Supporting Statement

Address: 44 Daisy Bank Road, Manchester, M14 5QP

Proposal: Lawful Existing Use as a C4 HMO (House of Multiple Occupation)

Author: HAD & Co

Date: November 2025

Intro:

This short statement will detail why it is believed that the lawful use of 44 Daisy Bank Road, Manchester, is a C4 HMO.

It will consider the class use as per the "The Town and Country Planning Act 1990" as amended, and provide the evidence to prove its continued use as a C4 HMO for over 10 years.

Legislation:

For the avoidance of doubt and clarification, the legislations states:

The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010

"Class C4. Houses in multiple occupation

Use of a dwellinghouse by not more than six residents as a "house in multiple occupation".

Interpretation of Class C4

For the purposes of Class C4 a "house in multiple occupation" does not include a converted block of flats to which section 257 of the Housing Act 2004 applies but otherwise has the same meaning as in section 254 of the Housing Act 2004."

https://www.legislation.gov.uk/uksi/2010/653/made

The 10-year planning rule states that if development has continued for over 10 years without enforcement action being taken, it can then be deemed lawful and not require planning permission.

Town and Country Planning Act 1990

191 Certificate of lawfulness of existing use or development.

(1) If any person 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; or

(c) any other matter constituting a failure to comply with any condition or limitation subject to

which planning permission has been granted is lawful,
he may make an application for the purpose to the local planning authority specifying the land and describing the use, operations or other matter.

(2) For the purposes of this Act uses and operations are lawful at any time if—
(a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and
(b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force.

(3) For the purposes of this Act any matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful at any time if—
(a) the time for taking enforcement action in respect of the failure has then expired; and
(b) it does not constitute a contravention of any of the requirements of any enforcement notice or breach of condition notice then in force.

(3A) In determining for the purposes of this section whether the time for taking enforcement action in respect of a matter has expired, that time is to be taken not to have expired if—
(a) the time for applying for an order under section 171BA(1) (a "planning enforcement order") in relation to the matter has not expired,
(b) an application has been made for a planning enforcement order in relation to the matter and the application has neither been decided nor been withdrawn, or
(c) a planning enforcement order has been made in relation to the matter, the order has not been rescinded and the enforcement year for the order (whether or not it has begun) has not expired.

(4) If, on 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 matter 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 any other case they shall refuse the application.

(5) A certificate under this section shall—
(a) specify the land to which it relates;
(b) describe the use, operations or other matter in question (in the case of any use falling within one of the classes specified in an order under section 55(2)(f), identifying it by reference to that class);
(c) give the reasons for determining the use, operations or other matter to be lawful; and
(d) specify the date of the application for the certificate.

(6) The lawfulness of any use, operations or other matter for which a certificate is in force under this section shall be conclusively presumed.

(7) A certificate under this section in respect of any use shall also have effect, for the purposes of the following enactments, as if it were a grant of planning permission—
(a) section 3(3) of the Caravan Sites and Control of Development Act 1960 ***[****or section 7(1) of the Mobile Homes (Wales) Act 2013;****]***
(b) section 5(2) of the Control of Pollution Act 1974; and
(c) section 36(2)(a) of the Environmental Protection Act 1990.

https://www.legislation.gov.uk/ukpga/1990/8/section/191

Section 171B: Time limits

(1) Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of—

(a) in the case of a breach of planning control in England, ten years beginning with the date on which the operations were substantially completed….

(2) Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of—

(a)in the case of a breach of planning control in England, ten years beginning with the date of the breach…

https://www.legislation.gov.uk/ukpga/1990/8/section/171B

Evidence:

To confirm the property has been in use as an HMO for over 10 years, the applicant has sourced and can provide the following timeline as evidence, attached herewith, showing a continued use as an HMO for over 10 consecutive years from the date of the application. Therefore, a Lawful Development Certificate can be issued:

- Tenancy agreements between 2014 and 2025, with the latest signed agreements until 2026
- Bank Statements showing rental income confirming occupation of rooms
- Landlord confirmation of continuous HMO use and HMO license evidence
- Timeline/ calendar of occupation
- Renovation evidence for when the property was not occupied fully

Property standards and HMO licensing:

The property consists of five bedrooms ranging from 8.71 m² to 22.84 m². Bedrooms 1, 2, 3, and 5 all exceed the minimum 10.22 m² standards. Bedroom 4 measures 8.71 m² and is used as a single-occupancy room with an ensuite, meeting the minimum space requirements (6.51 m²). Communal areas include a 15.80 m² kitchen/dining space and an 11.98 m² living room, which are in line with Manchester City Council's HMO standards. The property meets the description from the council of what they consider to be an HMO.

