

Planning statement for certificate of lawful use

Site address / Project

76 Old Hall Lane, Manchester, M14 6HN

Applicant

Auskop Ltd

Author

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Date

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Introduction

The applicant is a private landlord who is applying for a certificate of lawful use to demonstrate the property has been used as a small-scale houses in multiple occupation (Class C4) for over 10 years. The applicant has recently purchased a pair of semis for investment purposes and wishes to regularize their operation by seeking a certificate for the avoidance of any doubt of the properties use in the future. No.74 Has already been granted a certificate of lawfulness under application 136647/LE/2023.

Statement of fact

The applicant purchased the pair of houses in May 2022 through MCR move estate agents. Once purchased the applicant requested the agent provide him with historic tenancies which the agent did through their own records and by those held by the previous managing agents Homes4U. Between these two agents a clear picture has emerged of the both the properties having been let for C4 use prior to the article 4 direction coming into effect in October 2010. Any apparent gap in the tenancies is due to contracts rolling on at the end of the agreed term.

Tenancy agreements spanning over a decade have been attached in **Appendix A**. Both the properties are currently let to multiple tenants since May last year.

Planning History

Although both the properties are in their original state and have not had any extension works carried out although there have been several historic applications made on them as follows.

097371/FO/2011/S1

74-76 Old Hall Lane. Erection of one 3 storey detached dwellinghouse and two 4 storey semi-detached dwellinghouses following demolition of existing dwellinghouses

Withdrawn

100458/FO/2012/S1

74-76 Old Hall Lane. Erection of 3no. dwelling-houses (Class C3, 1no. detached, 2no. semi-detached) with associated landscaping and boundary treatment

Approved / not implemented and lapsed since

049127/FH/CENTL2/96

74 Old Hall Lane. Two storey extension to side of dwellinghouse to form dining room and lounge with two bedrooms and WC over

Approved / not implemented and since lapsed

130760/FO/2021

74-76 Old Hall Lane. Erection of 4 no. dwellinghouses following demolition of existing properties

Refused

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 2004 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.