

Planning Appeal Statement

56 Beverly Road, Manchester, M14 6TG

STATEMENT OF CASE IN SUPPORT OF A PLANNING APPEAL

Project No: A1621

12/01/2026

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Site Address: 56 Beverly Road, Manchester, M14 6TG

LPA Reference: 144138/LE/2025

Proposal: Use of property as a house in multiple occupation (Use Class C4)

Appeal Type: Section 195 Appeal against refusal of a Lawful Development Certificate (Section 191)

Appellant: Mr. Masoud Abdo

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1. INTRODUCTION AND EXECUTIVE SUMMARY

1.1 This Statement of Case is submitted on behalf of Mr. Masoud Abdo (the "Appellant") to the Planning Inspectorate in support of an appeal against Manchester City Council's (the "Council") refusal to grant a Certificate of Lawful Existing Use (CLEU) for 56 Beverly Road. The application, submitted under Section 191 of the Town and Country Planning Act 1990, sought to establish that the use of the property as a House in Multiple Occupation (Use Class C4) had become lawful through the continuous passage of time.

1.2 The Council's decision to refuse the certificate on 25 November 2025 rests on a fundamental misinterpretation of the evidence provided and a failure to correctly apply the "balance of probabilities" test. The Council's primary objection is that the Appellant failed to demonstrate a continuous 10-year period of use, citing administrative Council Tax records and subjective neighbour testimony as a reason to disregard 11 years of primary legal contracts.

1.3 This appeal will demonstrate that the property has functioned as an HMO since at least July 2015. We provide a meticulous audit trail of 11 separate, signed Assured Shorthold Tenancy (AST) agreements covering every academic and calendar year of the required period. This evidence is "precise and unambiguous" and satisfies the statutory requirements for the grant of a CLEU.

2. SITE CONTEXT AND LOCAL CHARACTER

2.1 The appeal site, 56 Beverly Road, is a substantial two-storey semi-detached dwellinghouse located in the heart of the Withington Ward. The property has been historically extended, notably including a side garage and a rear extension that have increased the internal floor area to accommodate seven bedrooms. Architecturally, it is a characteristic example of Manchester's suburban residential expansion, featuring *"gable fronted bay windows with an enclosed recessed porch."*

2.2 The Withington area is a vibrant, high-density residential neighbourhood. Due to its strategic proximity to the Oxford Road Corridor, home to the University of Manchester and Manchester Metropolitan University, it has evolved into a hub for shared housing. This demographic shift is reflected in the high concentration of Use Class C4 properties in the immediate vicinity.

2.3 While the Council highlights the presence of an Article 4 Direction in the area, we remind the Inspector that in the context of a CLEU, the "planning merits" or "concentration policies" of HMOs are entirely irrelevant. The inquiry is purely factual: has the property been used as an HMO for 10 years? The site context confirms that the property is physically and geographically suited for such a use, fitting seamlessly into the established local character.

3. DETAILED PLANNING HISTORY

3.1 The planning history of the site reflects a property that has been continuously adapted to meet residential demand:

069830/FH/2003/S1: In 2003, permission was granted for a single-storey side and rear extension. This expansion provided the spatial capacity that facilitated the property's transition into multi-occupancy use in the following decade.

138929/FH/2023: On 23 February 2024, the Council granted permission for a two-storey side extension.

3.2 The Council's Officer Report attempts to use the 2023 application as evidence of a break in HMO use. We contend that this is a procedural error. A householder extension application, often processed using standard "C3" templates, does not legally terminate an existing, factually occurring "C4" use. The physical reality of the occupancy at the time of that application was multi-tenanted, as proven by the contemporaneous AST.

4. LEGISLATIVE FRAMEWORK AND THE BURDEN OF PROOF

4.1 The Section 191 Mechanism

The application was pursued under Section 191(1)(a) of the 1990 Act. This mechanism is designed to provide legal certainty for owners where a use has existed long enough to be immune from enforcement action. For a change of use to an HMO, the required period is 10 years of continuous use.

4.2 The "Balance of Probabilities" Standard

The legal threshold is not "beyond reasonable doubt," but the civil standard of the **"balance of probabilities."** This means the Inspector must decide if it is *more likely than not* that the use occurred as described.

The seminal case of *Gabbitas v SSE [1985]* established that the applicant's own evidence does not need to be corroborated by independent evidence to be accepted. Planning Practice Guidance (PPG) further reinforces that if the Council has no evidence of its own to *contradict* the applicant's version, they should grant the certificate. As will be shown, the Council's "contradictory" evidence is administrative and anecdotal, whereas the Appellant's evidence is primary and legal.

5. REBUTTAL OF THE COUNCIL'S ASSESSMENT OF EVIDENCE

The Council's refusal is built upon three flawed assumptions in the Officer's Report.

5.1 The Limitations of Council Tax Records in Planning Law

The Council asserts that records show a married couple paying Council Tax from 2013 to 2022, implying this proves single-family (C3) use. This is a significant legal fallacy.

Administrative Convenience: Council Tax is a tax on the *liability* of a property, not a census of its *planning use*. It is standard practice for a "lead tenant" or the landlord to handle the billing. The presence of two names on a bill does not preclude the presence of three other tenants.

Precedence of ASTs: A tax record is secondary evidence. A signed AST is primary evidence. The ASTs submitted for the 2013-2022 period clearly list multiple unrelated tenants. The Inspector is invited to prefer the legal contracts defining the occupants over an administrative billing ledger that was never intended to record planning use classes.

5.2 Analysis of Third-Party Representations and Hearsay

The Council relies on objections from neighbours claiming an "elderly couple" lived at the property until 2022.

