



Paul Butler Associates

Planning, Development & Heritage Consultants

09 September 2025

Dave Marno
Development Control Manager
The Planning Service
Bury Council
3 Knowsley Place
Bury
BL9 0EJ

Our ref: 23.1958

Dear Dave,

17 Belle Vue Terrace, Bury, BL9 0SY

Application for Lawful Development Certificate for an Existing Use or Operation or Activity under the Town and County Planning Act 1990: Section 191, as amended by section 10 of the Planning and Compensation Act 1991

The application is submitted to establish the lawful use of 17 Belle Vue Terrace as a small HMO (C4 use). The application establishes that this use is lawful by virtue of a change of use from a dwellinghouse (use class C3) to a small HMO (use class C4) using permitted development rights under Schedule 2, Part 3, Class L of the GPDO 2015 (as amended). 17 Belle Vue Terrace has been in use as a small HMO since August 2024 and there has been no subsequent change of use since this time. The HMO licence was issued by Bury Council in September 2024.

This letter provides an overview of the site and sets out the supporting information that has been submitted as part of this Lawful Development Certificate (LDC) application.

The Application Site

The application site is located at 17 Belle Vue Terrace and is outlined red in on the submitted Site Location Plan. The site comprises a mid-terrace property fronting Belle Vue Terrace, and is bounded by a service road to the south and residential properties to the east and west. The site is rectangular in shape and approximately 0.02 hectares in size.

The site is located within the Bridge Road/Buckley Wells area of the Town Centre, as identified on the UDP policy map. No other site-specific policy designations apply. The site is not located within a conservation area and does not contain any statutorily or locally listed buildings. There has been no removal of permitted development rights either via previous planning permissions, or an Article 4 Direction.

The lawful use of the application building is a 6 bed HMO (C4 use), having previously been converted from C3 dwellinghouse to HMO use via permitted development rights. Internally residential accommodation is provided across four levels; basement, ground, first and second floor levels. Each bedroom has an en-suite while communal kitchens / dining rooms are provided at ground floor and first floor level. A total of nine bedrooms are provided across all floor levels, however the three ground floor bedrooms are un-occupied since lawfully the property can only be occupied by a maximum of six unrelated households. 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).

This LDC application is submitted to confirm that the application property is lawfully occupied as a C4 HMO for occupation of up to 6 households, and that the basement bedrooms are lawfully occupied as HMO bedrooms without the requirement for planning permission. This would establish that the basement accommodation is not a planning consideration for an application proposing conversion to a large HMO through occupation of the vacant ground floor bedrooms.

The application property was visited by the planning officer during the determination of application 71641. One of the basement bedrooms was temporarily unoccupied on this date. It is not uncommon for tenants to have a change of circumstances. The bedroom was subsequently tenanted and this LDC application has been progressed as per previous officer advice.

Supporting Evidence

Evidence has been collated to demonstrate that on the balance of probabilities the property is lawfully in use as a small HMO which at the time of submission is occupied by five separate households, of which two households occupy the basement bedrooms. The sixth bedroom (Room 6, second floor) has recently become vacant and is anticipated to be tenanted again in the near future.

The submitted information is summarised below:

1. Site Location Plan.
2. Signed and dated tenancy agreements for all of the occupied bedrooms (six have been provided including the recently vacated bedroom). Each agreement is for a 'fixed term' of 6 months. As noted on the agreements, if the tenant does not leave at the end of the fixed term the tenancy will then continue on a rolling monthly basis. With the exception of Room 6 which has recently been vacated, all other submitted tenancy agreements are valid.
3. Floorplans showing existing layout.
4. HMO licence for occupation of the property by up to six households, for a period of five years from 11th September 2024.
5. Photographs of the rooms internally showing all bedrooms occupied except for the ground floor bedrooms. This photographic record was made when all six bedrooms were occupied.
6. Statutory declarations from people with direct knowledge of the property confirming its use as C4 HMO where both basement bedrooms are occupied. This includes declarations from the applicant (site owner); The HMO Guys (managing agent); and four tenants of the property (including the recently vacated tenant).

In addition to the above, the following evidence has been provided to demonstrate that prior to the applicant purchasing the property it was in use as a C3 dwellinghouse and therefore benefitted from permitted development rights for a change of use to a C4 HMO. No planning history removing permitted development rights has been identified.

1. Energy Performance Certificate (EPC) dating from 2010 which describes the property as an existing dwelling as shown in the excerpt below.

