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Planning statement for certificate of lawful use

Site address / Project

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Applicant

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Date

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Introduction

The applicant is applying for a certificate of lawful use to demonstrate the property has been used as a small-scale house in multiple occupation *(Class C4)* for over 10 years. The applicant wishes to regularize their operation by seeking a certificate for the avoidance of any doubt of the properties use in the future.

Statement of fact

The applicant purchased the property in 2015 as a historical HMO prior to the article 4 direction coming into effect in October 2010. The previous owner had always let it out as a licensed HMO for a maximum of 5 occupants. There were only 4 tenants when the applicant purchased the property but after doing some alteration and refurbishment work this was increased to 6 and a mandatory licence was obtained.

Although tenancy agreements are available from before the Article Direction 4 coming into force, we feel that they are not necessary to submit as the evidence we are supplying in its place is stronger and irrefutable proving C4 use. They are available if still required upon request.

The current and expired licences are attached in **Appendix A.** Electoral register history showing multiple tenants from 2009 / 2010 prior to the article 4 Direction and from the year 2013 / 2014 which is over 10-year of continued use is attached in **Appendix B.**

Lastly attached in **Appendix C** there is evidence in the form of emails in which David McAlllister of Citywide Housing Support team confirms a site visit to the property took place on the 13th of Jan 2013 and that mandatory licensing was not required as the occupancy had bene reduced from 5 to 4.

Legislative Background – Town and Country Planning Act 1990

Section 191 covers certificates of existing use or development.

Sub-section 1 states:

A person who wishes to ascertain whether;

a. Any existing use of buildings or other land is lawful;

b. Any operations which have been carried out in, on, over or under land are lawful;

c. Any other matter constituting a failure to comply with any conditions or limitations subject to which planning permission has been granted is lawful".

Section 191(4) states:

"if 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 matters described in the application or that description as modified by the local planning authority or a description substituted by them, they shall issue a certificate to that effect; and in many other case they shall refuse the application".

National Planning Policy Guidance published in March 2014

Section 12 provides guidance on effective enforcement.

Under paragraph 17B (id-17b-004-20100306) at bullet point 3:

"Development become immune from enforcement action if no action is taken:- within ten years of any breach of planning control (essentially other change of use)"

Of equal importance, under section 171B-Q3 of the Town and Country Planning Act it goes onto clarify situations regarding time limits.

"In the case of any breach of planning control, no enforcement action may be taken after the end of a period of 10 years beginning the date of the breach"

Summary

We believe that through the statement of facts and evidence supplied we have demonstrated that the property has been used as a small-scale four bed house in multiple occupation *(Class C4)* since at least 2010 and remained in continuous use since to this date.

On any given date in the past ten years the properties have been occupied by three or more unrelated persons and thus a certificate of lawful use should be granted.