Expiry: 14/4

Development Management - Delegated Officer Report

Application Number: AWDM/0187/25 Recommendation – Issue certificate.

Site: 91 Brighton Road, Lancing

Proposal: Application for Certificate of Lawfulness for proposed use as an HMO (Use Class C4) for maximum of 6 occupants.

Date of site visit: 14/3

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

This application relates to a two storey flat roofed semi detached house on the north side of Brighton Road. The house is in an elevated position above the road at the mini roundabout at Lancing Green. Beyond the west boundary is the back of a parade shops fronting South Street. To the east is the attached semi.

The site is not in a conservation and is not a listed building. There are no TPO's on the site. There is no known flood risk with this site.

At the time of the site visit the house was gutted and works for the conversion underway with en-suite bathroom partitions up in the intended 6 bedrooms.

Proposal

A Certificate of Lawfulness is sought for the proposed use of the dwelling as a 6-bedroom (single occupancy) house in multiple occupation (Use Class C4).

The submitted drawings show two bedrooms with en-suite shower rooms on the ground-floor, 4no bedrooms (each with an en-suite shower room) on the first floor. The remainder of the ground-floor would consist of a communal living/dining space and kitchen at the rear. There is a rear garden also.

Relevant Planning History

L/42/85/TP/2428 – Extension at first floor. Granted.

Consultations

None undertaken. Lancing Parish Council support.

Representations

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N/A

Relevant Planning Policies

National Planning Policy Framework (MHCLG 2024)
National Planning Practice Guidance
Town & Country Planning (General Permitted Development) Order 2015 (As Amended)

Planning Assessment

The relevant consideration here is the facts of the case and the relevant planning law. The planning merits of the proposal are not relevant matters for consideration. The determination of an application for a Certificate of Lawfulness for a Proposed Use or Development is restricted to consideration of the lawfulness of the proposal. The issue for consideration is whether the proposal needs planning permission by means of an application, or alternatively may be carried out without any such need because it is not development or is permitted development or is 'de Minimis' or is not a material change of use or is immune from enforcement and so has achieved lawfulness.

The relevant test for such an application is whether, on the balance of probabilities, the applicant has proven the proposed use is lawful in planning terms.

The change of use of a dwelling house within Class C3 to a use falling within Class C4 (Houses in Multiple Occupation) is permitted development under the provisions of Schedule 2 Part 3 Class L of the Town and Country Planning (General Permitted Development) Order (as amended).

Class C4 is defined in the Use Classes Order (as amended) as use of a dwelling house by not more than six residents as a house in multiple occupation.

The layout shows a total of 6 bedrooms. The application form confirms a maximum of 6 person occupancy. Each bedroom would be provided with its own shower facilities. However, the kitchen, which comprises a basic amenity, would be shared. The proposed layout meets the definition of a house in multiple occupation (S254 of the Housing Act 2004).

There is no Article 4 Direction in place removing permitted development rights for changes of use to Class C4.

Planning permission is not required for a change of use of this property to a 6-bed (single occupant) HMO (Use Class C4).

Recommendation

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ISSUE CERTIFICATE:-

The proposed change of use from Use Class C3 'dwellinghouse' to Class C4 ‘small HMO' constitutes permitted development under the provisions of Article 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). This Certificate relates to the evidence set out in the application form and the proposed layout shown on Drg: 002-GA Rev A Proposed Floorplans and 0020-EE Rev A Existing and Proposed Elevations.

The proposed use as described is not liable to enforcement action under Section 172 of the Act. However, any other development/intensification or change in circumstance carried out other than as shown on the above-mentioned approved drawing, or as detailed within the Supporting Statement, may be liable to formal enforcement action by the Local Planning Authority.

This Certificate only makes lawful the use referred to above and does not provide immunity from enforcement for any other use.

Informative

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Is recommendation contrary to letter(s) of representation? N/A

Case Officer:	MOK	Date: 25/3/25
Authorised by:	Peter Barnett	Date: 25 March 2025