Energy Performance Certificate



17, Belle Vue Terrace,
BURY,
BL9 0SY

Dwelling type: Mid-terrace house
Date of assessment: 03 August 2010
Date of certificate: 03 August 2010
Reference number: 8606-8577-4829-7306-7803
Type of assessment: RdSAP, existing dwelling
Total floor area: 167 m²

2. Sellers Leasehold Information Form (TA7) dated 26/09/2019 refers to the property as a long leasehold house, see excerpt below. See relevant excerpts of this document below. The full document can be made available.

DocuSign Envelope ID: 9C403C25-FFCC-4827-94E5-D075FF9844E4

Leasehold Information Form (2nd edition)

TA7

Address of the property

17 Belle Vue Terrace
Bury

Postcode BL9 0SY

1 The property

- 1.1 What type of leasehold property does the seller own? ('Flat' includes maisonette and apartment).

☐ Flat
☐ Shared ownership
☒ Long leasehold house

- 1.2 Does the seller pay rent for the property? If Yes:

☒ Yes ☐ No

- (a) How much is the current yearly rent?

3.00 £

- (b) How regularly is the rent paid (e.g. yearly)?

Yearly Payments

3. Property Information Form dated 26/09/2019 refers to a 'residents' parking scheme which would be applicable to a domestic / residential use. See relevant excerpts of this document below. The full document can be made available.

DocuSign Envelope ID: 9C403C25-FFCC-4827-94E5-D075FF9844E4

Law Society Property Information Form (3rd edition)

Address of the property

17 Belle Vue Terrace

Bury

Lancs

Post code

BL9 0SY

9 Other charges

9.1 What are the parking arrangements at the property:

Local authority residents parking scheme.

4. The Valuation Office Agency (VOA) confirms that council tax (which is applicable to domestic properties) took effect from 1 April 1993 and that it is not a mixed use property, see excerpt below.

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Property information for

**17, BELLE VUE TERRACE, BURY,
LANCS, BL9 0SY**

Local Authority [Bury](#)

Local authority
reference number B150401700

Council Tax band C

Improvement
indicator No

With effect from 1 April 1993

Mixed-use property No

Court code None

[▶ What does my property information mean?](#)

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5. The Rightmove listing also suggests it was a house rather than a commercial property, indicated by the description but also by the 'home symbol' which is only used for residential properties listed on the Rightmove website. See excerpts below from this listing.

← [View sold prices in BL9 0SY](#)

17, Belle Vue Terrace, Bury BL9 0SY

 Terraced  3  2

PROPERTY TYPE

 Terraced

BEDROOMS

 3

BATHROOMS

 2

Key features

- For Sale As Modern Method Of Auction
- Three Reception Rooms
- Main Bathroom & WC
- Three Double Bedrooms
- Local Amenities
- Fantastic Three Bedroom Terrace
- Amazing Investment Opportunity
- Lots Of Space & Light Throughout
- Excellent Transport Links

Assessment

When considering an application for a Lawful Development Certificate, National Planning Practice Guidance advises *'In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability'* (Paragraph: 006 Reference ID: 17c-006-20140306). It goes on to state *'A local planning authority needs to consider whether, on the facts of the case and relevant planning law, the specific matter is or would be lawful. Planning merits are not relevant at any stage in this particular application or appeal process'* (Paragraph: 009 Reference ID: 17c-009-20140306). Based on the evidence submitted it is demonstrated that the balance of probabilities threshold is passed.

The evidence is corroborating and consistent, whilst no subsequent change to the use of the property has taken place. On this basis a Certificate of Lawfulness should be duly issued to confirm that the lawful use of the property is a small HMO (use class C4) which includes occupation of the basement bedrooms.

Submission

In addition to the evidence referred to in this letter, a Site Location Plan has been submitted which identifies the application site. The completed application forms for a 'Lawful Development

Certificate for an Existing use or operation or activity' have also been submitted via the Planning Portal.

The application fee (£578) will be paid by the applicant during the submission of the application via the Planning Portal.

We trust that this information is sufficient to enable approval of this application.

If you require and further information please do not hesitate to get in touch. We look forward to working with you.

Yours sincerely

A handwritten signature in black ink that reads "Lynsay Ewart". The script is cursive and elegant, with the first letters of each word being capitalized and prominent.

Lynsay Ewart BSc(Hons), MSc, MRTPI, IHBC
Principal Planner