied.
- 4.23 As such, this demonstrates that the use of the property as a class C4 HMO has been formally recognised by the council Housing licence team. The licence further supports the position that the property has been ongoing continuously as a small HMO and complies with the necessary housing standards.
- 4.24 The statements of truth in this case have been signed to demonstrate this property has been in use as a small HMO for a continuous period from September 2010 to present day with no major gaps or significant breaks in occupation. A copy of this document is appended to this document at **Appendix 2**.

5. SUMMARY AND CONCLUSIONS

- 5.1 The evidence submitted with this application demonstrates, on the balance of probability, that Flat 1, 386 Moss Lane East, has been in continuous lawful use as a small House in Multiple Occupation (Use Class C4) since September 2010.
- 5.2 The property was in Use Class C4 on 1 October 2010, when the Town and Country Planning (General Permitted Development) (Amendment) Act 2010 came into force, introducing Class I (now Class L) in Part 3 of Schedule 2 to the GPDO. This permitted development right allowed change of use between Use Class C3 (dwellinghouses) and Use Class C4 (small HMOs) without the need for planning permission.
- 5.3 Manchester City Council's Article 4 Direction removing Class L rights did not take effect until 8 October 2011, by which time the property was established Use Class C4.
- 5.4 In addition, the use has achieved immunity from enforcement under Section 171B(3) of the Town and Country Planning Act 1990, which provides that no enforcement action may be taken after ten years from the date of a material change of use. The Applicant has demonstrated over a ten-year period (through Assured Shorthold Tenancy agreements, selective licensing records, Council Tax records, and sworn Statements of Truth) that the property has operated continuously as an HMO.
- 5.5 Periods of low occupancy between August 2021 and August 2022 do not constitute a material change of use. The property remained in HMO use, marketed as such, and was still occupied by unrelated tenants during this time. These reduced occupancy levels occurred during the Covid-19 pandemic when government lockdown measures and university closures significantly disrupted the student rental market nationally.
- 5.6 On the balance of probability, and in the absence of contradictory evidence, the lawful Use Class C4 of the property is established and has been maintained without interruption for well over ten years.
- 5.7 The application therefore meets the statutory tests set out in Sections 171B and 191 of the Town and Country Planning Act 1990, supported by relevant permitted development provisions under the GPDO, and satisfies the evidential requirements in the National Planning Practice Guidance.
- 5.8 It is therefore respectfully requested that Manchester City Council grants a Certificate of Lawfulness for Existing Use or Development confirming the lawful use of 6 Maine Road as a small House in Multiple Occupation (Use Class C4).

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- 5.9 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 (UN-REDACTED)

A2. STATEMENT OF TRUTH

A3. STATEMENT OF TRUTH (UN-REDACTED)
