MARCH 2026

Planning Statement

14 Driffield Street, Manchester, M14 7HZ

ICENI PROJECTS LIMITED
ON BEHALF OF WAKMOOR
(ASSETS) LIMITED

Iceni Projects Limited on behalf of
WAKMOOR (ASSETS) LIMITED

March 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 14 Driffield Street, Manchester ('the Property') as described below:

"Application for a Lawful Development Certificate for the existing use of the property as a small House in Multiple Occupation ('HMO')(Use Class C4)"

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 June 2023 and subsequently refused in August 2023 (ref: 137034/LE/2023). This application constitutes a resubmission, responding to the reason for refusal with additional clarification and evidence.

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 a lawful C4 House in Multiple Occupation ('HMO'), on the basis that it has operated as one prior to Manchester City Council's Article 4 direction and continues to the present day, a period in excess of 10 years. The Article 4 direction was in place from October 2011 and restricts the permitted change of use of Class C3 (dwellinghouses) to Class C4 (HMO occupied by six persons or fewer).

1.5 This statement also directly responds to the reason of refusal of application 137034/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 C4 HMO; and
- Section 4 concludes that a Lawful Development Certificate should be granted.

1.7 This Application is supported by the following documents:

- Application form and ownership certificates declaration.
- Site location plan and existing floor plans.
- Assured Shorthold Tenancy (‘AST’) Agreements between 2011 and 2026. (unredacted)
- Planning Statement (this document).
- Copy of HMO Licences. (unredacted)
- Statement of Truth (unredacted)

2. BACKGROUND

Site and Surroundings

2.1 The Property is a two-storey mid-terrace building located on the northern side of Driffield Street. It has five 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 Located in a primarily residential area, the Property is well connected to public transport, with bus stops on Lloyd Street within 100m walking distance. There are regular services from these stops to Piccadilly Gardens in the City Centre towards both Chorlton and Stretford. Shops, local services, and community facilities are within walking distance along Claremont Road, as well as public open spaces including Alexandra Park to the west.

Allocations / Designations

2.3 Under Manchester City Council's Development Plan, the Property is located within the Central Manchester and Inner Area overlays. The Council has an Article 4 direction in place from October 2011 which restricts the permitted change of use of Class C3 (dwellinghouses) to Class C4 (HMO occupied by six persons or fewer).

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 The Property is not listed and there are no listed buildings within the vicinity, nor is the site 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 for this Property in June 2023 (reference:137034/LE/2023). The application was to regularise the Property as a lawful C4 HMO on the basis that it existed prior to the Article 4 direction coming into force. The HMO use commenced in September 2011 and the Article 4 direction came into force in October 2011.

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

"If as it would appear the first person lived at the property by themselves for a period of 6 months between them moving and two other tenants moving in, then the use would have reverted back to a C3 dwellinghouse thus creating a break in the 10 years claimed."

2.9 While application 137034/LE/2023 was made on the basis that the Property existed as an HMO prior to the Article 4 direction coming into force, it was determined by the Council under the "10 year rule" of Section 171B of the Town and Country Planning Act 1990 ('the Act').

2.10 The above quote relates to a period in 2015 and 2016 where the Property was temporarily occupied by a single tenant between September 2015 and March 2016. Two additional tenants lived at the Property for three months between March and June 2016. Then, between June and September 2016, the first tenant once again lived alone until the 2016/17 cohort (five people) took over the lease.

2.11 It was the position of the Council that this period caused the property to be categorised as Use Class C3 (dwellinghouse), "breaking" the 10-year period required for development to be considered lawful under Section 171B of the Act (when taking into account the active Article 4 direction).

2.12 There is no acknowledgment in the Officer's Report about the commencement of the HMO occurring prior to the Article 4 direction coming into force in October 2011.

2.13 Notwithstanding the evidence submitted that demonstrates the Property operated as an HMO prior to October 2011, we contend as part of this application that the Property did not revert to a C3 dwellinghouse during this period, and further detail is set out in Section 3 of this statement.

3. EVIDENCE IN SUPPORT OF THE EXISTING USE

Legislation

3.1 Under Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 ('GPDO'), the change of use between Class C3 (dwellinghouses) and C4 (HMOs) is normally permitted development. However, from October 2011, Manchester City Council enacted an Article 4 direction (as enabled by the GPDO) removing the permitted development of Class C3 to C4. The purpose of the Article 4 direction was to enable the Council to have more control over the establishment of C4 HMOs, which can alter the residential character of an area and put pressure on local services.

3.2 Consequently, regularisation without planning permission is only possible for C4 properties if they exist prior to the Article 4 direction coming into place or 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).

3.3 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. 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.

3.4 The refusal of application 137034/LE/2023 is based on the period between September 2015 and September 2016. As outlined in paragraph 2.10 of this statement, the Council considered a drop in occupancy to a single tenant constituted a change in use to C3. There is no dispute that the Property operated as a C4 HMO for any other period. Since 2017 to present day, between four and five tenants have occupied the Property as evidenced from the updated suite of Assure Shorthold Tenancy ('AST') Agreements submitted as part of this application.

3.5 The purpose of this application is to enable the Council to re-evaluate their reason for refusal based on the following evidence.

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

Operation prior to the Article 4 direction

3.6 This application is accompanied by an AST for five occupants which commences in September 2011. This is one month prior to the Article 4 direction coming into force and thus would represent the lawful use of a C4 HMO at that time.

Continuous use and Class C3 status

3.7 In determining 137034/LE/2023, the Council took the view that because the Property temporarily accommodated one tenant, a change of use occurred to a Class C3 dwellinghouse.

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

Intent

3.9 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.

