APRIL 2026

Planning Statement

23 Crofton Street, Manchester, M14 4DX

ICENI PROJECTS LIMITED
ON BEHALF OF WAKMOOR
(ASSETS) LIMITED

Iceni Projects Limited on behalf of
WAKMOOR (ASSETS) LIMITED

April 2026

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1. INTRODUCTION

1.1 This Planning Statement has been prepared by Iceni Projects Ltd. ('Iceni') on behalf of WAKmoor (Assets) Limited (the 'Applicant'), in support of an application for a Lawful Development Certificate for the existing use at 23 Crofton Street, Manchester ('the Property') as described below:

> "*Application for a Lawful Development Certificate for the existing use of premises as a Sui Generis House in Multiple Occupation ('HMO')"*

1.2 Following the Applicant's purchase of the Property, they are seeking to regularise the lawful planning position through this Lawful Development Certificate application. A previous application to regularise the use via the same process was validated in July 2023 and subsequently refused in October 2023 (ref: 137707/LE/2023). This application constitutes a resubmission, responding to the reason for refusal.

1.3 The Applicant is a reputable and successful property investment company with a well-established portfolio of residential and rental properties across the country. The company has a proven track record of responsible property management, compliance with planning and licensing requirements, and long-term investment in high-quality housing primarily for university students. Their portfolio includes a range of HMOs, which are managed to a consistently high standard. The Applicant takes a proactive approach to ensuring all properties meet local authority and national standards and remains committed to maintaining good relationships with tenants and neighbours.

This Statement

1.4 The purpose of this statement and application is to demonstrate that the Property constitutes the lawful development of a Sui Generis HMO, on the basis that it has operated as one for a period of over 10 years and continues to the present day.

1.5 This statement also directly responds to the reason for refusal of application 137707/LE/2023.

1.6 This statement is structured as follows:

- Section 2 describes the Property and its surroundings, outlines the relevant policy designations /allocations and sets out the planning history.
- Section 3 provides the evidence and case in support of the existing lawful use of the building as a Sui Generis HMO; and
- Section 4 concludes that a Lawful Development Certificate should be granted.

1.7 This Application is supported by the following documents:

- Completed forms and ownership certificate declaration.
- Site location plan and existing floor plans.
- Assured Shorthold Tenancy (‘AST’) Agreements (unredacted) between 2010 and 2026.
- Planning Statement (this document).
- Copy of HMO Licences.
- Property advert showing intent of refurbishment in 2023
- Statement of Truth (unredacted).

2. BACKGROUND

Property and Surroundings

2.1 The Property is a two-storey mid-terrace building located on the eastern side of Crofton Street. It has seven bedrooms, a communal lounge, kitchen and two bathrooms, spread over two floors and an attic. The Property meets the relevant HMO standards; all bedrooms have a room number, each bedroom is lockable (each with a different lock), bedroom doors are fire doors with intumescent strips. All facilities are shared, including the kitchen and bathrooms.

2.2 It is located in a primarily residential area and is accessible via public transport, with bus stops on Moss Lane East and Upper Lloyd Street within 300-450m walking distance. There are regular services from these stops to Piccadilly Gardens in the City Centre, and towards Chorlton and Flixton. The Site is within walking distance to shops, local services, community facilities, as well as public open space and sports facilities (including Whitworth Park, Moss Side Park, and Alexandra Park).

Allocations / Designations

2.3 Under Manchester City Council's Development Plan, the Property is located within the Central Manchester and Inner Area overlays.

2.4 According to the Environment Agency Flood Map for Planning, the entirety of the Property is within Flood Zone 1 (low probability of flooding) for the present day and the 2070-2125 projection. It is also outside the surface water flooding area for all annual exceedance probabilities listed.

2.5 From reviewing Historic England's Map Search tool, the Property is not listed and there are no listed buildings within the vicinity, nor is the Property in a conservation area.

2.6 There are no other notable allocations or designations.

Planning History

2.7 An application for a Lawful Development Certificate was previously submitted by Iceni for this Property in July 2023 (reference 137707/LE/2023). The application was to regularise the Property as a lawful Sui Generis HMO by demonstrating its continuous operation for a period exceeding 10 years, as enabled by Section 171B of the Town and Country Planning Act 1990 ('the Act').

2.8 In October 2023, the application was refused on the following grounds:

"Records available to the Council show that the property did not have an HMO licence for 7 persons prior to April 2022, furthermore a period of 3 years of under occupancy is a significant amount of time and is considered to be a break in the 10 years required"

As such, it does not provide a basis for the Council to conclude with sufficient confidence that the property has been in continuous use as a sui generis house in multiple occupation over the 10 years from 28th July 2013 as the property returned back to C4 defined small HMO for a period of 3 years.

