



MAY 2023

Supporting Planning Statement

14 Driffield Street, Rusholme, Manchester

Iceni Projects Limited on behalf of
WAKMOOR (ASSETS) LIMITED

May 2023

ICENI PROJECTS LIMITED
ON BEHALF OF WAKMOOR
(ASSETS) LIMITED

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Supporting Planning Statement
14 DRIFFIELD STREET, RUSHOLME, MANCHESTER

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1. INTRODUCTION

- 1.1 This Supporting Planning Statement has been prepared on behalf of WAKMOOR (ASSETS) LIMITED (the 'Applicant'), in support of an application for a Certificate of Lawfulness for Existing Use or Development at 14 Driffield Street 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, they are seeking to regularise the lawful planning position through this Certificate of Lawfulness application.
- 1.3 Icení has recently worked with the Applicant to successfully obtain Certificates of Lawfulness for other HMOs within the Applicants portfolio in Salford and Lancaster.

Article 4 Direction

- 1.4 14 Driffield Street is in the Rusholme area of Central Manchester. It is a two-storey mid-terrace property on the northern side of Driffield Street, which comprises a 5-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.
- 1.7 This application for a Certificate of Lawfulness for an Existing Use or Development seeks written confirmation from Manchester City Council that 14 Driffield 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 Class C4 small HMO since September 2011.

This Statement

- 1.8 The purpose of this statement is to provide supporting evidence to demonstrate why we consider the building to have a lawful Class C4 use.

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 [redacted]

2. BACKGROUND

- 2.1 This section describes the application site and surroundings, and the Article 4 Direction which covers the Site, 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' – www.wearekin.co.uk.
- 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 application site comprises of a two-storey mid-terraced property, located on the northern side of Driffield Street. The Site is in a primarily residential area and is accessible via public transport, with bus stops on Princess Road just 0.3-miles away (approximately 6-minute walk), which provide regular services to Piccadilly Gardens in the City Centre, to Wythenshawe, and Manchester Airport. The Site 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).
- 2.5 The property has been extended to the rear, and had solar panels fitted to the roof. There are no other external alterations. Internally 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

- 2.6 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.

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- 2.7 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).
- 2.8 According to the Environment Agency Flood Map for Planning, the entirety of the site is within Flood Zone 1 (low probability of flooding). According to the Historic England Map Search, the property is not listed and there are no listed buildings within the vicinity.
- 2.9 There are no other known planning designations for the site.

Planning History

- 2.10 The property has no planning history logged on Manchester City Council's public planning register.

3. RELEVANT PLANNING LEGISLATION

- 3.1 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.
- 3.2 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.
- 3.3 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.
- 3.4 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.
- 3.5 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. Evidence includes details of the current occupiers and their assured shorthold tenancy agreement, the selective licence for the property, and council tax records.

Assured Shorthold Tenancy Agreement

- 4.2 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
Chambers Miah Smedley Wilkinson	September 2011	August 2012
Barker	October 2011	August 2012
Bond Mcaleavy Nash Taylor	April 2013	August 2013
Avienell Barrott Stinson Webster	September 2013	September 2014
Duffy Fensome Khayal Sharples Smith	September 2014	September 2015
Kelly	September 2015	September 2016
Martins Parra	March 2016	June 2016
Bradshaw Gowland Flannigan Smith Smith	September 2016	September 2017

Atkinson Bradshaw Gowland Smith Smith	September 2017	August 2018
Atly Bentley Hunt Lander	September 2018	August 2019
Ball Barsauskaite Latham Dos Santos	August 2019	August 2020
Braddock Conn Frost Underhill Wanklyn	September 2020	August 2021
Bryan Clark O'Hagan Richardson Williams	August 2021	August 2022
Catlow Collis Martin Munden Winstone	September 2023	August 2024

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

4.4 The ASTs demonstrate that the property has been let as a Class C4 HMO from at least September 2011, prior to the Article 4 Direction coming into force on 8th October 2011.

Licensing

4.5 The property held a Selective License between 9th November 2016 and 8th November 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.

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- 4.6 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.
- 4.7 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 is appended to this document at **Appendix 2**.

Council Tax

- 4.8 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.

5. SUMMARY AND CONCLUSIONS

- 5.1 This supporting planning statement provides evidence in order to demonstrate that 14 Driffield Street was lawfully converted to a Class C4 HMO under Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), prior to October 2011 when an Article 4 Direction removing such permitted development right came into force.
- 5.2 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.
- 5.3 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)