SEPTEMBER 2025

Supporting Planning Statement

174 Acomb Street, Rusholme, Manchester

ICENI PROJECTS LIMITED ON BEHALF OF WAKMOOR (ASSETS) LIMITED

Iceni Projects Limited on behalf of
WAKMOOR (ASSETS) LIMITED

September 2025

Iceni Projects
Birmingham: The Colmore Building, 20 Colmore Circus Queensway, Birmingham B4 6AT
London: Da Vinci House, 44 Saffron Hill, London, EC1N 8FH
Edinburgh: 11 Alva Street, Edinburgh, EH2 4PH
Glasgow: 177 West George Street, Glasgow, G2 2LB
Manchester: WeWork, Dalton Place, 29 John Dalton Street, Manchester, M2 6FW

t: 020 3640 8508 **| w:** iceniprojects.com | **e:** mail@iceniprojects.com
linkedin: linkedin.com/company/iceni-projects | **twitter**: @iceniprojects

CONTENTS

1. INTRODUCTION 1

2. BACKGROUND 3

3. RELEVANT PLANNING LEGISLATION 6

4. EVIDENCE IN SUPPORT OF THE EXISTING LAWFUL USE 7

5. SUMMARY AND CONCLUSIONS 11

APPENDICES

A1. TENANCY AGREEMENTS (REDACTED)

A2. LANDLORD LICENCE (REDACTED)

1. INTRODUCTION

1.1 This Supporting 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 (CLUED) at 174 Acomb Street 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 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

1.4 174 Acomb Street is in the Rusholme area of Central Manchester. It is a two-storey mid-terrace property on the western side of Acomb Street, which comprises 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 a 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.

1.7 This application for a CLEUD seeks written confirmation from Manchester City Council that 174 Acomb Street was converted from a Class C3 dwelling to a Class C4 HMO prior to the 8th October

2011 and as such, is and has been lawfully used as a small HMO (Use Class) 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 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 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 Property and its surroundings and 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 property at 174 Acomb Street, Manchester, M14 4DZ is a two-storey mid terraced dwelling with a narrow frontage and a linear internal arrangement. The ground floor comprises a front entrance hall providing access to a lounge at the front of the property, a centrally located bathroom, a dining room in the mid-section, and a large kitchen to the rear, which provides external access to the backyard. The first floor accommodates three bedrooms, Bedroom 4 at the front, Bedroom 5 centrally located, and Bedroom 6 at the rear, along with a centrally positioned bathroom. The second floor, contains a further three bedrooms, Bedroom 1 at the front, Bedroom 2 centrally located, and Bedroom 3 at the rear. Circulation throughout the property is facilitated by a centrally positioned staircase serving all floors, with landings providing direct access to the rooms on each level. The layout is functional and efficient, with bedrooms and bathrooms distributed evenly across the upper floors, and living and dining spaces located at ground level. All bedrooms doors are numbered and can be locked.

2.5 The Site is in a primarily residential area and is accessible via public transport, with bus stops on Upper Lloyd Street just 0.2-miles away (approximately 3-minute walk), which provide regular services to Piccadilly Gardens in the City Centre, and towards Chorlton. The Property is within walking distance to shops, local services, community facilities, as well as public open space and sports facilities (including Alexandra Park, Moss Side Park, and Platts Fields Park). The site does not provide any off-street parking but there are sufficient places to park along the highways edge if

needed. Additionally, the site is approximately 1200m from the university of Manchester, demonstrating the sites suitability in terms of location for its intended use and tenant.

2.6 Internally, additional rooms have been added in the extended loft space, and the property has been amended to meet the relevant HMO standards. 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.

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.There are no other known planning designations for the site.

Planning History

2.11 A planning application was submitted and validate on the 25th of May 2023, with reference 137088/LE/2023. The application sought permission for the use of the property as a small house in multiple occupation (Use Class C4) through a CLEUD.

2.12 The application was refused, for the following reason: -

"The applicant has failed to demonstrate that 174 Acomb Street, Manchester, M14 4DZ 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 The case officers report further explains that –

- *"After 18th March 2015 the property remained vacant until the 1st of September 2015 before the next tenants moved in, leaving a gap of approximately 6 months. However, the 2 persons named on the tenancy agreement does not preclude the possibility that others also occupied the property at that time."* And;

- *"it should be noted as the property was converted into an HMO in September 2010 prior to when the Article 4 Direction came into force on the 8th of October 2011, the change to C3 would have been a permitted change not requiring a planning application. However, in September 2015 the use changed from C3 dwellinghouse to C4 house in multiple occupation which in accordance with the Article 4 Direction required planning permission."*

2.14 It should be questioned why the lawful use of the Property reverted back to Use Class C3 in 2015 when two unrelated individuals occupied the property. The Use Class C4 Property was firmly established in 2010 and continued through this period.

