

**Planning**

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Manchester M60 2LA

Application for a Lawful Development Certificate for an Existing Use or Operation or Activity,
including those in breach of a planning condition

Town and Country Planning Act 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number	25
Suffix	
Property Name	
Address Line 1	Derby Road
Address Line 2	
Address Line 3	Manchester
Town/city	Manchester
Postcode	M14 6UX

Description of site location must be completed if postcode is not known:

Easting (x)	Northing (y)
385580	393358
Description	

Applicant Details

Name/Company

Title

Mr

First name

Henry

Surname

Wyld

Company Name

Address

Address line 1

129 Tranmere Road

Address line 2

Address line 3

Town/City

London

County

Country

United Kingdom

Postcode

SW18 3QP

Are you an agent acting on behalf of the applicant?

- ☐ Yes
- ☒ No

Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

Reason for Lawful Development Certificate

Please indicate why you are applying for a lawful development certificate

- ☒ An existing use
☐ Existing building works
☐ An existing use, building work or activity in breach of a condition

Being a use, building works or activity which is still going on at the date of this application.

If Yes, to either 'an existing use' or 'an existing use in breach of a condition', please select the relevant Use Class.

Please note that following changes to Use Classes on 1 September 2020: The list includes the now revoked Use Classes A1-5, B1, and D1-2 that should not be used in most cases. Also, the list does not include the newly introduced Use Classes E and F1-2. To provide details in relation to these or any 'Sui Generis' use, select 'Other' and specify the use where prompted. [View more details on Use Classes.](#)

Description of Existing Use, Building Works or Activity

Please fully describe each existing use, building works or activity for which you want the lawful development certificate. Where appropriate, show to which part of the land each use, building works or activity relates

The Applicant's father, Jonathan Wyld, is the current owner of the Property which he purchased in July 2000. The Applicant has a certified lasting power of attorney to act on behalf of his father. The Property is a three-storey mid terraced town house with ground floor, first floor containing communal shared rooms and a bedroom and second floor consisting of bedrooms. It is located within the Withington ward of Manchester and is a brick-built dwelling with bay windows and a two storey rear outrigger. A copy of the site location plan along with a layout plan is at Appendix 1.

The Applicant's position is that when the Property was acquired in 2000, it had been altered to operate as two self-contained units and it was let as such. As demand in the locality was greater for student occupation in larger units, the Property was altered in 2006, by opening up one door that had previously been blocked off, thus turning the Property to a single dwellinghouse. As of July 2006 it was let as one dwelling annually for 12 months to 5 students.

In 2008, an application was made for an HMO licence for the Property as one entire dwelling and a first HMO Licence was issued in July 2008. The Council was entirely satisfied with all documentation and evidence provided to them at that time and reference one dwelling.

As is required under the HMO legislation, the HMO licence was then renewed within 5 years and reissued in July 2013 still as a 5 bed HMO. In 2016 there was a variation to the HMO licence to change it to a 6 bed HMO. The HMO licence was then renewed and reissued in 2018 to last till 2023.

In 2008, the requirement for an HMO licence (as set out in Kate Barry, Neighbourhood Compliance Officer, email of 8 September 2022 at Appendix 4) was 5 or more unrelated people forming more than two households sharing amenities residing in any building 3 or more storeys. Ms Barry further added that "therefore if all the criteria was not met it would not have been licensed". This confirms that the Property has been used continually as an HMO since 2008.

Grounds for application for a Lawful Development Certificate

Under what grounds is the certificate being sought

- ☒ The use began more than 10 years before the date of this application
- ☐ The use, building works or activity in breach of condition began more than 10 years before the date of this application
- ☐ The use began within the last 10 years, as a result of a change of use not requiring planning permission, and there has not been a change of use requiring planning permission in the last 10 years
- ☐ The building works (for instance, building or engineering works) were substantially completed more than four years before the date of this application.
- ☐ The use as a single dwelling house began more than four years before the date of this application
- ☐ Other - please specify (this might include claims that the change of use or building work was not development, or that it benefited from planning permission granted under the Act or by the General Permitted Development Order).

Is the certificate being sought for a use, operation, or activity in breach of a condition or limitation?

- ☐ Yes
- ☒ No

Please state why a Lawful Development Certificate should be granted

The Applicant has a certified lasting power of attorney to act on behalf of his father, Jonathan Wyld. The Property is a three-storey mid terraced town house with ground floor, first floor containing communal shared rooms and a bedroom and second floor consisting of bedrooms. A copy of the site location plan along with a layout plan is at Appendix 1.

In terms of the relevant planning history of the Property, an application for a certificate of existing lawful use bearing the reference:134284/LE/2022 seeking "use of property as small House in Multiple Occupation (Class C4)" was refused on 31 August 2022 ("the First Application") by Manchester City Council ("the Council") and no appeal against this refusal was made.

