Development Management

APP REF No. 65057/APP/2026/752

DELEGATED DECISION

- Please select each of the categories that enables this application to be determined under delegated powers
- Criteria 1 to 5 or criteria 7 to 9 must be addressed for all categories of application, except for applications for Certificates of Lawfulness, etc.

APPROVAL RECOMMENDED: GENERAL		Select an Option
1.	No valid planning application objection in the form of a petition of 20 or more signatures, has been received	☐
2.	Application complies with all relevant planning policies and is acceptable on planning grounds	☐
3.	There is no Committee resolution for the enforcement action	☐
4.	There is no effect on listed buildings or their settings	☐
5.	The site is not in the Green Belt (but see 11 below)	☐
REFUSAL RECOMMENDED: GENERAL		
6.	Application is contrary to relevant planning policies/standards	☐
7.	No petition of 20 or more signatures has been received	☐
8.	Application has not been supported independently by a person/s	☐
9.	The site is not in Green Belt (but see 11 below)	☐
RESIDENTIAL DEVELOPMENT		
10.	Single dwelling or less than 10 dwelling units and/or a site of less than 0.5 ha	☐
11.	Householder application in the Green Belt	☐
COMMERCIAL, INDUSTRIAL AND RETAIL DEVELOPMENT		
12.	Change of use of retail units on site less than 1 ha or with less than 1000 sq. m other than a change involving a loss of A1 uses	☐
13.	Refusal of change of use from retail class A1 to any other use	☐
14.	Change of use of industrial units on site less than 1 ha or with less than 1000sq.m. of floor space other than to a retail use.	☐
CERTIFICATE OF LAWFULNESS		
15.	Certificate of Lawfulness (for proposed use or Development)	☐
16.	Certificate of Lawfulness (for existing use or Development)	☐
17.	Certificate of Appropriate Alternative Development	☐
CERTIFICATE OF LAWFULNESS		
18.	ADVERTISMENT CONSENT (excluding Hoardings)	☐
19.	PRIOR APPROVAL APPLICATION	☐
20.	OUT-OF-BOROUGH OBSERVATIONS	☐
21.	CIRCULAR 18/84 APPLICATION	☐
22.	CORPSEWOOD COVENANT APPLICATION	☐
23.	APPROVAL OF DETAILS	☐
24.	ANCILLARY PLANNING AGREEMENT (S.106 or S.278) where the Heads of Terms have already received Committee approval	☐
25.	WORKS TO TREES	☐
26.	OTHER (please specify)	☐

The delegation powers schedule has been changed. Interim Director of Planning, Regeneration & Public Realm can determine this application

Case Officer:

Signature:

Date:

A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informative's are satisfactory.

Team Manager:

Signature:

Date:

The decision notice for this application can be issued.

Director / Member of Senior Management Team:

Signature:

Date:

NONE OF THE ABOVE DETAILS SHOULD BE USED IN THE PS2 RETURNS ODPM

Report of the Head of Development Management and Building Control

Address: 64 EAST ROAD WEST DRAYTON MIDDX

Development: Existing use of property as Class C4 HMO prior to the introduction of Article 4 Direction in December 2025 (Application for a Certificate of Lawful Development for an Existing Use)

LBH Ref Nos: 65057/APP/2026/752

Drawing Nos: Site Location Plan
E01

Date Plans received: 24-03-26 **Date(s) of Amendments(s):**

Date Application valid 24-03-26

1. RECOMMENDATIONS

1.1 Recommendations

That a certificate of lawful use or development be **REFUSED** for the existing development described above in respect of the land edged red on the attached plans for the following reasons:

The existing development does not constitute Lawful Development under Section 191 of Town and Country Planning Act 1990, Section 191 as amended by Section 10 of the Planning and Compensation Act 1991, as the Applicant has not sufficiently demonstrated that on the balance of probability, that the conversion of the property from a dwelling (Use Class C3) to a small HMO (Use Class C4) occurred prior to 11.12.2025 - the date that the Council's immediate Article 4 Direction to remove Permitted Development rights borough-wide for such conversions came into effect.

This determination is based on your submitted plans. All measurements are taken from existing ground level.

INFORMATIVES

2.0 APPRAISAL OF EVIDENCE SUBMITTED

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

In this instance the applicant seeks a Certificate of Lawful Existing Use and Development pursuant to the above Act for the conversion of the property, no. 64 East Road, West Drayton, from a

dwelling (Use Class C3) to a small House of Multiple Occupation ("HMO") (Use Class C4), for three persons. The grounds for the application are that, at the time of the alleged conversion, such a change of use could be achieved via Permitted Development, and so did therefore not require planning permission.

In support of the application the applicant has submitted the following evidence:

- Tenancy Agreement dated 20.11.25 signed by tenant 1
- Tenancy Agreement dated 20.11.25 signed by Tenant 2
- Tenancy Agreement dated 20.11.25 signed by Tenant 3
- Planning statement
- statutory declaration from Tenant 1 signed 16.3.26
- statutory declaration from tenant 2 signed 16.3.26
- Statutory declaration from tenant 3 signed 16.3.26
- Rental records confirming rental payment from all 3 tenants for the period 20.11.25-19.12.25.

BACKGROUND OF THE APPLICATION:

As above, it is alleged by the applicant that the conversion of the property from Use Class C3 to Use Class C4 began on 20.11.2025. As such, the development would not be immune from enforcement action and instead, the question before the Council is limited as to whether the change of use of the dwelling from C3 to C4 required planning permission, and whether this conversion took place at the time specified.

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("GPDO") allows for certain types of development to take place without requiring planning permission, subject to relevant conditions, limitations, and exceptions. This is known as "Permitted Development".