2.9 The three years of "under occupancy" referred to by the Council relates to a period between 2017 and 2020, where the usual occupancy rate of seven people reduced to five for the 2017/18 period and six people for both 2018/19 and 2019/20.

2.10 There is no dispute from the Council that the property has continuously operated as an HMO. The reason for refusal is based on the Council's position that an occupancy rate of five and six people for the 2017-2020 period constituted a change of use to Class C4. In turn, this meant the 10-year criteria for lawful development under Section 171B was not met.

3. EVIDENCE IN SUPPORT OF THE EXISTING USE

Legislation

3.1 Sui Generis HMOs do not benefit from any permitted development rights. Their regularisation without planning permission is only possible if they have existed for a period of 10 years or more, after which no enforcement action can be taken, as per Section 171B of the Act. Under Section 191 of the Act, a Certificate of Lawfulness of existing use or development may be applied for if any person wishes to ascertain that an existing use of a building or other land is lawful.

3.2 In determining S191 applications, Planning Practice Guidance[1] advises that evidence presented by the applicant should be precise and unambiguous. Furthermore, unless the Local Planning Authority has contradictory evidence to the applicant or can demonstrate the case presented by the applicant is less than probable, then an application should be granted.

3.3 The refusal of application 137707/LE/2023 was predicated on the tenancy periods between 2017 to 2020. As shown on the submitted plans, the Property contains seven bedrooms, and between 2010 and 2017 consistently accommodated seven tenants. However, during the tenancy period 2017/18, this number reduced to five and then increased to six people for both the 2018/19 and 2019/20 tenancy periods.

3.4 Since 2020 to present day, seven people have again occupied the Property in most years as evidenced from the updated suite of Assure Shorthold Tenancy ('AST') Agreements submitted as part of this application. There was a further dip in occupancy in 2023/24 to a single person, and 2024/25 to five people. ASTs for the 2026/27 period are still in the process of being obtained as it is the current tenancy year.

3.5 In deciding 137707/LE/2023, it was the Council's position that during 2017-2020 the Property became a Class C4 HMO. This is based on the definition of a Class 4 HMO being: "*Use of a dwellinghouse by not more than six residents as a "house in multiple occupation*"". Accordingly, the 10-year period prescribed by Section 171B of the Act was deemed to be 'broken' by the Planning Authority who determined that a Certificate of Lawful Development could not be granted.

3.6 The purpose of this application is to enable the Council to re-evaluate this conclusion based on the following additional information and evidence.

[1] Paragraph: 006 Reference ID: 17c-006-20140306

Change of use

3.7 A change of use is defined by Section 55(1) of the Act as: "*the making of any material change in the use of any buildings*". Materiality is not defined in planning legislation but Planning Practice Guidance states it is linked to the "significance of the change" and resulting impact.[2] Three relevant key factors that have been established in case law related to "material change" are discussed as follows.

Intent

3.8 In the case of *Fox v First Secretary of State*[3] regarding a change of use of agricultural land to a mixed use for agriculture and the keeping of horses, the High Court asserted in its judgment: "*If one is asking whether there has been a change from use A to uses A and B, the fact that the appellant said that he intended to change to uses A and B is relevant as part of the overall picture*". The relevance of the judgment to this S192 application is that the intent of the Applicant should be considered when determining if a change of use has occurred.

3.9 In the case of 23 Crofton Street, there is no evidence that the applicant intended to transition the property into a C4 HMO or, for the period of 2023/24, a C3 dwellinghouse. Between 2016 and 2026, the occupancy of the property has varied from seven, five, six, one and routinely back to seven people, which demonstrates no intent to cap the occupancy at six persons or fewer. Further, no physical alterations were made during this time to reduce the number of bedrooms available to secure it as a C4 HMO. There was clear intent for the property to remain a HMO that accommodated seven bedrooms, and the periods of under occupancy arose simply due to lack of uptake from prospective tenants despite advertising.

3.10 In 2023, some refurbishment occurred at the property, and this is demonstrated on the submitted property advertisement; this accounts for the larger drop in occupancy for the 2023/24 period. Undergoing of refurbishment demonstrates further intent to keep the Property operating at its capacity of seven.

Abandonment

3.11 Also related to the subject of "intent" is the "abandonment of use". In *Hartley v Minister of Housing and Local Government,*[4] the judge considered whether the discontinuance of a car-selling business at a petrol station constituted the abandonment of that land use. The judgment held that where a landowner has stopped the activities constituting the use for a considerable period of time, not just a temporary period, and with no view to the original use being resumed, that is likely to constitute

[2] Paragraph: 011 Reference ID: 13-011-20140306
[3] Fox v First Secretary of State [2003] EWHC 887 (Admin)
[4] *Hartley v Minister of Housing and Local Government [1970] 1 QB 413*

abandonment and, therefore, a change of use planning application would be required for its resumption.

