

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 30/10/2025	Ref: 72361/LDCE
Registration: 09/09/2025	LDFC:	Expiry Date: 04/11/2025
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: NREQ

Proposal: Lawful development certificate for existing use as small HMO (Use Class C4)

Location: 17 Belle Vue Terrace, Bury, BL9 0SY

Description

Lawful development certificate for existing use as small HMO (Use Class C4)

Relevant Planning History

71156 - Change of use from a 6 bed House in Multiple Occupation (HMO) to a 9 bed (single occupancy) House in Multiple Occupation (HMO) - Refused 29/11/2024
71641 - Change of use of existing 6 bed house in multiple occupation (HMO) to 8 bed (single occupancy) HMO (Sui Generis) - Refused 25/04/2025
20/0074 - Conversion of property into 9 no. flats - 26/03/2020
22/0137 - Works to roof - 02/05/2022
23/0349 - Change of use of property to house of multiple occupation - 29/12/2023
24/0214 - Change of use to house of multiple occupation - 10/09/2024
24/0478 - Change of use from 6 bed house of multiple occupation to 9 bed house of multiple occupation - 04/02/2025

Publicity

n/a

Statutory/Non-Statutory Consultations

n/a

Pre-start Conditions - n/a

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:

L. 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.

Assessment

There is no planning history or any other evidence that the building has only ever previously been in lawful use as single dwellinghouse.

Permitted Development Rights have not been removed.

Paragraph: 005 Reference ID: 17c-005-20140306 Revision date: 06 03 2014 of the NPPG states that -

Article 39 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 specifies the contents of an application and how it must be submitted. There is a different application form for each type of certificate, but either type must be accompanied by sufficient factual information/evidence for a local planning authority to decide the application, along with the relevant application fee. Application forms can be obtained from the local planning authority and can be completed by the applicant or someone working on their behalf.

An application needs to describe precisely what is being applied for (not simply the use class) and the land to which the application relates. Without sufficient or precise information, a local planning authority may be justified in refusing a certificate. This does not preclude another application being submitted later on, if more information can be produced.

The application is accompanied by a Supporting letter and an existing floor layout plan.

The floor layout plan shows 9 rooms are bedrooms. Regardless of the fact that 3 of the bedrooms have been labelled 'not in use', the bedrooms are shown to be furnished and laid out as bedrooms. Therefore, the property could accommodate 9 occupiers.

The Supporting letter states that a *'total of nine bedrooms are provided across all floor levels...At the time of refurbishing the property to convert it to C4 HMO use, the applicant fitted out nine bedrooms with the aspiration of later applying for planning permission for use as a nine bedroom HMO (sui generis).'*

By virtue of the fact that the applicant has submitted a layout plan to show an occupation of potentially up to 9 people and plainly stated that the property was deliberately fitted out as an 9 bed HMO, it is considered that the submission is ambiguous and provides no certainty that the property operates as a lawful small HMO Part 3, Class L of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The Lawful Development Certificate is therefore refused.

Recommendation: Refuse

Conditions and Reasons:

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The onus is on the applicant to provide evidence to pass the legal test that on the balance of probability what has been applied for is or would be lawful. In this instance the evidence provided is not sufficiently precise and unambiguous and as such a Lawful Development Certificate cannot be granted.

<u>Case Officer</u> JT 30/10/25	<u>Date</u>	<u>Sign off Officer</u> DM 31/10/25	<u>Date</u>
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