Regarding reasons for refusal, the officer remarked that "the property was previously spilt into two flats, with the Council Tax Valuation website confirms that the property was converted back from two flats into one dwellinghouse on the 1st July 2015". The Council found that council tax had been paid throughout this period for these two units. The officer in the OR concluded that this was the first commencement of the Class C4 House in Multiple Occupation use ("HMO") and therefore it cannot be said that the Property has been rented out continually as an HMO (3-6 unrelated persons) continually for 10 years and the First Application was refused.

The Applicant's position is that when the Property was acquired in 2000, it had been altered to operate as two self-contained units and it was let as such. As demand in the locality was greater for student occupation in larger units, the Property was altered in 2006, by opening up one door that had previously been blocked off, thus turning the Property to a single dwellinghouse. As of July 2006 it was let as one dwelling annually for 12 months to 5 students.

In 2008, a first HMO Licence was issued in July 2008 for one entire dwelling. The Council was entirely satisfied with all documentation and evidence provided to them at that time and reference one dwelling. An application was made to the Council's Rating Department in 2012 to rerate the property as one dwelling rather than two flats in recognition of changes already accepted by the Council by issuing the HMO licence. The issue of payment of rates was irrelevant as the occupiers, from July 2006, were always University undergraduates entitled to relief from paying rates. It took the Council's Rating Department until 2015 before they implemented the change of rates to one single property and this correspondence is provided at Appendix 3.

The Property has been an HMO (use class C4) since July 2008 when it was first licensed as a 5 bed HMO. As is required under the HMO legislation, the HMO licence was then renewed within 5 years and reissued in July 2013 still as a 5 bed HMO. In 2016 there was a variation to the HMO licence to change it to a 6 bed HMO. The HMO licence was then renewed and reissued in 2018 to last till 2023.

Information in support of a Lawful Development Certificate

When was the use or activity begun, or the building works substantially completed (date must be pre-application submission)?

01-07-2006

In the case of an existing use or activity in breach of conditions has there been any interruption?

- ☐ Yes
☒ No

In the case of an existing use of land, has there been any material change of use of the land since the start of the use for which a certificate is sought?

- ☐ Yes
☒ No

Residential Information

Does the application for a certificate relate to a residential use where the number of residential units has changed?

- ☐ Yes
☒ No

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- ☒ Yes
☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- ☐ The agent
☒ The applicant
☐ Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- ☒ Yes
☐ No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title

***** REDACTED *****

First Name

***** REDACTED *****

Surname

***** REDACTED *****

Reference

Decision for application 134284/LE/2022

Date (must be pre-application submission)

18/11/2022

Details of the pre-application advice received

As confirmed, a previous application has been submitted, and subsequently rejected; reference 134284/LE/2022 seeking "use of property as small House in Multiple Occupation (Class C4)" was refused on 31 August 2022 ("the First Application") by Manchester City Council ("the Council") and no appeal against this refusal was made.

Subsequent communication via phone and e-mail has been with both Adam Neil and Robert Tryer from the Planning Office.

Through dialogue with Robert, it has been clear that he wished to receive further evidence that the property in question has been in use as an HMO for the last 10 years or more. We believe we have provided this further evidence, with the supporting Statement from our solicitors, Things LLP. Furthermore, an e-mail from Robert confirmed (on 7th November 2022) he has been able to source online confirmation from the Homes4U

In his e-mail dated 18th November 2022, Robert Tyrer notes 'if you believe you now have sufficient evidence to address the reason for refusal, then you should re-submit for a Lawful Development Certificate (CLEUD) for the use of the property as a small HMO (Class C4).

We will try to deal with the application as quickly as possible and as it is a re-submission there will be no fee.'

Finally we have attached a Rightmove add from 2011 confirming the house to be offered as a single dwelling (5 bed) and an EPC certificate dated 2009 also confirm a single mid-terraced house.

Interest in the Land

Please state the applicant's interest in the land

- ☐ Owner
- ☐ Lessee
- ☐ Occupier
- ☒ Other

If Other, please give the names and addresses of anyone who has an interest in the land and state the nature of their interest (if known)

***** REDACTED *****

Have they been informed of the application?

- ☒ Yes
- ☐ No

Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

- ☐ Yes
- ☒ No

Declaration

I / We hereby apply for Lawful development: Existing use as described in this form and accompanying plans/drawings and additional information. I / We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine options of the persons giving them. I / We also accept that: Once submitted, this information will be transmitted to the Local Planning Authority and, once validated by them, be made available as part of a public register and on the authority's website; our system will automatically generate and send you emails in regard to the submission of this application.

☒ I / We agree to the outlined declaration

Signed

Henry Wyld

Date

04/01/2023