



AUGUST 2025

Planning Statement

6 Maine Road, Rusholme, Manchester

Iceni Projects Limited on behalf of
WAKMOOR (ASSETS) LIMITED

August 2025

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ON BEHALF OF WAKMOOR
(ASSETS) LIMITED

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Planning Statement
6 MAINE ROAD, RUSHOLME, MANCHESTER

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APPENDICES

A1. TENANCY AGREEMENTS (REDACTED)

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 (CLEUD) at 6 Maine Road in Rusholme, 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 in September 2021. They are seeking to regularise the lawful planning use through this Certificate of Lawfulness application. As demonstrated in the evidence submitted alongside this application, the property has been in continued HMO use since 2009.
- 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. 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 The Property is in the Rusholme area of Central Manchester. It is a two-storey semi-detached property on the western side of Maine Road, 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 a Class C3 use to a Class C4 use.

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- 1.7 As set out in set out in section 171B of the Town and Country Planning Act 1990, where there has been a breach of planning control consisting in the carrying out development without planning permission, no enforcement action may be taken after the end of the period of ten years from the date on which the operations were completed.
- 1.8 This application for a Certificate of Lawfulness for an Existing Use of Development seeks written confirmation from Manchester City Council that 6 Maine Road was converted from a Class C3 dwelling to a Class C4 HMO prior to the 8th of October 2011 and as such, is and has been lawfully used as a Class C4 small HMO since September 2009.

This Statement

- 1.9 The purpose of this statement is to provide supporting evidence to demonstrate why we consider the Property to have a lawful Class C4 use.
- 1.10 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.
- 1.11 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.
- 1.12 This Certificate of Lawfulness Application is supported by the following documents:
- Application form and signed certificates;
 - Site location plan;
 - Assured Shorthold Tenancy (AST) Agreements [redacted];
 - Supporting Planning Statement (this document).
 - 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 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 Property comprises of a two-storey semi-detached dwelling which provides 6 bedrooms, located on the western side of Maine Road. All bedrooms have a room number and 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 Externally, the property benefits from a rear garden, providing private outdoor space for residents. The house also has a small front yard setback from the street. The overall condition of the property is consistent with others in the area that have been adapted for student use, and the internal layout allows for comfortable shared living while maintaining individual privacy.
- 2.6 The Site is in a primarily residential area and is accessible via public transport, with bus stops on Upper Lloyd Street just 500 yards / approximately 2-minute walk and on Moss Lane East just 0.1-mile / approximately 2-minute walk from the Property, which provide regular services to Piccadilly Gardens in the City Centre, and towards 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 Alexandra Park, Whitworth Park, Moss Side Park, and Platts Fields Park).
- 2.7 It is also well-located for student housing, situated approximately 1.3 miles (2.1 km) a 19-minute walk or 4-minute cycle from Manchester Oxford Road Station, which is within a 5-minute walk of The

University of Manchester's main Oxford Road campus. Additionally, Manchester Metropolitan University's Oxford Road campus lies contiguous to the University of Manchester campus area, making it similarly accessible from the site.

Allocations / Designations

- 2.8 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.
- 2.9 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.
- 2.10 As set out above, the application site is covered by an Article 4 Direction which removes 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). As such, planning permission would be required for such change of use.
- 2.11 According to the Environment Agency Flood Map for Planning, the entirety of the site is within Flood Zone 1 (low probability of flooding) and has 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.
- 2.12 There are no other known planning designations for the site.

Planning History

- 2.13 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 Decision Notice cites one reason for refusal which is set out below:

"1) The applicant has failed to demonstrate that number 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"

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- 2.14 It was later explained in the Case Officers report that the “unambiguousness” element of that application was due to the fact the Property being unoccupied for a period between August 2021 and August 2022.
- 2.15 The officers report states that ‘For Certificate Lawful Use or Existing Development CLUED applications, the onus is on the applicant to demonstrate that, over the 10 years concerned, it has been in *reasonably* continuous operation, and the use did not cease for such a significant period as to indicate that a fresh breach of control resulted on resumption’.
- 2.16 As set out in more detail below, the property was not vacant during August 2021-2022, there were two tenants. Importantly, this was during the Covid-10 pandemic. Fundamentally, during this time, the Property’s use (Use Class C4) was not altered. However, due to Government lock-down, university students returned home, and many residents vacated HMO properties, only two tenants occupied the property despite marketing efforts. A trend seen across the country during Covid-19. As such, it would be unreasonable to view the low occupancy as anything other than continued use of the Property as an HMO (Use Class C4).

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 CLEUD 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 since 2009. 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 before 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. Regardless, the HMO use also continued from 2009 through to 2024.