Manchester City Council defines an HMO as:

"Houses in multiple occupation (HMO) is defined as a building, or part of a building (for example, a flat) which:

- *more than one household lives in and shares an amenity, such as a bathroom, toilet or cooking facilities*
- *is a converted building where more than one household lives and doesn't entirely comprise self-contained flats (whether or not there is also a sharing or lack of amenities), or*
- *comprises entirely of converted self-contained flats and the standard of conversion does not meet, at a minimum, that required by the 1991 Building Regulation and more than one third of the flats are*

occupied under short tenancies, (known as Section 257 HMOs).

And is 'occupied' by more than one household:

- *as their only or main residence*
- *as a refuge by persons escaping domestic violence*
- *during term time by students, or*
- *for some other purpose that is prescribed in regulations.*

And the households comprise:

- *families (including single persons and co-habiting couples (whether or not of the opposite sex); or*
- *any other relationship that may be prescribed by regulations, such as domestic staff or fostering or carer arrangements."*

https://www.manchester.gov.uk/info/10084/private_landlords_information/7398/houses_in_multiple_occupation_hmo/2

Manchester requires HMO licenses for properties with five or more unrelated people living there. This property accommodates up to a maximum of five residents and has always had at least four unrelated individuals occupying the house since the records from 2014 show. The timeline includes a reference for an HMO license from 2020 until 2025. This includes a confirmation letter from Manchester City Council following their inspection of the premises of 44 Daisy Bank, and evidence has also been provided for the application for the renewal of the HMO license from the October 2025 expiry date.

Timeline:

By considering all the information provided consisting of tenancy agreements and proof of continued rental income on bank statements, the following timeline for each of the 5 rooms shows at what times over the past 11 years the rooms were occupied. The tenancies have been provided and given an alphabetical letter for reference to match up with the calendar and timeline below.

Where a room was empty for a number of months, there may have been refurbishment ongoing to ready the room for a new tenant and ongoing marketing for the room to let whilst awaiting interest and background checks. In some cases, a tenant may have vacated early before their tenancy agreement expired and a new tenancy is set up prior to that one ending; in others, the tenancy agreement rolled on following the expiry of the tenancy agreement as originally signed- this is backed by the ongoing and continuous rental payments paid into the landlords bank account for which bank statements have been provided for confirmation and the tenants names have been matched up to their respective tenancy agreements.

At no point during the 11 years and 4 months these records go back to, was there ever less than 4 unrelated individuals occupying the house. Except for when renovations were taking place.

During the 2020 covid pandemic, most of the existing tenants vacated the house due to national lock-down restrictions and closures of workplaces and educational facilities meaning they no longer needed their rooms and most tenants went to move back with family members or to their home countries. This gave the landlord the opportunity to renovate the house before reopening for new tenancies in September 2020. Evidence of the works has been provided in dated photos and an invoice for the works done from the contractors.

Room 1
July 2014 – October 2016: tenancy A
November 2016 – June 2018: tenancy B
July 2018 – May 2020: Bank statements show continued rental income ("D Niccoli")
May 2020 – September 2020 = RENOVATION: *evidence provided*
September 2020 – August 2021: tenancy N
September 2021 – June 2022: tenancy T
July 2022 – June 2023: tenancy Y
July 2023 – June 2024: tenancy Z
July 2024 – June 2025: tenancy AA
July 2025 – present day: tenancy AB, expires June 2026
FULLY OCCUPIED SINCE July 2014 = 11 years, 4 months

Room 2
July 2014 – October 2016: tenancy A
November 2016 – April 2017: tenancy C, plus bank statements ("Armstrong")
May 2017 – July 2017: tenancy G
August 2017 – February 2018: tenant "Marina" emails confirming tenancy
March 2018 – August 2018: tenancy J, plus bank statements ("Moran")
September 2018 – August 2019: tenancy K
September 2019 – January 2020 = 5 months occupied by landlord whilst awaiting new tenant
February 2020 – July 2020: bank statements showing continuous rental income ("Ahmad")
August 2020 – September 2020 = RENOVATION: *evidence provided*
September 2020 – August 2021: tenancy P
September 2021 – March 2022: tenancy U
April 2022 -June 2022 = previous tenant vacated early, 3 months empty awaiting new tenant
July 2022 – June 2023: tenancy Y
July 2023 – June 2024: tenancy Z
July 2024 – June 2025: tenancy AA
July 2025 – present day: tenancy AB, expires June 2026
MAJORITY OF THE TIME FULLY OCCUPIED SINCE July 2014 = 11 years, 1 month

