

Planning statement for certificate of lawful use

Site address / Project

14 Haymarket Street, Grove Village, Manchester, M13 9JD

Applicant

Mrs L Lin

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 house in multiple occupation (Class C4) for over 10 years. The applicant wishes to regularize the 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 four-bedroom three storey town house as an investment vehicle last year. The previous owner was also an investor who used two letting agencies for at least a decade for letting the property.

From 2013 to 2017 the property was let to multiple tenants by Homes4u on behalf of the previous owner. From 2017 to the present time it has been let by MCR Move. They have good knowledge of the property having been involved with it for 9 years themselves alone. They are the ones who have also provided us with the history of its previous tenants / tenancies.

By looking at the tenancy agreements and speaking to the applicant and letting agents a clear picture has emerged that the property has been used as a small-scale house in multiple occupation (Class C4) for over 10 years.

Tenancy agreements spanning over a decade have been attached in **Appendix A**. Other evidence in the form of email communications from 2013 are attached in **Appendix B**.

Planning History

The dwelling is a mid-terrace townhouse with no extension works carried out. There are no planning records available. A floor plan accompanies the application.

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”.*

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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 the property has been used as a small-scale four bed house in multiple occupation (Class C4) since at least 2015 and remained in continuous use to this date.

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