3.12 The relevance of the judgment to this S192 application is to consider if a temporary reduction in occupancy is an abandonment of the Sui Generis use. The Council's decision in 2023 suggests it considers this to be the case.

3.13 As outlined in section 3.9 and 3.10 of this statement, there was objectively no intent to stray from the use of the Property of a Sui Generis HMO. Further, a lack of uptake from tenants when the property was advertised is a matter not fully in the applicant's control. An aspect within the applicant's control was the period of refurbishment, but this also does not indicate abandonment of a Sui Generis HMO but rather demonstration of investment in maintaining it.

3.14 In conclusion, it cannot be reasonably held the Applicant abandoned the Sui Generis use simply from a temporary drop in occupancy, indicating no change of use occurred.

Character

3.15 *Hertfordshire County Council v Secretary of State*[5], on a case of the intensification of a scrap yard, deems the following principle applying to evidencing a material change of use: "*a material change in the definable character of the use of the land*." The judgment was made that intensification of the land use does not constitute a change of use if the fundamental character of the site does not change. In the case of 23 Crofton there has been deintensification rather than intensification, but the broad principle remains relevant, which is has the change in scale (via a temporary occupancy change) fundamentally changed the character of the HMO as to constitute a change of use.

3.16 There is no dispute the property has operated as an HMO since at least 2010. There have been no substantial changes to the physical design of the building; it has remained a seven-bedroom property with a mix of private and communal spaces despite the dip from maximum occupancy. The level of activity associated with a small varied number of people occupying one property in the wider residential environment (which includes other HMOs) would be indiscernible. There is nothing to suggest that between 2017 and 2026 that there was anything noticeably different about the appearance, use and character of the property, aside from refurbishment works.

3.17 Therefore, the reduction is occupancy cannot reasonably be considered to have arisen in a material change of use. There was no intent, no design alteration and no meaningful change to character.

[5] Hertfordshire County Council v Secretary of State for Communities and Local Government [2012] EWCA Civ 1473

Further Evidence

HMO License

3.18 In the Officer's Report for 137707/LE/2023, the Council notes that a HMO license for seven persons was not in place prior to 2022, and it also stated that the "*property can show that for 10 out of the 13 years of documents provided that it would have met the definition of a sui generis HMO*". It is taken that the absence of an HMO license for seven persons prior to 2022 is not sufficient to contradict its operation as a Sui Generis HMO over the required period, particularly since AST agreements for seven people have been supplied.

3.19 The current license is still in place and remains valid until April 2027.

ASTs

3.20 ASTs for tenancy periods between 2010 and 2023 were supplied with application 137707/LE/2023 and have been submitted again with this application, along with the additional ASTs up until 2026:

No. of Tenants	AST Start Date	AST End Date
7 Tenants	2010	2011
7 Tenants	2011	2012
7 Tenants	2012	2013
7 Tenants	2013	2014
7 Tenants	2014	2015
7 Tenants	2015	2016
7 Tenants	2016	2017
5 Tenants	2017	2018
6 Tenants	2018	2019
6 Tenants	2019	2020
7 Tenants	2020	2021
7 Tenants	2021	2022
7 Tenants	2022	2023
1 Tenant	2023	2024
5 Tenants	2024	2025
7 Tenants	2025	2026

Council Tax

3.21 The tenants of the property have been students and therefore a Council Tax relief has been provided to the occupants during their tenancies. It is anticipated that the Council's Planning Officers could obtain the relevant Council Tax records from their colleagues in the Council's Council Tax Department.

Statement of Truth

3.22 A Statement of Truth has been supplied with this application, which corroborates the case regarding the ongoing use and intent of a Sui Generis HMO.

4. SUMMARY AND CONCLUSIONS

4.1 On the basis of the evidence submitted, it is clear that the Property has been in continuous use as Sui Generis HMO for a period exceeding ten years and did not at any point alter to a Class C4 HMO or a C3 dwellinghouse. The ongoing use as a Sui Generis HMO has been supported by the suite of evidence submitted.

4.2 As per the Planning Practice Guidance, the evidence presented is precise and unambiguous. The Local Planning Authority also does not possess any conflicting evidence. Therefore, it is requested that the Local Planning Authority grant a Certificate of Lawful Development to formally recognise and confirm this long-standing lawful use.

4.3 Should the Council require any further information from us to assist with their assessment of the existing lawful use of the building, please do not hesitate to contact us prior to a decision.