Room 3
July 2014 – October 2016: tenancy A
November 2016 – April 2017: tenancy D, plus banks statements ("Elizabeth")
March 2017 – May 2020: tenancy H, plus bank statements ("Shahbas")
June 2020 – September 2020 = RENOVATION: *evidence provided*
September 2020 – March 2021: tenancy Q
April 2021 – June 2021 = previous tenant vacated early, 3 months empty awaiting new tenant
July 2021 – June 2022: tenancy V
July 2022 – June 2023: tenancy Y
July 2023 – June 2024: tenancy Z
July 2024 – June 2025: tenancy AA
July 2025 – present day: tenancy AB, expires June 2026
MAJORITY FULLY OCCUPIED SINCE July 2014 = 11 years, 1 month

Room 4
July 2014 – October 2016: tenancy A
November 2016 – April 2020: tenancy E, plus bank statements ("R Kidd")
May 2020 – September 2020 = RENOVATION: *evidence provided*
September 2020 – August 2021: tenancy R

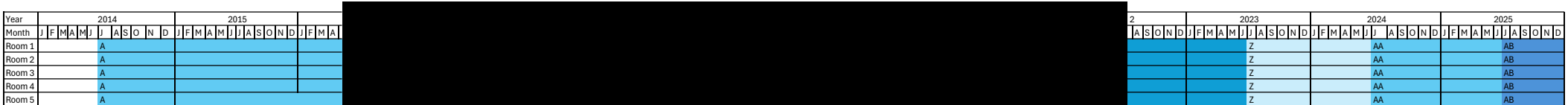
September 2021 – June 2022: tenancy W
July 2022 – June 2023: tenancy Y
July 2023 – June 2024: tenancy Z
July 2024 – June 2025: tenancy AA
July 2025 – present day: tenancy AB, expires June 2026
FULLY OCCUPIED SINCE July 2014 = 11 years, 4 months

Room 5
July 2014 – August 2016: tenancy A
September 2016 – October 2016 = previous tenant vacated early, 2 months empty awaiting new tenant (Letter evidence for vacating the house for tenancy A only shows 4x tenants whereas the agreement had 5 names however the 5th tenant left the premises in August 2016)
November 2016 – September 2017: tenancy F
October 2017 – August 2018: tenancy I
September 2018 – February 2019: tenancy L
March 2019 - May 2020: tenancy M, plus bank statements ("Baraselli")
June 2020 – September 2020 = RENOVATION: *evidence provided*
September 2020 – May 2021: tenancy S
June 2021 – June 2022: tenancy X
July 2022 – June 2023: tenancy Y
July 2023 – June 2024: tenancy Z
July 2024 – June 2025: tenancy AA
July 2025 – present day: tenancy AB, expires June 2026
MAJORITY FULLY OCCUPIED SINCE July 2014 = 11 years, 2 months

Using this timeline, a spreadsheet has been compiled to clearly show the occupancy throughout the 11 years and 4 months to see the full occupancy for each room.
Due to the length of the timeline, a second version of the spreadsheet has been provided for easier reading.

Conclusion

The evidence submitted indicates that 44 Daisy Bank Road has been continuously occupied as a C4 House in Multiple Occupation (HMO) for over ten consecutive years. The Tenancy agreements, rental payment records from bank statements, and supporting correspondence confirm ongoing multi-occupancy use since 2014 with occupation continuing into 2026 with the latest tenancy agreement (AB). In line with Sections 191 and 171B of the Town and Country Planning Act 1990, the use has been established on the balance of probabilities and is considered lawful due to the continuous period of occupation of up to 5 unrelated individuals sharing the communal amenities of the dwelling. The existing layout and supporting documents further reinforce the long-term use of 44 Daisy Bank, Manchester as a lawful C4 HMO.



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Tenancy timeline



HMO Licence: 19th Oct 2020 - 19th Oct 2025

HMO license app NEW

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Tenancy timeline