4 AMHERST RD MANCHESTER M14 6UQ
STATEMENT OF KAREN POLLOCK in support of application for a Lawful Development Certificate
Application reference: **PP-14700758**

I, Karen Pollock, [redacted] will say as follows:

1. I make this statement in support of my application for a Lawful Development Certificate (LDC) in respect of the existing letting of 4 Amherst Rd, Manchester M14 6UQ (No 4) as a small House in Multiple Occupation (HMO).

Basis of Application

2. My application is made in the alternative, either:

    a. No planning permission for change of user was required in 2009 when the then owners, [redacted], changed the use of No 4 from a private dwelling house (use class 3) to a small HMO (use class 4). The Article 4 directive which required planning consent for such a change of user did not come into force until 2011 and, as I understand it, was not retrospective. The solicitors we used on the purchase, Ronald Fletcher Baker, confirmed this to us (see copy replies to preliminary enquiries and solicitors' comments thereon uploaded with this statement). No 4 has been let as a small HMO since 2009.

    b. Alternatively, I submit that, as No 4 has been operating as a class 4 HMO for the 10 years immediately preceding the date of this application, no planning permission is now required.

Background facts 2005 to 2026

3. No 4 is a semi detached Victorian house on three floors with gardens front and back. It has six bedrooms (one of the ground floor reception rooms having been turned into a bedroom).

4. No 4 was purchased by [redacted] in 2005 (see HMLR office copy entries) and on 19 September 2017 I was informed by Byron Manning at estate agents Homes4U that the [redacted] occupied No 4 as their family home until about 2008 (he thought) when they moved to an address in Cheadle. HMLR office copy entries confirm that the [redacted] in fact purchased their house in Cheadle in June 2009, so I believe Mr Manning was a year out in his recollection.

5. Mr Manning also told me that the Article 4 directive (he called it a direction) had increased demand for properties with an existing HMO licence. I took this to mean that the requirements of Article 4 did not apply retrospectively. Our solicitors, Ronald Fletcher Baker, also took that view-

see their comment on the replies to preliminary enquiries in 2018 on the issue of whether planning permission was in place. So both Homes4U and our solicitors Ronald Fletcher Baker believed that a pre-existing user meant that planning permission for a change of use from C3 to C4 was not required.

6. I believe that the [redacted] started to let No 4 to students as a small HMO from the beginning of the 2009-10 academic year. They appointed estate agents Homes4U to act as their letting and managing agent. I refer to the Homes4U lettings rental statement dated 25 February 2010 showing the rent received from six tenants in the month of February 2010, midway through the 2009-10 academic year.

7. Subsequently, in 2017, the [redacted] appointed Homes4U as their sales agent when they decided to sell No 4. The Homes4U Sales Particulars which I received in October 2017 described No 4 as a HMO and provided details of the rental income generated. When we viewed No 4 in October 2017 there were students living in it.

8. My [redacted] and I completed the purchase of No 4 from the Gottliebs on 10 April 2018. We purchased No 4 as a going concern, taking on the students for the 2017-18 academic year. A rental statement from Homes4U dated 13 April 2018 shows rent received from six tenants at that date.

9. A HMO licence was issued to me on 5 September 2018. This was renewed on 11 September 2023.

10. Angus and I have operated No 4 as a small HMO continuously for each of the academic years 2017-18 to 2025-26 and the property is now let from August 2026 for the 2026-27 academic year.

11. I am uploading with this statement copies of the documents referred to above.

5 year HMO Licenses issued to the Gottliebs in 2009 and 2014

12. I have emailed the HMO licensing department to ask for copies of the HMO Licenses issued to either [redacted] during the period 2009 to 2018 for use as evidence in support of this application.

13. I have been told that GDPR prevents the department issuing copies to me but [redacted] at the Citywide Housing Support Team at Housing Support and Enforcement Department was able to confirm to me that HMO licences for No 4 were issued in 2009 and 2014 even though she could not provide me with copies.

Manchester Council Tax Records 2009 to 2018

14. I also believe that the Council will hold evidence on its own Council Tax files of the continuous user of No 4 as a student small HMO starting with the 2009 -10 academic year, because in order to obtain the student dispensation from paying council tax, each of the students in each of the academic years will have had to lodge an application for exemption. The council's own records will confirm whether council tax was paid each year, or whether (as I believe) No 4 was occupied by students who were exempt.I

Other enquiries

15. I have written to [redacted] at the [redacted] address where I believe they still live (HM Land Registry office copy entries confirm they still own that property) to ask for a statement regarding their operation of No 4 as a HMO for the academic years 2009-10 to 2017-18. However they have not replied. But I refer again to the note of my conversation with Byron Manning at Homes4U on 19/09/2017 when he told me that Homes4U had managed No4 for "*almost all of the time"* since the [redacted] started renting it out except for a couple of years when the couple tried to manage it themselves before deciding it was *"too much hassle*".

16. I have also written to estate agents Thornley Groves who acquired the business of Homes4U a few years ago to ask whether they retained any documents from Homes4U pre 2017. However they have not replied and I anticipate that, even if documents from such a long time ago were still held, GDPR concerns would prevent Thornley Groves from releasing them to me.

Conclusion

17. I have provided evidence of the student HMO user starting in the 2009-10 academic year (before the Article 4 Directive applied) and I am able to evidence the user from the 2017-18 academic year to the current 2025-26 academic year.

18. Whilst I do not have in my possession direct evidence of the user as a student small HMO for the academic years 2010-11 to 2016-17 inclusive, as explained above, I believe that the Council itself holds this evidence within the council tax department. I believe the Council's own records will show that no council tax was paid for these academic years because students renting the house will have applied for exemptions. I also refer to what Byron Manning (Homes4U) told me in the telephone call on 19/09/2017 about Homes4U managing the letting for most of the years since 2009-10, and that for the two years they did not manage it, the owners managed it themselves.

19. Additionally, the fact that HMO licences were issued in 2009 and 2014 further supports the conclusion that No 4 has been operated as a student HMO since 2009.

20. I believe the available evidence is sufficient to support a finding that either No 4:

    a. was being operated as a student small HMO from the 2009-10 academic year, which was before planning permission was required, or

    b. has been used continuously as a student small HMO for the 10 years preceding February 2026, i.e since February 2016

Signed:	[redacted]
	Karen Pollock
Date:	17 February 2026