

APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE (EXISTING USE)

322a Tottington Road, Bury, BL8 1TA

Proposal: Confirmation that the Change of Use to C4 (HMO) and associated conversion works are lawful as they are substantially complete prior to the proposed Article 4 Direction coming into place.

Dear Sir/Madam,

We hereby submit an application for a Lawful Development Certificate (Existing Use) in relation to the property at the above address.

The Proposal & Context

The property is currently undergoing conversion from a C3 Dwellinghouse to a 5-bedroom C4 House in Multiple Occupation (HMO). The Building Control Initial Notice was accepted by the Council on 5th November 2025 (attached). Physical works have been ongoing since November and are now substantially complete, utilising the Permitted Development rights (Class L) applicable to the property at that time.

We are aware that the Council is proposing to implement an immediate Article 4 Direction removing these rights. However, the Council's own published guidance regarding this specific Article 4 Direction states:

"If the works to create a new HMO are substantially complete by the date the Article 4 Direction comes into effect, these would be accepted as permitted. There would be a number of ways of proving this, including building control applications..."

Evidence of Lawfulness (Substantial Completion)

This application confirms that the conversion works at 322a Tottington Road are substantially complete as of the date of this submission (16th December 2025), and therefore the use is vested and lawful.

In support of this, we submit the following evidence:

1. Building Control Initial Notice (Ref: AIMA-25-95921-DOMOTHR): Attached is the Initial Notice accepted by the Council, dated 5th November 2025. This confirms that works legally commenced six weeks ago.
2. Current Status of Works: As of today's date, the project is approximately 80% complete. Specifically:
 - a. All internal partition walls to form the 5 bedrooms and en-suites have been erected.
 - b. First-fix plumbing and electrics are complete.
 - c. Plastering is largely complete.
 - d. The layout matches the "As Existing" plans submitted with this application (Drawing RG430/LDC01).

Conclusion

The development has advanced well beyond the "commencement" stage and is substantially complete, satisfying the criteria explicitly set out in the Council's proposal document. The removal of Permitted Development rights via the proposed Article 4 Direction is not retrospective and therefore does not apply to this vested development.

We trust this information is sufficient to validate and grant the certificate. Should the Case Officer require a site visit to verify the advanced stage of works, please contact us immediately to arrange access.

Yours faithfully,

Richard Lowe
Chartered Architect
Candid Architecture Ltd