

Planning Statement in Support of an Application for a Lawful Development Certificate (Existing Use)

Change of Use from C3 Dwellinghouse to C4 House in Multiple Occupation (4-Person, 4-Bed) Property Location: 33 Belbeck Street, Bury, BL8 2PX.

1. Introduction

This Planning Statement has been prepared in support of an application for a **Lawful Development Certificate (Existing Use)** under Section 191 of the Town and Country Planning Act 1990. The certificate is sought to confirm the lawful use of the property as a **C4 House in Multiple Occupation (HMO)** for **4 occupants in 4 bedrooms**.

The change of use from C3 to C4 was **fully completed and ready to be operated prior to the introduction of the Article 4 Direction in Bury**, which came into force on **26th January 2026**. As such, the use is considered lawful and exempt from the requirement for planning permission.

2. Background and Planning Context

2.1 Original Use

The property was originally in **C3 residential use**.

2.2 Change of Use

Conversion works to facilitate the lawful use as a **C4 HMO** commenced and were completed **before the Article 4 Direction took effect**. The property is completed as a 4-person HMO since completion.

2.3 Article 4 Direction

Bury Council introduced an Article 4 Direction removing permitted development rights for changes of use from C3 to C4, effective **26 January 2026**. This application demonstrates that the HMO use was established **prior to this date**, and therefore remains lawfu

3. Description of the Existing HMO

The property comprises:

3.1 Bedrooms (All Compliant with Bury HMO Standards)

Bury Council's minimum room size for single occupancy is **6.51 sqm**. All bedrooms exceed this requirement:

Bedroom	Size (sqm)
Bedroom 1	7.92 sqm
Bedroom 2	7.67 sqm
Bedroom 3	7.78 sqm
Bedroom 4	7.10 sqm

3.2 Bathroom Provision

The property provides **4 bathrooms**, including **3 en-suites**, exceeding the minimum standard of 1 bathroom per 4 occupants.

3.3 Communal Space

The communal living/kitchen area measures **19.36 sqm**, exceeding Bury's minimum requirement for a 4-person HMO.

3.4 Compliance with Bury HMO Standards

The property meets or exceeds all relevant standards, including:

- Minimum bedroom sizes
- Adequate communal space
- Sufficient bathroom provision
- Fire safety measures
- Management arrangements

4. Evidence of Lawful Use Prior to Article 4 Direction

The following documents are submitted to demonstrate that the HMO use was fully established before 26 January 2026:

4.1 Fire Safety Compliance

- **Fire Detection Certificate** dated **24/11/2025**
- **Emergency Lighting Certificate** dated **24/11/2025**

4.2 Building Works Evidence

- **Builder's Contract** for conversion works dated **17/09/2025**
- **Works commencement date:** 18/09/2025
- **Completion date:** 22/12/2025
- **Building control Completion Certificate**

4.3 Layout and Property Documentation

- **Plans** showing the 4-bedroom HMO layout
- **EPC Certificate** dated **21/01/2026** (EPCs are often issued after completion; this does not affect the established use)

4.4 Operational Evidence

- **Fire Risk Assessment** dated **15/01/2026**
- **Furniture delivery invoice** dated **09/12/2025**
- **Management/letting agent confirmation letter** dated late December 2025 confirming readiness for occupation
- **Letter from Bury Council's Licensing Department** confirming that a 4-person, 4-bedroom HMO **does not require a licence**
- **Photographs of the converted property.**

This evidence collectively demonstrates that the property was **physically converted, furnished, safety-certified, and ready for occupation as an HMO before 26 January 2026.**

5. Planning Assessment

5.1 Lawfulness of the Use

Under the Town and Country Planning (Use Classes) Order 1987 (as amended), the change of use from C3 to C4 is **permitted development**, unless restricted by an Article 4 Direction.

As the conversion and use were established **before** the Article 4 Direction came into force, the use is lawful.

5.2 Continuous Use

The property has had no material change of use since its conversion to C4 (4 bed/ 4 person HMO)

5.3 Evidence Threshold

The applicant has provided **clear, precise, and unambiguous evidence**, meeting the standard required by the local planning authority and the Planning Inspectorate for LDC applications.

6. Conclusion

The evidence submitted demonstrates that:

- The property was **fully converted** into a 4-bedroom, 4-person C4 HMO **before 26 January 2026**.
- The HMO use was **established and capable of occupation** prior to the Article 4 Direction taking effect.
- The property meets all relevant **Bury HMO standards**, including room sizes, amenities, and fire safety.
- The C4 use has been **continuous** and remains consistent with the C4 classification.

Accordingly, the Local Planning Authority is respectfully requested to **grant a Lawful Development Certificate** confirming the established use of the property as a **C4 House in Multiple Occupation**.

Photographs of the converted property





