

**Supporting statement for CLEUD —
HMO at 140 Brailsford Road, Fallowfield, Manchester. M14 6QA**

Application: Certificate of Lawfulness of Existing Use or Development (CLEUD)

Address: 140 Brailsford Road, Fallowfield, Manchester. M14 6QA

Applicant: Mrs Lynn Palmer

1. Description of the existing use

The property at the above address has been in use as a House in Multiple Occupation (HMO) occupied by separate households of unrelated individuals since the property was purchased by current owner in 2007. At the time of transfer in 2007, the property was already in use in what today would be described as a Small HMO – although the legislation did not classify it as such at that time. Specifically, the property has been let to at least three unrelated persons occupying separate rooms under assured shorthold tenancy agreements with shared communal facilities (kitchen, bathroom, living area). The use has continued uninterrupted from 2007 to the date of this application.

2. Planning status and context

It is acknowledged that an Article 4 direction applies in the area. This application seeks a Certificate of Lawfulness of Existing Use on the basis that, on the balance of probability, the use as an HMO has subsisted for the requisite period and therefore is immune from enforcement action under planning law. The application does not seek retrospective planning permission; it seeks a formal confirmation of lawfulness.

3. Period of continuous use

The HMO use commenced in August 2007 and has continued continuously to the present date. This period exceeds 10 years and therefore meets the period required for a CLEUD in respect of a material change of use. At point of transfer to current owner it was already arranged in the layout the property has today, but the applicant is unable to provide contract information prior to this date.

4. Evidence submitted

I enclose the following evidence to demonstrate continuous use as an HMO from 2007 to present. Each item is referenced and dated where possible.

- Tenancy agreements (ASTs) for room lettings between 2010 & 2025
 - If you require 2007 – 2010, we can provide these:
- Rent payment records / bank statements showing payments from tenants from 2027
- Letting advertisements and web listings showing adverts on Manchester Student homes from 2012 (when new portal was introduced):
- Photographs and internal layout plans – shown in the sale particulars arranged by Thornley Groves

5. Explanation of occupancy pattern

The property's pattern of occupation throughout the period has been the letting of individual rooms to unrelated persons under separate assured shorthold tenancy agreements. Tenancies typically ran for a minimum of 10 months – with summer occupancy , and the tenancy records, adverts and rent payment records show a continuous turnover of unrelated occupiers rather than occupation by a single family unit. The internal configuration of the property (as shown in the attached plans and photographs) provides separate bedrooms for occupation and shared communal facilities consistent with HMO use.

6. Reconciliation with Article 4

It is acknowledged that an Article 4 direction applies in the area and removes permitted development rights for certain changes of use. The purpose of this CLEUD application is to establish, on the balance of probability, that the material change of use to an HMO occurred more than 10 years ago and has continued since then. If the LPA considers that the Article 4 direction affects the analysis, the critical question remains whether the use has become immune from enforcement by reason of the period of continuous use; the Article 4 direction does not alter the evidential requirement that continuous use for the statutory period confers lawfulness.

7. Conclusion

On the balance of probability, and on the basis of the enclosed contemporaneous documentary evidence and witness statements, the use of the property as an HMO occupied by three unrelated persons has existed continuously since 2007. I therefore request that Manchester City Council issue a Certificate of Lawfulness confirming that the existing use is lawful for planning purposes.

Signed:  _____

Name: Lynn Palmer

Date: 1st April 2026