

## DESIGN & ACCESS STATEMENT

### Certificate of Lawfulness – Existing Use as a C4 HMO

**Property:** 263 West End Road, London, HA4 6QR

**Application Type:** Section 191 – Lawful Development Certificate (Existing Use)

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#### 1. Introduction

This Design & Access Statement supports an application under **Section 191 of the Town and Country Planning Act 1990** for a **Certificate of Lawfulness (Existing Use)** confirming that **263 West End Road, HA4 6QR** is lawfully operating as a **C4 House in Multiple Occupation (HMO)**.

The application relates solely to confirming the **existing use** of the property.

**No building works, alterations, or changes are proposed.**

The purpose of this submission is to demonstrate, through documentary evidence, that the property is presently in bona fide HMO use by **three unrelated individuals sharing facilities**, and that this use is **lawful**, being permitted development under the **General Permitted Development Order (GPDO) 2015**, Class L.

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#### 2. Existing Use of the Property

The property is currently occupied as a **three-person HMO**, with each tenant renting an individual room and sharing communal facilities including:

- Shared kitchen
- Shared bathroom
- Shared circulation spaces

The internal layout accords with typical small HMO arrangements and does **not** constitute self-contained units.

#### Current Occupants & Tenancy Details

The property is divided into three lettable rooms:

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##### Room 1 – Tenant: Zainab Ahmed

- AST dated **12 November 2025**
- Monthly Rent: **£1,000**
- Deposit: **£1,153.84**, protected under MyDeposits
- Evidence: tenancy agreement, deposit certificate, bank receipts

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#### **Room 2 – Tenant: Airam Mendoza Concepcion**

- AST dated **24 November 2025**
- Monthly Rent: **£1,050**
- Deposit: **£250**, protected under MyDeposits
- Evidence: tenancy agreement, deposit certificate, bank receipts

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#### **Room 3 – Tenant: Saeed Torbati**

- AST dated **07 November 2025**
- Monthly Rent: **£800**
- Deposit: **£923.07**, protected under MyDeposits
- Evidence: tenancy agreement, deposit certificate, bank receipts

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The occupation pattern establishes the property as an HMO in accordance with the **Housing Act 2004** definition.

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### **3. Evidence Submitted**

The following evidence accompanies this application:

#### **3.1 Assured Shorthold Tenancy Agreements (ASTs)**

Signed tenancy agreements for each room, confirming separate households and shared facilities.

#### **3.2 Deposit Protection Certificates**

All deposits were protected with **MyDeposits**, confirming tenancy commencement dates and landlord/tenant details.

#### **3.3 Rent Payment Evidence**

Bank statements from Home Infinite Ltd show rent receipts from each tenant corresponding to the ASTs:

- £800 from **Saeed**
- £1,000 from **Zainab**
- £1,050 from **Airam**

#### **3.4 Statutory Declarations (Included Separately)**

Statutory declarations will be provided from:

- The landlord
- Each tenant

These declarations confirm:

- Date of occupation
- Use of the property as individual rooms
- Sharing of kitchen and bathroom
- Continuous and genuine HMO occupation

These sworn statements carry significant evidential weight in LDC determinations.

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#### **4. Planning & Legal Framework**

##### **4.1 Lawful Basis for Existing HMO Use**

Under the **Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO)**,

**Schedule 2, Part 3, Class L** permits:

*Change of use from Class C3 (dwellinghouse) to Class C4 (small HMO) as permitted development, unless withdrawn by an Article 4 Direction.*

**There is no Article 4 Direction covering 263 West End Road or the surrounding area.**

Therefore:

- The change from C3 to C4 did **not** require planning permission
- The HMO use was **lawful from the moment it commenced**
- The property's current use is **within permitted development rights**
- Proof of current use is sufficient under **Section 191**

##### **4.2 What Must Be Proven**

For this LDC, the applicant only needs to demonstrate:

1. The property is **currently in C4 HMO use**, and
2. That such use is **lawful by virtue of permitted development** (Class L), because
3. **No Article 4 Direction removes that right.**

This application provides clear evidence of current HMO occupation by three unrelated tenants.

**A 10-year continuity test is *not applicable***, as this is not a Sui Generis HMO nor a use that required permission at any time.

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## 5. Design & Access Considerations

### 5.1 Use

Existing use as a C4 small HMO. No changes proposed.

### 5.2 Amount

Three rented bedrooms with shared facilities.

### 5.3 Layout

Internal layout remains unchanged; shared kitchen and bathroom.

### 5.4 Scale

No alterations to building scale.

### 5.5 Appearance

No internal or external alterations.

### 5.6 Access

Access remains via the existing main entrance.

Adequate for current and proposed use.

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## 6. Conclusion

The evidence submitted demonstrates that:

- The property is occupied by three unrelated individuals
- Tenancy agreements, deposits, rent receipts, and statutory declarations confirm genuine HMO occupation
- The use falls within **Class C4**
- The change from C3 to C4 is **permitted development** under **Class L**
- No Article 4 restrictions apply

Accordingly, the Local Planning Authority is respectfully requested to issue a  
**Certificate of Lawfulness for Existing Use (C4 HMO)**  
for **263 West End Road, HA4 6QR**.