MANCHESTER CITY COUNCIL
Planning
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PO Box 532 Town Hall
Manchester M60 2LA

# Application for a Lawful Development Certificate for an Existing Use or Operation or Activity, including those in breach of a planning condition

## Town and Country Planning Act 1990 (as amended)

**Publication of applications on planning authority websites**

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

## Site Location

**Disclaimer:** We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number

Suffix

Property Name

1 The Alexandra, Flat 8

Address Line 1

Whiteoak Road

Address Line 2

Address Line 3

Manchester

Town/city

Manchester

Postcode

M14 6WT

### Description of site location must be completed if postcode is not known:

Easting (x)

385509

Northing (y)

393600

Description

## Applicant Details

### Name/Company

Title

First name

Terence

Surname

Birch

Company Name

### Address

Address line 1

Apartment 9

Address line 2

77-85 Barlow Moor Road

Address line 3

Town/City

MANCHESTER

County

Country

GB

Postcode

M20 2GN

Are you an agent acting on behalf of the applicant?

◯ Yes
⊘ No

### Applicant Contact Details

Primary number

***** REDACTED ******

Secondary number

Fax number

Email address

***** REDACTED ******

## Reason for Lawful Development Certificate

Please indicate why you are applying for a lawful development certificate

- ☑ An existing use
- ○ Existing building works
- ○ An existing use, building work or activity in breach of a condition

**Being a use, building works or activity which is still going on at the date of this application.**

If Yes, to either 'an existing use' or 'an existing use in breach of a condition', please select the relevant Use Class.

C4 - Houses in multiple occupation

## Description of Existing Use, Building Works or Activity

Please fully describe each existing use, building works or activity for which you want the lawful development certificate. Where appropriate, show to which part of the land each use, building works or activity relates

The property has been let as a small HMO continuously since 2007

## Grounds for application for a Lawful Development Certificate

Under what grounds is the certificate being sought

*Where the use, building works or activity began* ***before 25 April 2024***

- ☑ The use began more than 10 years before the date of this application
- ☐ The use, building works or activity in breach of condition began more than 10 years before the date of this application
- ☐ The use began within the last 10 years, as a result of a change of use not requiring planning permission, and there has not been a change of use requiring planning permission in the last 10 years
- ☐ The building works (for instance, building or engineering works) were substantially completed more than four years before the date of this application.
- ☐ The change of use to use as a single dwelling house began more than four years before the date of this application.
- ☐ Other - please specify (this might include claims that the change of use or building work was not development, or that it benefited from planning permission granted under the Act or by the General Permitted Development Order).

***Where the use, building works or activity began on or after 25 April 2024***

- ☐ The use, building works or activity began more than 10 years before the date of this application.
- ☐ The use began within the last 10 years, as a result of a change of use not requiring planning permission, and there has not been a change of use requiring planning permission in the last 10 years.
- ☐ Other - please specify (this might include claims that the change of use or building work was not development, or that it benefited from planning permission granted under the Act or by the General Permitted Development Order).

Is the certificate being sought for a use, operation, or activity in breach of a condition or limitation?

◯ Yes
⊘ No

Please state why a Lawful Development Certificate should be granted

The use of the property as a small House in Multiple Occupation (Use Class C4) has continued for well over ten years without interruption. Since at least 2011, the flat has been continuously occupied by three unrelated adults sharing facilities under joint and several tenancy agreements. The use has never reverted to Class C3.

Evidence submitted with this application demonstrates, on the balance of probabilities, that the C4 use has existed for more than ten years. Under Section 191 of the Town and Country Planning Act 1990, the use is therefore lawful and immune from enforcement. A Certificate of Lawfulness should be granted accordingly.

## Information in support of a Lawful Development Certificate

When was the use or activity begun, or the building works substantially completed (date must be pre-application submission)?

25-06-2007

In the case of an existing use or activity in breach of conditions has there been any interruption?

◯ Yes
⊘ No

In the case of an existing use of land, has there been any material change of use of the land since the start of the use for which a certificate is sought?

◯ Yes
⊘ No

**Residential Information**

Does the application for a certificate relate to a residential use where the number of residential units has changed?

◯ Yes
⊘ No

## Community Infrastructure Levy

Your development may be liable for a charge under the Community Infrastructure Levy if it involves new or additional gross internal area for residential and non-residential buildings, including extensions or a new dwelling. If your scheme is liable, this charge is payable after development begins.

Information on the CIL charges can be found on the local authority website. In London both Mayoral and local borough CIL charges may be applicable.

Your answers below, and in the application, will enable the local authority to establish if your development is liable for a charge and to calculate it accurately.

Further information on CIL, and what to do if you are liable can be found on the Planning Portal.

It is an offence for a person to knowingly or recklessly supply information which is false or misleading in a material respect to a collecting or charging authority in response to a requirement under the Community Infrastructure Levy Regulations (2010) as amended (regulation 110, SI 2010/948). A person guilty of an offence under this regulation may face unlimited fines, two years imprisonment, or both.

## Liability for CIL

Does the application include new build development (including extensions and replacement) of 100 square metres gross internal area or above?

◯ Yes
⊘ No

**Note**: Answer No if either:

- the new or additional internal area only relates to a building into which people do not normally go or only go into intermittently for the purposes of inspecting or maintaining fixed plant or machinery; or
- the new or additional internal area solely relates to an internal/mezzanine floor and no other works or change of use are proposed.

Does the application include creation of one or more new dwellings (including residential annexes) either through new build or conversion (except the conversion of a single dwelling house into two or more separate dwellings with no additional gross internal area created)?

◯ Yes
⊘ No

## Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

⊘ Yes
◯ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

◯ The agent
⊘ The applicant
◯ Other person

## Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

◯ Yes
⊘ No

## Interest in the Land

Please state the applicant's interest in the land

⊘ Owner
◯ Lessee
◯ Occupier
◯ Other

## Authority Employee/Member

**With respect to the Authority, is the applicant and/or agent one of the following:**
**(a) a member of staff**
**(b) an elected member**
**(c) related to a member of staff**
**(d) related to an elected member**

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

◯ Yes
⊘ No

## Declaration

I/We hereby apply for Lawful development: Existing use as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.
I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.
I/We also accept that, in accordance with the Planning Portal's terms and conditions:
- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

☑ I / We agree to the outlined declaration

Signed

Terence Birch

Date

05/10/2026