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Section 191 of the Town and Country Planning Act 1990

Planning Statement

To accompany an application for a
Lawful Development Certificate

for the
existing

**“Use of two self-contained flats as two small
Houses in Multiple Occupation (Use Class C4).”**

At

26a & R/O 28, High Street, Northwood, HA6 1BN

By

Eade Planning Ltd

July 2026

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Introduction

1. This is an application for a Lawful Development Certificate under Section 191 of the Town and Country Planning Act 1990 for the existing use of land at 26a & R/O 28 High Street, Northwood, HA6 1BN.
2. The development for which a certificate is hereby applied for comprises one element. This is:
 - Use of two self-contained flats as two small HMOs (Use Class C4).
3. As the evidence demonstrates, the use of both flats as HMOs, commenced prior to the coming into force of the Article 4 direction, which came into effect on the 10th of December 2025, and is lawful, pursuant to Class L, in Part 3 of the GPDO.
4. An evidence bundle is submitted as part of the application, see evidence section below.

The Application

5. The development is lawful pursuant to Class L *The change of use of small HMOs to dwellinghouses and vice versa*.
6. Section 191 of the Town and Country Planning Act 1990 provides that,
 - (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.*
- (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.*

The land

7. The sites are located at 26a & R/O 28 High Street, Northwood, HA6 1BN
8. 26a is a three-storey self-contained flat accessed from the rear of the ground floor in use as a six-room HMO.
9. R/O 28 is a single storey self-contained flat accessed from the rear in use as a three-room HMO.
10. The sites are not located within a Conservation Area nor are they Statutory Listed Buildings.

The reasons for determining the development to be lawful

11. The Town and Country Planning Act 1990, Section 60 - Permission granted by development order, states,

(1) Planning permission granted by a development order may be granted either unconditionally or subject to such conditions or limitations as may be specified in the order.

12. The Town and Country Planning (General Permitted Development) (England) Order 2015 is such an Order.

Article 3 of the 2015 Order provides inter alia that:

“(1) Subject to the provisions of this Order....., planning permission is hereby granted for the classes of development described as permitted development in Schedule 2 .

(2) Any permission granted by paragraph (1) is subject to any relevant exception, limitation or condition specified in Schedule 2 .”

HMO (C4) use

13. Planning permission is granted under Class L in Part 3 of Schedule 2 of the GPDO for the ‘Changes of use of small HMOs to dwellinghouses and vice versa, permits,

“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 dwellinghouses falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order of any building previously used as a single dwellinghouse falling within Class C4 (houses in multiple occupation) of that Schedule; or

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

14. C4 of the Use Class Order refers to the definition of HMO as defined at s.254 of the Housing Act 2004 save for those HMO's the subject of s257 of that Act. It states,

“Class C4. Houses in multiple occupation

Use of a dwellinghouse by not more than six residents as a “house in multiple occupation”.

Interpretation of Class C4

For the purposes of Class C4 a “house in multiple occupation” does not include a converted block of flats to which section 257 of the Housing Act 2004 applies but otherwise has the same meaning as in section 254 of the Housing Act 2004.”.

15. It is, therefore, necessary to turn to the Housing Act 2004 to understand what a C4 HMO is and consequently, what is allowed by Class L of the GPDO. It shall be noted that the TCPA provides no definition of an HMO.

16. Section 254 of the Housing Act 2004 states (as far as relevant with emphasis added)

“a building or a part of a building is a “house in multiple occupation” if—

- (a) it meets the conditions in subsection (2) (“the standard test”);**
- (b) it meets the conditions in subsection (3) (“the self-contained flat test”);**
- (c) it meets the conditions in subsection (4) (“the converted building test”);
- (d) an HMO declaration is in force in respect of it under section 255; or
- (e) it is a converted block of flats to which section 257 applies.**

17. At subsection (2) it states;

“(2) A building or a part of a building meets the standard test if—

- (a) it consists of one or more units of living accommodation not consisting of a self-contained flat or flats;
- (b) the living accommodation is occupied by persons who do not form a single household (see section 258);
- (c)
- (d)
- (e); and
- (f) two or more of the households who occupy the living accommodation share one or more basic amenities **or the living accommodation is lacking in one or more basic amenities.**

18. At subsection (3) it states;

(3) A part of a building meets the self-contained flat test if—

- (a) it consists of a self-contained flat; and
- (b) paragraphs (b) to (f) of subsection (2) apply (reading references to the living accommodation concerned as references to the flat).

19. At subsection (8) it states;

(8) In this section—

- **“basic amenities” means—**
 - (a) a toilet,**
 - (b) personal washing facilities, or**
 - (c) cooking facilities;**

“converted building” means a building or part of a building consisting of living accommodation in which one or more units of such accommodation have been created since the building or part was constructed;

“enactment”

“self-contained flat” means a separate **set of premises** (whether or not on the same floor)—

- (a) which forms part of a building;
- (b) either the whole or a material part of which lies above or below some other part of the building; and
- (c) **in which all three basic amenities are available for the exclusive use of its occupants.**

20. Therefore, if the rooms within the property do not provide all three basic amenities, the property falls within Use Class C4, and the change of use from a single dwellinghouse to such a use is permitted development. In this case, the rooms in both flats do not have all three basic amenities. All tenants share the cooking facilities.

21. For the avoidance of doubt, the properties are now in a lawful use class C4, which was done under Class L of the GPDO, as demonstrated by the evidence, it commenced prior to the Article 4 direction coming into force to remove Class L permitted development rights on the 10th December 2025.

Evidence

22. The following evidence is included in the bundle.

- Statutory declaration – Owner
- Statutory declaration – Management company
- Statutory declaration – Room 3 – 26a
- Statutory declaration – Room 3 – 28a
- ASTs
- Builder’s invoices
- Furniture invoices
- Management statements
- Management company bank statements

- Management company cash receipts
- Owners bank statements

Date of the application for the certificate

23.This application is made on the 20th July 2026.

Conclusion

24.This application provides information that satisfies the claim that the matters described in the application are lawful at the time of the application.