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 no.	AST Start Date	AST End Date
Six tenants	September 2009	August 2010
Six tenants	September 2010	August 2011
Six tenants	September 2012	August 2013
Six tenants	September 2013	August 2014
Six tenants	September 2014	August 2015
Six tenants	September 2015	August 2016

Five tenants	September 2016	August 2017
Five tenants	September 2017	August 2018
Five tenants	September 2018	August 2019
Five tenants	September 2019	August 2020
Five tenants	September 2020	August 2021
Two Tenants	September 2021	August 2022
Five tenants	September 2022	August 2023
Three tenants	September 2024	August 2025

- 4.6 All tenancies have been signed by the tenants and redacted copies are provided in Appendix A1.
- 4.7 The ASTs provided demonstrate that the change of use was established in 2009 under the GDPO. At this time planning permission was not required for such change of use as it 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. The ASTs also demonstrate that the property has been in continuous occupation under Use Class C4 House in Multiple Occupation (HMO) from September 2009.
- 4.8 While there is a gap in AST documentation for the period September 2011 to August 2012, this is not to preclude that the property ceased operating as an HMO during that time and instead may reflect a gap in retained documentation. Nonetheless, the property has a continuous line of evidence from 2012 to present day, supporting the position that C4 use continued uninterrupted.
- 4.9 Additionally, this complies with the ten-year immunity rule under Section 171B of the Town and Country Planning Act 1990. In this case, use has been continuous from September 2012, comprising well over ten years, irrespective of record gaps the pre-Article 4 permitted development rights in force until 8 October 2011 further reinforce that the change of use to HMO was lawful at inception.
- 4.10 Between August 2021 and August 2022, the property was not fully let. However, occupancy levels do not determine use class. The C4 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.
- 4.11 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.

4.12 The facts a decision maker should consider 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.

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- 4.13 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.
- 4.14 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.
- 4.15 In summary, the low occupancy between 2021–2022 was a short-term and exceptional circumstance arising from the Covid-19 pandemic. At no point did the property revert to single household occupation, and the established C4 use has remained in operation since 2009 without material interruption.
- 4.16 The reduced occupancy does not amount to a material change of use back to 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 C4 status remained unchanged
- 4.17 In *Fidler v First Secretary of State (Court of Appeal)*, the court held that factual and physical continuity of use is paramount, rejecting arguments based on technical or structural changes that interrupt lawful use. This reinforces our proposition that the character of occupation (not the documentation alone) is determinative of material change.
- 4.18 The evidence provided demonstrates that 6 Maine Road was in continuous use as a small House in Multiple Occupation (Use Class C4) from September 2009 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

Licensing

- 4.19 The property held a Selective License between 5th September 2016 and 4th 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.
- 4.20 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.
- 4.21 Whilst the Selective License isn't proof that the property was used as an HMO, it is proof that it was a rental property. A copy of the license has been submitted alongside this planning statement.

Council Tax

- 4.22 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

- 4.23 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. While it has been challenging to retrieve old documentation from the previous property manager, a statement of truth has been signed to certify that as far as the clients understanding is concerned, the property was in full use as an HMO upon purchase of the property and subsequent portfolio.

5. SUMMARY AND CONCLUSIONS

- 5.1 On the balance of probability, the evidence provided demonstrates that 6 Maine Road has been in continuous use as a small House in Multiple Occupation (Use Class C4) since September 2009.
- 5.2 The property established Use Class C44 on 1 October 2010, when the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2010 came into force, introducing Class I (now Class L) in Part 3 of Schedule 2 to the GPDO. At that time, changes between Class C3 (dwellinghouses) and Class C4 (small HMOs) were lawful without the need for planning permission, unless removed by an Article 4 Direction.
- 5.3 Manchester City Council's Article 4 Direction removing these rights did not take effect until 8 October 2011. By that date, the property had long been in operating under Use Class C4, and this established status continued without interruption thereafter.
- 5.4 The use has also acquired immunity from enforcement under Section 171B(3) of the Town and Country Planning Act 1990, which prevents enforcement after ten years' continuous use. The Applicant has provided substantial evidence—including Assured Shorthold Tenancy agreements, selective licensing records, Council Tax documentation, and sworn Statements of Truth—demonstrating such use well in excess of the statutory period.
- 5.5 The temporary reduction in occupancy between August 2021 and August 2022 does not constitute a material change of use back to Use Class C3. Throughout this period, the property remained laid out, managed, and marketed as an HMO, and was still occupied by unrelated tenants. These circumstances arose during the exceptional conditions of the Covid-19 pandemic, which significantly disrupted the student rental market.
- 5.6 In the absence of any contrary evidence, the lawful use of the property under Use Class C4 is established and has been maintained for more than a decade.
- 5.7 This application therefore satisfies the statutory tests in Sections 171B and 191 of the Town and Country Planning Act 1990, is consistent with the permitted development provisions in the GPDO and meets the evidential requirements of the National Planning Practice Guidance.
- 5.8 It is 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).

A1. TENNANCY AGREEMENTS

A2. STATEMENTS OF TRUTH