2.15 The lawful use for the Property as an HMO (Use Class C4) has continued from 2010 onwards. It has been occupied by 3 or more occupants, from separate households, for a continual 10-year period, with no significant breaks in occupation with no enforcement action taken.

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 an HMO (Use Class C4). 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 Use Class C3 and Use Class C4 as permitted development. This meant that from 1 October 2010, a change of use from a dwellinghouse (Use Class C3) to a house in multiple occupation (Use Class C4) is possible under permitted development rights and planning applications are not needed.

4.3 An article 4 direction came into force on the 8th October 2011, removing the Class L permitted development rights across the City of Manchester. Notably, and as demonstrated in the table below, the Property was in use as an HMO (Use Class C4) and was occupied by 4 tenants from separate households prior to the Article 4 Direction coming into force. As a such, the Property had already converted to an HMO (Use Class C4) under Class L Schedule 2 of the GDPO.

4.4

4.5 The below section demonstrates that the property has continuously been occupied under Use Class C4 since September 2010 and for a period of over 10 years by the time of determination.

Assured Shorthold Tenancy Agreement

4.6 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
Four tenants	September 2010	September 2011
Four tenants	September 2011	September 2012
Four tenants	December 2012	June 2013
Three tenants	September 2013	September 2014
Two tenants	September 2014	March 2015
Six tenants	September 2015	August 2016
Six tenants	September 2016	August 2017
Four tenants	September 2017	August 2018

Six tenants	September 2018	August 2019
Six tenants	September 2019	August 2020
Six tenants	August 2020	August 2021
Six tenants	September 2021	August 2022
Five tenants	August 2022	August 2023
Six tenants	August 2023	June 2024
Six tenants	September 2024	August 2025

4.7 All tenancies have been signed by the tenants and redacted copies are provided in **Appendix 1**.

4.8 The ASTs also 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 Use Clase C3 to Use Class C4 in Manchester on 8th October 2011. During this time, Class L of Schedule 2 to the GPDO allowed for change of use from C3 to C4 without the need for planning permission.

4.9 The Council refused the previous application citing that as the Property was only occupied by two tenants in 2015 and was then vacant from March 2015 to September 2015, the Property had converted to Use Class C3.

4.10 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 Use Class C3 without considering whether the tests for a material change of use have been met.

4.11 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.

4.12 In summary, the evidence provided demonstrates that 174 Acomb Street, Manchester 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. Manchester City Council's Article 4 Direction removing these rights did not take effect until 8 October 2011, by which time the property was already converted lawfully under Use Class C4.

4.13 Nevertheless, it has been demonstrated that the Property has been operating under Use Class C4 since 2010. 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.

Additional Corroborative Information

Licensing

4.14 The Property held a Selective License between 11th March 2016 and 10th March 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.

4.15 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.

4.16 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

4.17 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

4.18 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".

4.19 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.

4.20 As such, this demonstrates that the use of the property as a class C4 HMO has been formally recognised by the council's 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.

4.21 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 2011 to present day with no major gap's material change of use in occupation. A copy of this document is appended to this document at **Appendix 2**.

5. SUMMARY AND CONCLUSIONS

5.1 This supporting planning statement provides evidence in order to demonstrate that 174 Acomb Street was lawfully converted to an HMO (Use Class C4) under Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), in September 2010 prior to when thw Article 4 Direction removing such permitted development right came into force (October 2011).

5.2 This use continued without material interruption for more than 10 years, supported by corroborative evidence including selective licensing records, council tax history, and signed statements of truth. Under Section 171B(3) of the Town and Country Planning Act 1990, the property has therefore acquired immunity from enforcement action, and its existing use is now lawful. In accordance with Section 191 of the Town and Country Planning Act 1990, the Local Planning Authority is respectfully requested to grant a Certificate of Lawfulness confirming the established and ongoing C4 HMO use.

5.3 The property therefore has a lawful Class C4 use when assessed alongside the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. We therefore conclude that a Certificate of Lawfulness for the existing use of the building as a Class C4 small HMO can be granted.

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. LANDLORD LICENCE (REDACTED)