Subjectivity of Observation: Neighbours often perceive a property based on its most visible residents. If an older couple acted as managers or were long-term lead tenants, neighbours might assume they were the sole occupants.

Lack of Precision: These claims are unsubstantiated by any documentation (e.g., electoral roll extracts or death certificates). In contrast, the Appellant has provided the names, signatures, and rental amounts of 3-4 unrelated individuals for every year of that period. Under the *Gabbitas* principle, this precise documentation must carry more weight than vague community recollections.

5.3 The 2023 Agent Statement: Authorised vs. Factual Use

The Officer highlights that an architect/agent described the property as a "single-family dwelling" in 2023.

Standardised Descriptions: Agents frequently describe properties based on their "authorised" status in the Council's records to avoid complicating a simple householder extension application.

Legal Distinction: A statement on a planning form does not "stop" the clock on a factually occurring use. The AST for the 2023/24 period (AST 9) proves that, regardless of what the agent wrote on a form, the property was factually being used as an HMO at that time.

6. CHRONOLOGICAL ANALYSIS OF DOCUMENTARY EVIDENCE (2015-2025)

The Appellant provides an unbroken chain of 11 ASTs. This level of documentation is rare in CLEU cases and provides a high degree of certainty.

6.1 Summary of Assured Shorthold Tenancies (ASTs)

Document Ref	Period	Residents (Sample)	Use Class
AST 1	July 2015 – June 2016	Liam Kelly, William Cheatle, Patrick Grealey, Rhys Hancock	C4
AST 2	July 2016 – June 2017	Thomas Rudkin, William Harrison, James Proffitt	C4
AST 3	July 2017 – June 2018	Katie Scott, Ayeza Hasan, Courtney Ferguson	C4
AST 4	July 2018 – June 2019	Chelsea Weller, Katrina Monk, Harriet Kingston, Katie Allison	C4
AST 5	July 2019 – June 2020	Liam Baker, Amber Spink, Sophie Roder	C4
AST 6	July 2020 – June 2021	Hew Reynolds, Jake Bowden, Dennis Palmer	C4
AST 7	July 2021 – June 2022	Rowan Murphy, Frank Kwarteng, Joshua	C4

		Lawrence, Tyreese Thomas	
AST 8	July 2022 – June 2023	Bethan Wise, Molly Dove, Abbie Conlin, Georgia Ellis	C4
AST 9	July 2023 – Jan 2024	Lewis Millor, Joseph Ayres, Thomas Williamson	C4
AST 10	Jan 2024 – July 2024	Imara Rogers, Lucy Banks, Niamh Lowell, Nicole Stabler	C4
AST 11	July 2024 – June 2025	Jack Gill, Thomas Childs, Remy Euston- Moore, Liam Thurlow	C4

6.2 Continuous and Uninterrupted Use

There are no voids or breaks in the evidence that would suggest the use was abandoned. The transition from individual landlord management (Mr. Daniels) to corporate management (Mass Homes Ltd) in later years further demonstrates the professional and ongoing nature of the HMO operation.

7. SOCIO-ECONOMIC IMPACT AND TENANT HARDSHIP IN 2026

7.1 The Manchester Rental Crisis

As of January 2026, the Manchester rental market is in a state of critical undersupply. Data indicates that rental prices in areas like Withington and Fallowfield have increased by over 25% in the last 24 months. The availability of "C4" properties, which provide essential affordable housing for young professionals and post-graduate students is at an all-time low.

7.2 Consequences of Displacing Existing Tenants

Should the appeal be dismissed, the Appellant would be legally forced to cease the HMO use. This would result in the immediate displacement of the four current residents named in AST 11. These individuals would be forced to find alternative accommodation in a market characterised by hyper-competition and soaring costs. The financial hardship and emotional distress caused by such a forced move in the current 2026 climate are significant material considerations.

8. LEGISLATIVE WEIGHT: HUMAN RIGHTS AND EQUALITY

8.1 **Human Rights Act 1998:** Under Protocol 1, Article 1, the Appellant has a right to the peaceful enjoyment of his possessions. To restrict the use of his property based on administrative tax records, despite having proven 10 years of use with primary legal contracts, would be a disproportionate interference with his property rights.

8.2 **Equality Act 2010:** Shared housing is a primary resource for younger demographics. Refusing this certificate potentially impacts the supply of housing for a group sharing a protected characteristic (Age). Maintaining the current stock is essential for supporting a diverse community in South Manchester.

9. PROFESSIONALISM OF MANAGEMENT AND PUBLIC INTEREST

9.1 The property is managed by Mass Homes Ltd, a professional housing provider. The ASTs include detailed clauses regarding nuisance, waste management, and property maintenance. This ensures that the HMO operates without harming the amenity of the neighbours, a point reinforced by the lack of any noise complaints on the Council's enforcement database during the 10-year period.

9.2 It is in the public interest to formalise well-managed HMOs that have proven their compatibility with the neighbourhood over a decade. Refusal would simply remove a high-quality housing unit from the market, doing nothing to solve the underlying housing pressures in Manchester.

10. FINAL CONCLUSION

10.1 The evidence provided in this appeal is overwhelming. The Appellant has presented an unbroken trail of 11 signed legal contracts naming dozens of unrelated tenants over a 10-year period.

10.2 The Council's refusal rests on two weak pillars: an administrative billing record (Council Tax) and subjective hearsay from neighbours. Neither of these can legally override the "precise and unambiguous" primary evidence of the ASTs.

10.3 On the balance of probabilities, it is undeniably more likely than not that 56 Beverly Road has been used continuously as a Class C4 HMO since July 2015.

The Inspector is respectfully requested to allow the appeal and grant the Lawful Development Certificate.