AUGUST 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

August 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 in July 2021 from Beech Properties, they are seeking to regularise the lawful planning position through this Lawful Development Certificate application, made under Section 191 of the Town and Country Planning Act 1990 ('the Act').

1.3 Two previous applications to confirm the lawful status the use under Section 191 were refused in August 2023 (ref: 137034/LE/2023) and July 2026 (ref: PLA-2026-000157). The primary reason for refusal in both decisions was the Council's view that, on the balance of probability, the presence of a tenant as the sole occupant for a nine month (non-consecutive) period during the 2015/16 tenancy year constituted a change of use to Use Class C3.

1.4 As an Article 4 direction came into force in Manchester in October 2011 restricting the permitted change of use between Use Class C3 and C4, the purported change of use in 2015/16 was deemed by the Council to disrupt the 10-year statute of limitations on immunity to enforcement action provided for under Section 171B of the Act. The Council found the existing C4 use to be unlawful on this basis and refused the applications for a Lawful Development Certificate.

1.5 The Applicant has since revisited their archives and records and recovered additional assured shorthold tenancy ('AST') agreements for the year 2015/16. This demonstrates that there was a minimum of three occupants for the entire 12-month tenancy period for the year in contention. In light of this additional evidence, a resubmission of an application to grant a Lawful Development Certificate is appropriate.

1.6 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

1.7 The purpose of this statement and application is to demonstrate that the Property constitutes a lawful C4 House in Multiple Occupation ('HMO') because it has existed for a period more than 10 years.

1.8 In the Officer's Report for PLA-2026-000157, the Council confirmed that it accepted the use of the Property as a C4 HMO initially commenced prior to the Article 4 direction coming into force. Therefore, this aspect is not being revisited as part of this resubmission. The case of this application solely focuses on evidencing the 10-year period between 2016-2026, encompassing the 2015/16 tenancy year which was previously brought into question.

1.9 This statement is structured as follows:

- Section 2 describes the Property and its surroundings, outlines the relevant legislation, designations and planning history.
- Section 3 summarises the evidence base in support of lawful development.
- Section 4 concludes why a Lawful Development Certificate should be granted.

1.10 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 2015 and 2026. (unredacted)
- Planning Statement (this document).
- Copy of HMO Licences (unredacted)
- An updated Statement of Truth (unredacted)

2. BACKGROUND AND LEGISLATION

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.

2.3 It is marketed as student accommodation owing to its proximity (10-20 minutes by bus) to both Manchester universities.

Allocations / Designations

2.4 Under Manchester City Council's Development Plan, the Property is located within the Central Manchester and Inner Area overlays. As previously mentioned, it is subject to an Article 4 direction restricting the permitted change of use between C3 and C4.

2.5 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. 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 As per paragraph 1.3 and 1.4 of this statement.

Legislation

2.8 Due to the presence of the Article 4 direction, regularisation of a C4 HMO without planning permission is only possible for properties if they existed prior to the Article 4 direction coming into force or have

existed uninterrupted for a period of 10 years or more, after which no enforcement action can be taken (as per Section 171B of the Act).

2.9 As stated in paragraph 1.8 of this statement, the Council confirmed it accepted the use of the Property as a C4 HMO commenced prior to the Article 4 direction coming into force. The case of this application will focus on the 10-year period between 2016-2026.

2.10 Planning Practice Guidance states that information to support a lawful development certificate application sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.[1] Critically, this is distinct from the legal test of “beyond all reasonable doubt”.

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

3. EVIDENCE IN SUPPORT OF THE EXISTING USE

Assured Shorthold Tenancy

3.1 Unredacted ASTs for tenancy periods between 2015/16 and 2025/26 have been supplied with this application, including the two recently recovered ASTs for the period 2015/16 which shows a higher level of occupancy over what was previously understood (between three and five tenants instead of between one and three).

3.2 The ASTs are summarised in Table 1.

Table 1 - AST summary

No. of Tenants	AST Start Date	AST End Date
3-5 tenants	9th September 2015 (T1) 21st September 2015 (T2 & T3) 3rd March 2016 (T4) 18th March 2016 (T5)	2nd June 2016 (T4) 17th June 2016 (T5) 2nd September 2016 (T1-T3)
5 tenants	7th September 2016	2nd September 2017
5 tenants	3rd September 2017	23rd August 2018
4 tenants	7th September 2018	23rd August 2019
4 tenants	23rd August 2019	22nd August 2020
5 tenants	1st September 2020	24th August 2021
5 tenants	31st August 2021	27th August 2022
5 tenants	3rd September 2022	26th August 2023
5 tenants	7th September 2023	31st August 20224
4-5 tenants	16th December 2024 (T1-T3) 20th December 2024 (T4) 11th March 2025 (T5)	16th June 2025 (T2 & T3) 15th August 2025 (T1) 19th August 2025 (T4) 29th August 2025 (T5)
5 tenants	5th September 2025	27th August 2026

3.3 The Property is currently being marketed for the 2026/27 academic year[2].

3.4 For the tenancy year 2024/25, the tenancies began in December rather than the typical August/September. An initial cohort of tenants were signed on to the Property from September, but the Applicant had to release them from the tenancy agreement due to a maintenance issue with the Property. This issue was resolved between September and December 2024, and a new cohort of tenants were signed on from December onward. The ASTs for the original cohort have been submitted to evidence this.

