# Development Management - Delegated Officer Report

**Application Number: AWDM/0866/25** **Recommendation: Issue Certificate**

**Site:** **119 Test Road, Sompting, BN15 0EP**

**Proposal:** **Application for a Lawful Development Certificate for proposed internal modifications to layout of existing property to create 5 bed HMO**

**Date of site visit:** N/A Assessment has also been assisted using the Applicants plan; Earthlight mapping; and Google 3D of the site

**Neighbours checked: N/A**

**Additional neighbour notifications: N/A**

**Site and Surroundings:**

No.119 Test Road is positioned on the east side of the road at right angles to the road, and is a two storey linked terraced dwelling. No. 119 is the second one in from the road. The dwellings on this group read as semi-detached but are physically attached to the next semi-detached in a staggered format.

There is no on-site parking due to the fact that the houses have no street access to the front or to the rear, only pedestrian access. The front of the dwelling faces south and the rear faces north onto a pedestrian path layout.

The street appears to be open plan.

This section of Test Road is characterized by predominantly two storey terraced dwellings, many of which have rear extensions.

The site is not a Listed Building or within a Conservation Area.

**Relevant Planning History:**

None

**Proposal:**

A Certificate of Lawfulness is sought for a change of use from Class C3 (dwellinghouses) to Class C4 (Houses in multiple Occupation).

- The submitted plan identifies the internal subdivision of one room to make two rooms.

- No extensions to take place.

- Confirmed to be occupied by 5no. persons

**Class C3 Dwellinghouses –** is formed of 3 parts

- C3(a) covers use by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child
- C3(b) covers up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems
- C3(c) allows for groups of people (up to six) living together as a single household. This allows for those groupings that do not fall within the C4 HMO definition, but which fell within the previous C3 use class, to be provided for i.e. a small religious community may fall into this section as could a homeowner who is living with a lodger.

**Class C4 Houses in Multiple Occupation**

- Use Class C4 permitted development means you can change a property between a standard family home (Class C3) and a small house in multiple occupation (HMO) without needing a formal planning application.
- A property occupied by three to six unrelated individuals who share basic facilities, like a kitchen or bathroom.
- The defining factor is the sharing of basic amenities, not the number of bedrooms.

**Consultation:** None

**Preamble:**

The determination of applications for Certificates of Lawfulness is restricted to consideration of the lawfulness of the proposal. Effectively, 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 planning merits of a proposal are outside of the scope of the determination.

**Planning Assessment**

***Principle***

The proposal will be viewed against the criteria of permitted development as laid out within The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended

***Consideration***

**Schedule 2, Part 3, Changes of Use.**

**Class L – small HMO's to dwellinghouses and vice versa**

**Permitted development**

**L. Development consisting of a change of use of a building –**

**(a) From a use falling within Class C4 (houses in multiple occupation) of that Schedule;**

**(b) From a use falling within 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.

**Conclusion**

The proposed internal modifications to the layout of the property to create a 5-bed HMO does not amount to a material change of use or involve development requiring planning permission.

**RECOMMENDATION: Issue Certificate**

The proposed internal modifications to the layout of the property to create a 5-bed HMO does not amount to a material change of use and no development requiring planning permission would take place under Section 55(2) of the Town and Country Planning Act 1990 (as amended).

Case Officer: Eve Hearsey Date: 04.09.2025

Authorised by: Peter Barnett Date: 4 September 2025