Under Class L of Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015, subject to local restrictions, residential properties in England can be converted into an HMO for up to 6 persons without requiring planning permission, and vice versa. As such, ordinarily, the conversion of a dwelling into a three person HMO could be carried out without the submission of a planning application.

However, under the provisions of Article 4 of the GPDO, the Local Planning Authority may withdraw specified Permitted Development rights across a defined area.

On 11.12.2025, the Council formally adopted an immediate Article 4 Direction to remove Permitted Development rights borough wide for Class L Part 3 proposals, preventing the change of use of a single family dwellinghouse (Use Class C3) to a small HMO (Use Class C4) without first acquiring planning permission. The Article 4 Direction only applies however to conversions which take place after the date on which it came into force (11.12.2025) and therefore any lawful conversion of the property from Use Class C3 to Use Class C4 which took place in accordance with the GPDO before that date (or which otherwise has planning permission) would remain lawful.

The application therefore seeks to confirm that the existing use of the property as an HMO is lawful, with the conversion having alleged to have taken place, in accordance with Class L of Part 3 of the GPDO, on 20.11.2025, before the borough wide Article 4 direction came into force on 11.12.2025.

ASSESSMENT OF THE APPLICATION

As above, the assessment of this Certificate seeks to ascertain whether, on the balance of probabilities, the alleged conversion of the property from a dwelling to a small HMO took place before 11.12.2025. If so, this would have been lawful as planning permission would not have been required, and so the Certificate can be granted. If the conversion has taken place after this date, planning permission would however be needed for the conversion, and the Certificate thereby refused.

The applicant has submitted three tenancy agreements in support of the application, dated 20.11.25. Whilst this shows some evidence that the property could have been in use as an HMO before 11.12.2025, the agreements in and of themselves do not conclusively demonstrate that the property was, in practice, being used as an HMO before the Article 4 Direction came into effect.

Officers note that a recent application under reference 65057/APP/2025/3267 was refused on the basis that, in practice, there is not consistent evidence to demonstrate, on the balance of probabilities that conversion of the application property from C3 to C4 Use took place prior to the Council's borough-wide Article 4 Direction which came into effect on 11.12.2025. The current application seeks to address this concern by providing 3 x statutory declarations and rental payment records for the required period.

Concerns were previously raised by the Council, following a site visit that the application property had been damaged from a first floor water leak, lacked basic working bathroom facilities and all external windows were smashed and radiators had been removed from walls. It appeared from the condition of the property that the building had not been occupied for an extended time period, and it is feasible that the property was not in occupation prior to the adoption of the Councils Article 4 direction.

The applicants agent has advised that the Council's site visit on 15.01.2026 identified the property as vacant and in a damaged condition. This reflects the condition after the tenants vacated in early January 2026 following
vandalism. This does not affect the established lawful use.

The Council's Legal officers have advised that in order to enable a robust assessment of whether the alleged Class C4 use existed prior to and on the date that the Article 4 Direction was implemented my advice is to seek clarification and/or further evidence in respect of the following matters:

1. Letting and Management Arrangements Evidence from the managing agent confirming any advertising or marketing of the property (or individual rooms) as an HMO prior to December 2025. A formal statement from the agent explaining the management arrangements, together with a copy of the management or agency agreement between the landlord and the agent, would assist in substantiating the claimed use.

2. Financial Evidence Bank statements from the individual occupiers evidencing payment of rent in accordance with the submitted rent statement, together with corresponding bank records from the managing agent confirming receipt of those payments and onward remittance to the landlord.

3. Third-Party Validation Statements from neighbours or other independent third parties who are able to confirm whether the property was occupied by the mentioned individuals during the alleged period.

4. Company and Agent Verification Verification of the status and activities of the managing agent

through Companies House records, in light of the absence of an identifiable commercial presence such as a website. This would assist in assessing the weight that can reasonably be attributed to documents produced by, or reliant upon, that agent.

A neighbour consultation was carried out on 13th May 2026. The consultation period expired on 3rd June 2026. 5 letters of objection have been received, 3 of which advise that the property had been vacant and/or abandoned for a considerable period prior to the claimed occupation date of 20 November 2025. The neighbours advise that the condition of the property during this period was inconsistent with normal residential occupation and that there was little to no visible evidence of habitation, occupancy or regular residential activity. This view aligns with the officers site inspection on 15 January 2026 which identified the property as vacant and in a damaged condition. This raises significant concerns regarding the credibility of the claimed timeline of occupation.

An external officer site visit was also undertaken on 7th May 2026 which confirmed that the property remained vacant and in a state of disrepair.

Taking all available information into account, it is considered that, on the balance of probabilities, the application property was very likely not in use as an HMO prior to 11.12.2025, and was, rather, likely unoccupied until at least 7 May 2026 if the building has been occupied at all as an HMO.

On the basis that, in practice, there is not consistent evidence to demonstrate, on the balance of probabilities that conversion of the application property from C3 to C4 Use took place prior to the Council's borough-wide Article 4 Direction which came into effect on 11.12.2025, such a conversion would not have benefitted from Permitted Development rights and would therefore not have been lawful. As such, it is recommended that this Certificate is refused, and subsequently planning permission will be required for the conversion.

3.0 Relevant Planning History

65057/APP/2025/3267 64 EAST ROAD WEST DRAYTON MIDDX

Confirmation of use of the property as a Class C4 HMO (Application for a Certificate of Lawful Development for an Existing Development)

Decision Date: 24-02-2026 Refused

Contact Officer: Nicola Taplin **Telephone No:** 01895 250230