3.10 In the case of 14 Driffield Street, there is no evidence that the applicant intended to transition the property into a C3 dwellinghouse. The Property has accommodated three to five tenants over 90% of the time it has operated as a HMO, as evidenced from the ASTs provided, both before and after the period in question. Even during the period in question, the tenant was a sole occupant only temporarily before two additional tenants joined for a short period, indicating that rooms were continuing to be advertised. No physical changes were made to the property, e.g. a reduction in the number of bedrooms.

[2] *Paragraph: 011 Reference ID: 13-011-20140306*

[3] *Fox v First Secretary of State [2003] EWHC 887 (Admin)*

3.11 There was clear intent for the property to remain a HMO that accommodated five bedrooms, and the period of under occupancy arose simply due to lack of uptake from prospective tenants despite advertising.

Abandonment

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

3.13 The relevance of the judgment to this S192 application is to consider if a temporary reduction in occupancy is an abandonment of the C4 use. The Council's decision in 2023 suggests it considers this to be the case.

3.14 As outlined in section 3.10 of this statement, there was objectively no intent to stray from the use of the Property of a C4 HMO. Maximum capacity was resumed within 12 months, vacant rooms continued to be advertised (as evidenced by the two 'late' tenants in 2016) and no changes were made to the property. Further, a lack of uptake from tenants when the property was advertised, or the need for tenants to occupy the property for shorter tenancy periods, is a matter not fully in the applicant's control.

3.15 In conclusion, it cannot be reasonably held the Applicant abandoned the C4 use simply from a temporary drop in occupancy, indicating no change of use occurred.

Character

3.16 *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 14 Driffield, there has been deintensification rather than intensification, but the broad

[4] *Hartley v Minister of Housing and Local Government [1970] 1 QB 413*

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

principle remains relevant, which is has the change in scale (via temporary occupancy change) fundamentally changed the character of the HMO as to constitute a change of use.

3.17 There is no dispute the property has operated as a HMO since at least 2011. There have been no substantial changes to the physical design of the building; it has remained a five-bedroom property with a mix of private and communal spaces, and lockable bedroom doors, 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 would be indiscernible. There is nothing to suggest that in 2016 there was anything noticeably different about the appearance, use and character of the property.

3.18 In summary, there was nothing about the character of the Property that would suggest it operated at a C3 use; its character remained consistent with that of a C4 use.

Further Evidence

Rent and occupancy period

3.19 In the Officer's Report for 137034/LE/2023, it was noted by the Council: "*There was a gap of at least 6 months until the next two tenants moved in. Both were 3 months individual tenancy agreements starting on the 3rd of March until 2nd of June 2016 each where each tenant agreed to pay £343.00 per calendar month. As each tenant paid a similar amount in terms of rent it does raise some doubt about the use of the property as C4 house in multiple occupation".*

3.20 The periods quoted by the Council are not fully correct; Tenant 2 occupied the Property between 3rd March and 2nd June 2016, but Tenant 3 occupied the property between 18th March and 17th June 2016. The amount of rent is immaterial to the operation of a HMO, and Section 254(2)(e) of the Housing Act 2004 makes provision for "other considerations" that may not constitute rent. Accordingly, the amount of rent paid by Tenants 2 and 3 should not be considered evidence against the Property's HMO status. The Applicant chose to allow the tenants to pay rents for individual rooms rather than make up the shortfall of vacant rooms.

HMO License

3.21 Records confirm that a HMO licence was granted for the property for the period 2016–2021, permitting occupation as a five-bedroom HMO. Following the expiry of this licence, the property owner applied for and was subsequently granted a renewed HMO licence covering the period 2022–2027, again authorising the use of the property as a five-bedroom HMO.

3.22 The existence of these licences demonstrates that the property has been formally recognised by the local authority as operating as a House in Multiple Occupation over a continuous period. The

licensing history therefore provides supporting evidence that the property has been used as a five-bedroom HMO for a sustained period, reinforcing the established nature of this use.

3.23 Copies of the relevant HMO licences are provided within the application submission to corroborate the above.

3.24 The current license is still in place and remains valid until March 2027.

ASTs

3.25 Unredacted ASTs for tenancy periods between 2011 and 2023 were supplied with application 137034/LE/2023 and have been submitted again with this application, along with additional ASTs to 2025:

No. of Tenants	AST Start Date	AST End Date
5 tenants	2011	2012
4 tenants	2012	2013
5 tenants	2013	2014
5 tenants	2014	2015
1-3 tenants	Sept 2015 March 2016	Sept 2016 June 2016
5 tenants	2016	2017
4 tenants	2017	2018
4 tenants	2018	2019
5 tenants	2019	2020
5 tenants	2020	2021
5 tenants	2021	2022
4 tenants	2022	2023
4 tenants	2023	2024
5 tenants	2024	2025

Council Tax

3.26 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

3.27 A Statement of Truth has been submitted to provide formal confirmation of the historical use of the application property as a five-bedroom House in Multiple Occupation (HMO). The statement sets out

factual evidence regarding the occupation and management of the property and confirms the period over which the property has been used for this purpose.

3.28 The document has been prepared in accordance with the requirements for evidence supporting an application under Section 191 of the Town and Country Planning Act 1990, which allows applicants to demonstrate that a use has become lawful through the passage of time.

3.29 The Statement of Truth has been signed and dated by the relevant party with direct knowledge of the property's use and occupation. A copy of the signed document is included within the application submission and should be read alongside the other supporting evidence provided.

4. SUMMARY AND CONCLUSIONS

4.1 Based on the evidence submitted, the Property can be shown to have been in continuous use as C4 HMO prior to the Article 4 direction coming into force, and for a period exceeding ten years. It did not at any point alter to a C3 dwellinghouse. The ongoing use as a C4 HMO has been supported by ASTs, evidence of current valid licensing and a sworn Statement of Truth.

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.