

DELEGATED DECISION REPORT

HPK/2023/0431
Valid 10/08/2023

**51 PEAKDALE LODGE,
HIGH STREET EAST,
GLOSSOP, DERBYSHIRE,
SK13 8PN**

**APPLICATION FOR A LAWFUL
DEVELOPMENT CERTIFICATE
FOR CHANGE OF USE FROM
DWELLING HOUSE , (USE
CLASS C3), TO USE AS A
DWELLING HOUSE BY FOUR
RESIDENTS AS A HMO, (USE
CLASS C4).**

**(CERTIFICATE OF
LAWFULNESS - PROPOSED)**

MAIN ISSUES

If any person wishes to ascertain whether any proposed use of a building would be lawful, they may make an application for the purpose to the local planning authority. If the authority is satisfied, on the information provided, that the use would be lawful they shall issue a certificate to that effect.

DESCRIPTION OF SITE

The application site comprises a terrace property recently granted permission to change use from guest house to dwelling (HPK/2023/0224). The agent confirms the C3 use is implemented.



PROPOSAL

This application seeks a determination regarding the lawfulness of change of use of the subject property from C3 to a C4 House of Multiple Occupation (HMO).

SITE HISTORY

HPK/2023/0224 Change of use of ground, first and second floors of No 51 and first and second floors of No 53 High Street East from Class C1 bed and breakfast guest

house to 2no Class C3 dwellings. Existing tattoo parlour use to remain at ground floor, No 53. – Approved

HPK/2002/0517 - Change of use from retail to office with access ramp to front – Approved 31/07/2002.

HPK/0003/9343 – Continued use of 51 as guest house and change of use of 53 from restaurant and living accommodation to shop at ground floor and extended guest house accommodation – Approved 03/10/2000.

HPK/0003/5454 – New shop front and rear single storey extension – Approved 15/07/1996.

Material Planning Considerations

Under the provisions of the Town and Country Planning (General Permitted Development) Order Schedule 2, Part 3, Class L the change of use from dwelling to small HMO is permitted development

Assessment

Dwellinghouses to small HMOs are permitted development where the development consisting of a change of use of a building 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.

In the interpretation at the beginning of the GDPO it says that a "dwellinghouse", except in Part 3 of Schedule 2 to this Order (changes of use), does not include a building containing one or more flats, or a flat contained within such a building.

Class L of Part 3 states that it is permitted development for:

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.

And that development is not permitted 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.

The planning history for this property suggests that the building formerly a guest house comprising separate let rooms and has since been used as one dwelling (see HPK/2023/0224). The status of the property as one dwelling is consistent with the supporting evidence of two statements provided by the applicant, both confirming that since the approval was granted to revert the guest house to dwelling, the guest

house has ceased trading and has been occupied as a dwelling by an individual occupying it as his main and only residence. It is therefore considered that the consent has been implemented. The aforementioned planning consent does not contain any conditions removing permitted development rights.

Based on the evidence presented, the proposed change of use from a residential C3 use to a 4-bed house of multiple occupancy (HMO C4 use class) is permitted development under Class L of Part 3 of the GPDO, and the application is lawful.

Conclusion

The proposed development is lawful by virtue of complying with the requirements of Schedule 2 Part 3 Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015.

CONCLUSION / PLANNING BALANCE

Having regards to the individual merits of this application the decision to issue a positive certificate has been taken. In reaching this decision the Local Planning Authority has considered the following:-

The proposed development is lawful by virtue of complying with the requirements of Schedule 2 Part 3 Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015.

OFFICER RECOMMENDATION: **Issue a POSITIVE Certificate**

Case Officer: Pet Twigg

Recommendation Date: 14.12.2023

X 

Signed by: Ben Haywood

On behalf of High Peak Borough Council