

DELEGATED REPORT

Report by Helen Pressley	Date of report: 19/06/2024	Ref: 70798/LDCP
Registration: 28/05/2024	LDFC:	Expiry Date: 23/07/2024
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: NREQ

Proposal: Lawful development certificate for proposed change of use of single dwelling to multiple occupancy use 6 bedrooms (Class C4)

Location: 5 Keats Crescent, Radcliffe, Manchester, M26 3GT

Description

Lawful development certificate for proposed change of use of single dwelling to multiple occupancy use 6 bedrooms (Class C4)

Relevant Planning History

45479 - Two storey side and single storey rear extensions - Approve with Conditions 09/12/2005

47701 - Single storey extension at front - Approve with Conditions 02/05/2007

69794 - Change of use from residential dwelling (Class C3) to 10 bedroom (single occupancy) house in multiple occupation (HMO) (Sui Generis) - Refused 11/12/2023

70629 - Residential existing use to 6 Bedroom HMO conversion - Withdrawn - Invalid 03/06/2024

Publicity

None

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant

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 is no planning history or any other evidence that the building has only ever been in lawful use as single dwellinghouse. The previous proposal to convert the dwelling into a 10 bed HMO was refused and no appeal has been submitted to date. As such on the balance of probability the building is 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 existing lounge to create a bedroom and study at ground floor and the reconfiguration of the kitchen, dining and reception room area to provide an open plan kitchen and communal space. The first and second floors would retain their existing layout providing a further 5no. bedrooms. The building would capable of being occupied by up to 6no. individuals 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>
HP	19/06/2024	DM	20/06/2024