



Paul Butler Associates

Planning, Development & Heritage Consultants

20 January 2025

Mrs Julie Roscoe
Planning
Manchester City Council
PO Box 532
Town Hall
Manchester
M60 2LA

24.2096/760

Dear Mrs Roscoe,

760 Hyde Road, Gorton, Manchester, M18 7EF

Application for a Lawful Development Certificate for an Existing Use or Operation or Activity under the Town and County Planning Act 1990: Section 191, as amended by section 10 of the Planning and Compensation Act 1991

I am pleased to submit this application for a Lawful Development Certificate for an Existing Use or Operation or Activity on behalf of our client Alexander Lyons.

The application is submitted to establish the lawful use of 760 Hyde Road as a small HMO (use class C4). The application establishes that this use is lawful by virtue of a change of use from a dwellinghouse (use class C3) to a small HMO (use class C4) having took place prior to 7th October 2010 when an Article 4 Direction was brought in by the Council to remove this permitted development right. It also establishes that there has been no subsequent change of use since this time.

This letter provides an overview of the site and sets out the supporting information that has been submitted as part of the LDC application.

The Application Site

The application site is located at 760 Hyde Road, Gorton, Manchester, M18 7EF and is outlined red on the submitted Site Location Plan.

The application property comprises a two / three storey mid-terrace property. The property is of a traditional construction comprising red brick beneath a pitched roof. The property is set back from Hyde Road behind a hardstanding area, and there is an enclosed rear yard / garden.

Internally the property comprises a small HMO (use class C4) which has been occupied by three - six unrelated people.

Supporting Information

The application is supported by the following evidence with discussion provided where relevant:

- 1) Statutory Declaration of Steven Clapperton.

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This statutory declaration confirms that Steven Clapperton purchased the property in August 2008 and throughout this period of ownership the property has been in use as a small HMO for 3-6 unrelated tenants without any alternative use.

2) Statutory Declaration of Elizabeth Gallagher

This statutory declaration confirms that Elizabeth Gallagher purchased the property in August 2008 and throughout this period of ownership the property has been in use as a small HMO for 3-6 unrelated tenants without any alternative use.

3) Valuation Report dated 10 June 2008

This document provides a valuation of the property in June 2008. At paragraph 8.3 the document acknowledges the intention of Steven Clapperton to rent five bedrooms in the property for homeless people (in a manner which reflects a HMO use).

4) Notice Seeking Possession Under Section 8 Form No 3

This notice relates to Room 1 of the property and relates to unpaid rent. The document dates from 2018 and indicates rooms were rented out on an individual basis.

5) HMO License dated 5th October 2020

This license is dated 5th October 2020 and is valid until 4th October 2025. It confirms the property is suitable for occupation by not more than 6 occupants and/or 6 households.

Assessment

When considering an application for a Lawful Development Certificate, National Planning Practice Guidance advises *'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'* (Paragraph: 006 Reference ID: 17c-006-20140306). It goes on to state *'A local planning authority needs to consider whether, on the facts of the case and relevant planning law, the specific matter is or would be lawful. Planning merits are not relevant at any stage in this particular application or appeal process'* (Paragraph: 009 Reference ID: 17c-009-20140306).

Based on the evidence submitted it is demonstrated that the balance of probabilities threshold is passed, with evidence demonstrating HMO use prior to 7 October 2010 and that this has continued to be the use of the property to the present day.

The evidence is corroborating and consistent, whilst no subsequent change to the use of the property has taken place. On this basis a Certificate of Lawfulness should be duly issued to confirm that the lawful use of the property is a small HMO (use class C4).

Submission

In addition to the evidence referred to in this letter, a Site Location Plan has been submitted which identifies the application site. The completed application forms for a 'Lawful Development Certificate for an Existing Use or Operation or Activity' have also been submitted via the Planning Portal.

The application fee (£578) will be paid by the applicant during the submission of the application via the Planning Portal.

We trust that this information is sufficient to enable approval of this application.

If you require any further information please do not hesitate to get in touch. We look forward to working with you.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R Taylor', is positioned above the printed name.

Ralph Taylor BSc. MPLAN MRTPI
Associate Director