

Introduction

This cover letter accompanies the Existing Use LDC application to establish the continued use of 72 Tenters Street, BL9 0HL, as an HMO.

This covering letter provides information on the history of planning applications for this site; the history of the tenancy of this site, and the due consideration taken in the creation of the plans in order to be compliant with all requirements. The application is accompanied by the requisite Building Control Certificates and ASTs.

Existing Use

The property is currently an HMO. It comprises of a ground floor and a first floor. It has 5 single occupancy bedrooms, each with it's own en-suite bathroom. The bedrooms range in size from 8.4m² to 10.3m². There is a communal combined living/dining/kitchen space of 20.8m² on the ground floor. Thus all the rooms are compliant with Bury Council's HMO Standards.

Planning History

Some applications have been submitted previously for the 2 properties 72-74 Tenters Street;

- An application was submitted in May 2007 for the "Change of Use from Community Centre (Class D1) to Solicitors Office (Class A2)" (REF: 48197). This application was approved in July 2007.
- An application was submitted in November 2015, for the "Change of Use from Non-Residential institution (Class D1) to design consultancy office" (REF: 59417). This application was approved in December 2015.
- An application was submitted in May 2024, for the "Prior Approval Change of Use from Office (Class E) to 2no. dwellings (Class C3)" (REF: 70748). This application was refused in July 2024.
- An application was submitted in July 2024, for the "Change of Use from Office (Class E) to 2no. dwellings (Class C3), Reinstating 1m high metal fence along boundary" (REF: 70965). This application was approved and granted in September 2024.

Since the Approval of Application Ref: 70965 in September 2024, the permission was implemented and the property was converted into C3 residential dwelling. The Building Control Certificate for these conversion works was signed in September 2025 (Reference IN/25/40637) and following this, a tenant moved into this C3 residential dwelling at 72 Tenters Street. (AST provided with this application).

When this tenancy was terminated, building control were then instructed to convert the dwelling from C3 to C4 – creating a 5 person HMO, under the parameters of Permitted Development. The Building Control Certificate for this conversion works was signed off on 18th March 2026 and a copy of it accompanies this application.

Since Building Control signed off, tenants for the HMO took up residence at 72 Tenters Street. There are currently three HMO tenants and the remaining rooms are due to be shortly occupied.

A copy of the ASTs of the HMO tenants also accompanies this application.

Justification

Being that this house is already in use as an HMO, and there is currently no Article 4 in the area which would require full planning permission for the HMO conversion, an Existing Use Lawful Development Certificate is required to establish the classification of this property as C4, functioning as an HMO.

Conclusion

In summary, the use of 72 Tenters Street as a 5-person House in Multiple Occupation (HMO) is lawful for the following reasons:

- Permitted Development Rights: The property was converted from a C3 dwellinghouse to a C4 HMO under Class L of the Town and Country Planning (General Permitted Development) Order.
- Absence of Article 4: At the time of conversion and through to the present date, there is no Article 4 Direction in effect within this area of Bury that restricts the transition from C3 to C4.
- Evidence of Use: The accompanying Building Control Certificates and Assured Shorthold Tenancies (ASTs) provide clear, factual evidence that the conversion was completed to standard and that the property is actively being used for its stated purpose.

As the development meets all the requirements of Permitted Development and the use has been continuous since the implementation of the C3 consent (Ref: 70965), we respectfully request that the Council issues an Existing Use Lawful Development Certificate for the property.