

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)

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**.

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:

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.

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.

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.

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.

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**.