

DELEGATED REPORT

Report by Sam Summers	Date of report: 30/07/2024	Ref: 70830/LDCP
Registration: 05/06/2024	LDFC:	Expiry Date: 31/07/2024
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: NREQ

Proposal: Lawful development certificate for proposed change of use from 4 no. flats (Class C3) to 4no. HMO's (C4)

Location: Flats 1-4, 1-3 Porter Street, Bury, BL9 5DZ

Description

Lawful development certificate for proposed change of use from 4 no. flats (Class C3) to 4no. HMO's (C4)

Relevant Planning History

70536 - Part change of use of former showroom/laundrette and 1no. flat (Use Class E/Sui Generis/Class C3) to form 1no. 7 bedroom (single occupancy) HMO (Sui Generis) and 1no. 8 Bedroom (single occupancy) HMO (Sui Generis) with associated parking and refuse storage and external alterations - RefuseRefused 12/04/2024

Publicity

None

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - None

Development Plan and Policies

Issues and Analysis

Part 3, Class L of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) allows a permitted change of use between dwellinghouses in Use Class C3(a) and small HMOs in Use Class C4 (up to 6 persons living as a single household) and vice versa.

Permitted development:

Development consisting of a change of use of a building-

- (a) from a use falling within Class C4 (houses in multiple occupation) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule;
- (b) from a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, to a use falling within Class C4 (houses in multiple occupation) of that Schedule.

Development not permitted

L.1 Development is not permitted by Class L if it would result in the use-

- (a) as two or more separate dwellinghouses falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order of any building previously used as a single dwellinghouse falling within Class C4 (houses in multiple occupation) of that Schedule; or

(b) as two or more separate dwellinghouses falling within Class C4 (houses in multiple occupation) of that Schedule of any building previously used as a single dwellinghouse falling within Class C3 (dwellinghouses) of that Schedule.

There was a previous application at the site ref: 70536, that application confirmed that there are 4no. flats at the property. The applicant has provided evidence by way of council tax records that the four flats have been in place since at least 1996. As such on the balance of probability the flats are in domestic use class C3(a) and so would qualify for the permitted development right. Permitted Development Rights have not been removed.

The submitted proposed floor plans show the subdivision of the 4no. flats into 4no. separate HMOs. Each HMO has multiple bedrooms and a kitchen. Each flat is capable of up to 6 individuals living in them as a single household. Therefore the proposed change of use would be lawful.

Recommendation: LAWFUL

Conditions and Reasons:

- 1 The proposal as described in the First Schedule, is deemed to be 'Permitted Development' having regard Article 3, Schedule 2, Part 3, Class L of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
SS	30/07/2024	DM -	30/07/2024