

Section 55 Town and Country Planning Act

Proof of Evidence

Change of Use from a 6-bedroom Residential House (C3) to a 6-Person House in Multiple Occupation (HMO) (C4)

9 Catherine's Close, West Drayton. UB7 7PB.

Site Information

Applicant	Ikenna Nwamala
Client	
Site Address	9 Catherine's Close, West Drayton, UB7 7PB
LA	LONDON BOROUGH OF HILLINGDON
Description of Development	Change of Use from a 6-bedroom residential house (C3) to a 6-bedroom (C4) HMO
Pathway (PD/Application/Appeal)	Lawful Development Certificate

Constraints Review

Flood Risk Zone	Flood zone 1
Contaminated Land	No
Tree Preservation Order	No
Heritage Assets	No
Noise Abatement Areas	No
Explosive Hazard Areas	No
Area of Outstanding Natural Beauty	No
Special Protection Area	No
Site of Special Scientific Interest	No
RAMSAR Convention Site	No
Site of Importance to Nature Conservation	No
Article 4(2) Directions	No

Local Policy Requirements

Local Plan/Core Strategy

Local Plan Part 2

Effective Policies in Development Control

Policy DMH 5: Houses in Multiple Occupation (HMOs) and Accommodation

Policy DMH 4: Residential Conversions and Redevelopment

SPG/SPD's

None

Planning History

Relevant History

Report Date

Relevant History

Report Date:

1. Introduction

1.1. This design and access statement has been prepared for the change of use from a 6-bedroom residential house (C3) to 6-bedroom HMO (C4) at 9 Catherine's Close, West Drayton. UB7 7PB.

1.2. The site relates to a two-storey end-terraced house with 6 bedrooms (One with an en-suite). The first floor has 3 bedrooms and a shared bathroom and toilet. The ground floor also has 3 bedrooms, one of which has an en-suite shower room. There is also a shared kitchen/dining, lounge, shower and toilet room. The layout of the property is attached.

1.3. The purpose of this LDC application is to have recognition from the council that the building is a lawful 6-person C4 HMO.



Site Location



Site Photograph

Matters Pursuant to application

1.4. This application soughts to get Certificate Lawful Use for the dwelling to be used as a 6-person HMO.

Summation of Case

1.5. Planning permission is not required for the change of use of a House in Class C3 to an HMO in Class C4 as it is Permitted Development under the provisions of the Town and Country Planning General Permitted Development Order 2015. As such the development is permitted development under Class L of Part 3 of Schedule 2 of the Order and is therefore lawful.

2. Site Context

2.1. The property is located at Catherines Close which is situated in West Drayton.

2.2. The area is composed of residential terraced houses which were serviced with public transport links to West Drayton station and a network of local bus services.

2.3. Road links include Swan Road, Church Road, and Station Road.

2.4. The property is also 0.1 miles away from The Medical Centre.

3. The Legal Framework

Section 191 Town and Country Planning Act 1990

191 Certificate of lawfulness of existing use or development.

(1) If any person wishes to ascertain whether—

(a) any existing use of buildings or other land is lawful;

(b) any operations which have been carried out in, on, over or under land are lawful; or

(c) any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use, operations or other matter.

(2) For the purposes of this Act uses and operations are lawful at any time if—

(a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and

(b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force.

(3) For the purposes of this Act any matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful at any time if—

(a) the time for taking enforcement action in respect of the failure has then expired; and

(b) it does not constitute a contravention of any of the requirements of any enforcement notice or breach of condition notice then in force.

[F3(3A)] In determining for the purposes of this section whether the time for taking enforcement action in respect of a matter has expired, that time is to be taken not to have expired if—

(a) the time for applying for an order under section 171BA(1) (a “planning enforcement order”) in relation to the matter has not expired,

(b) an application has been made for a planning enforcement order in relation to the matter and the application has neither been decided nor been withdrawn, or

(c) a planning enforcement order has been made in relation to the matter, the order has not been rescinded and the enforcement year for the order (whether or not it has begun) has not expired.] (4) If, on an application under this section, the local planning authority are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application, or that description as modified by the local planning authority or a description substituted by them, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

(5) A certificate under this section shall—

(a) specify the land to which it relates;

(b) describe the use, operations or other matter in question (in the case of any use falling within one of the classes specified in an order under section 55(2)(f), identifying it by reference to that class);

(c) give the reasons for determining the use, operations or other matter to be lawful; and

(d) specify the date of the application for the certificate.

(6) The lawfulness of any use, operations or other matter for which a certificate is in force under this section shall be conclusively presumed.

(7) A certificate under this section in respect of any use shall also have effect, for the purposes of the following enactments, as if it were a grant of planning permission—

(a) section 3(3) of the M1 Caravan Sites and Control of Development Act 1960;

(b) section 5(2) of the M2 Control of Pollution Act 1974; and

(c) section 36(2)(a) of the M3 Environmental Protection Act 1990.]

General Permitted Development Order - Class L of Part 3 of Schedule 2

Class L – small HMOs to dwellinghouses 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 dwelling houses falling within Class C3 (dwelling houses) of the Schedule to the Use Classes Order of any building previously used as a single dwelling house falling within Class C4 (houses in multiple occupation) of that Schedule; or

(b) as two or more separate dwelling houses falling within Class C4 (houses in multiple occupation) of that Schedule of any building previously used as a single dwelling house falling within Class C3 (dwellinghouses) of that Schedule.

4. Proof of Evidence

4.1. The application seeks confirmation of the lawful use of the property as a Class C4 HMO.

4.2. Currently, the house has 6 bedrooms and 3 bathrooms. The applicant wants to rent 6 bedrooms.

4.3. Out of the 6 bedrooms, 1 bedroom is an en-suite. The remaining 5 bedrooms will have access to 1 shower room toilet room (on the ground floor), and 1 bathroom and toilet (on the first floor). All the rooms have access to the key shared amenities of a common living area, and kitchen.

4.4. The property will therefore fall within the bounds of Class C4 of the Use Classes Order and a deemed planning permission for the change of use exists under the provision of Class L of Part 3 of Schedule 2 of the GPDO 2015.

4.5. As such planning permission from the LPA is not required and the use of the property within Class C4 is lawful under the provisions of the GPDO.

5. Conclusion

5.1. The application seeks a Certificate of Lawful Use of 6 bedroom family Dwelling into a 6-person HMO.

5.2. The applicant is satisfied that the proposal is in accordance with the provisions of Class L of Part 3 of Schedule 2 of the GPDO 2015 and is therefore permitted development. A LDC can therefore be granted on this basis.