3.5 Table 1 demonstrates that the Property was occupied by three to five tenants consistently for more than 10 years from the date of this application. There are short periods of vacancy, which can be accounted for by the normal and expected transition period between student cohorts, as well as the maintenance issue in late 2024 described above.

3.6 This evidence is precise and unambiguous; each AST is signed and clearly sets out the tenancy period. On the balance of probabilities, it is more likely than not that the property has operated as a C4 HMO between 9th September 2015 to the present day.

Rent

3.7 In the Officer's Report for 137034/LE/2023 and PLA-2026-000157 it was noted by the Council, in relation to tenancy year 2015/16 that: "*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".*

3.8 Notwithstanding the additional recovered ASTs for this period, the amount of rent paid by tenants is immaterial to the status of a property as an HMO. Section 254 of the Housing Act 2004 defines an HMO, and sub-paragraph (2)(e) states one of the criteria is that "*rents are payable or other consideration is to be provided*". The amount of rent is not defined, and it is reasonable for this to be set by the landlord as appropriate. Different rent between tenants is not considered as evidence relevant when determining the use of the Property as an HMO.

Council Tax

3.9 The Applicant currently only possesses the Council Tax bill for the financial year 2026/27 but submitted a Freedom of Information ('FOI') request to obtain additional records held by Manchester Council.

[2] https://ukstudenthouses.com/student-accommodation/manchester/368295

3.10 On 11th August 2026, this FOI request was denied on the grounds of *"Sub-sections 40(2) and 40(3A): Personal information about third parties"*. A copy of the correspondence has been submitted with this application.

3.11 Planning Practice Guidance states that while the responsibility is on the applicant for providing sufficient information to support an application, a local planning authority always needs to co-operate with an applicant who is seeking information that the authority may hold about the planning status of the land[3]. Although the Council denied the FOI request, it confirmed it held information regarding Council Tax for the Property.

3.12 It should be noted that while the Applicant primarily markets properties to full time students, it may occasionally rent to part-time or other types of students, who could be liable to pay Council Tax because they are not eligible for a Class N exemption. The lawful status of the Property is not predicated on whether it is accommodation for students, but whether it is a C4 HMO. Student occupancy is not a prerequisite for a C4 HMO, so the presence or absence of a Class N exemption for students across the Council Tax records is not evidence relevant to the determination of the lawful C4 status of the property.

HMO License

3.13 Records confirm that an 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.

3.14 The existence of these licences demonstrates that the property has been formally recognised by the Council as operating as an HMO over a continuous period. The licensing history therefore provides supporting evidence that, on the balance of probabilities, the property has been used as a five-bedroom HMO for a sustained period, reinforcing the established nature of this use.

3.15 Copies of the relevant HMO licences are provided within the application submission to corroborate the above. The current license is still in place and remains valid until March 2027.

3.16 An FOI request was issued to Manchester City Council for the records of HMO licences issued prior to November 2016. As per paragraph 3.10 of this statement, the FOI request was denied, but the Council stated they had this information on file. It is expected that the Council confirms if the evidence

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

they hold regarding pre-2016 HMO licenses contradict or otherwise make less probable the assertion that the property operated as HMO throughout the time stated in this application.

Statement of Truth

3.17 Based on the new information recovered, an updated Statement of Truth has been submitted to provide formal confirmation of the historical use of the application property as a five-bedroom 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.

3.18 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 This application has been resubmitted because additional evidence has been recovered which directly addresses to the reasons previous applications 137034/LE/2023 and PLA-2026-000157 were refused.

4.2 Based on the updated evidence submitted, the Property can be shown, on the balance of probabilities, to have been in continuous use as C4 HMO for a period exceeding ten years. This is supported by ASTs, Council Tax records, HMO licence records and corroborated by a Statement of Truth signed by the Applicant. The evidence is precise, and unambiguous, and the Council is not known to hold any contradictory evidence, or evidence that makes the case of this application less probable.

4.3 A Lawful Development Certificate should be granted as the use of the Property as a C4 HMO exceeds the 10-year period enforcement action can be taken and therefore should be considered lawful.

4.4 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.