Section 192 Town and Country Planning Act

Certificate of Lawful Proposed Use for the Change of Use from a 3-bedroom dwellinghouse (Use Class C3) to a 6-person, 5-bedroom HMO (Use Class C4)

13 Cortis Avenue, Worthing, BN14 7BQ

Technopole Portsmouth, Kingston Crescent, Portsmouth, Hampshire, PO2 8FA
023 9252 3352 - help@tpexpert.org - www.tpexpert.org
Jonathan McDermott, Keith Oliver are Chartered Town Planners regulated by the Royal Town Planning Institute
Town Planning Expert is a trading name of RP(UK) Ltd Registered in England and Wales: 08298125 VAT REG 197 6095 56

Copyright Notice

© Town Planning Expert copyright 2020-2025

Copyright in the logo, the VICTORY framework and typographical arrangement rests with Town Planning Expert.

This information may be published by Local Planning Authorities and The Planning Inspectorate under their duties to publish planning information freely.

This document contains extracts of the Town and Country Planning Act 1990, Development Orders, National Planning Policy Framework and Local Development Frameworks that are provided under the terms of the Open Government Licence.

If you have any enquiries regarding this document, email help@tpxpert.co.uk or write to us at:
Town Planning Expert
The Technopole
Kingston Crescent
Portsmouth
PO2 8FA

Site Information

Consultant	Joseph Orbell
Client	ASCOT INVESTMENT PARTNERS 1 LIMITED
Site Address	13 Cortis Avenue, Worthing, BN14 7BQ
LA	Worthing Borough Council
Description of Development	Certificate of Lawful Proposed Use for the Change of Use from a 3-bedroom dwellinghouse (Use Class C3) to a 6-person, 5-bedroom HMO (Use Class C4)
Pathway (PD/Application/Appeal)	Certificate of Lawful Use (Proposed)

Constraints Review

Flood Risk Zone	1
Contaminated Land	No
Tree Preservation Order	No
Heritage Assets	No
Noise Abatement Areas	No
Explosive Hazard Areas	No
National Landscape	No
Special Protection Area	No
Site of Special Scientific Interest	No
RAMSAR Convention Site	No
Site of Importance to Nature Conservation	No
Article 4(1) Directions	No

Report Date 18th March 2025

1. Introduction

1.1. This application seeks a certificate of proposed use for a two-storey, semi-detached building located on the Western side of Cortis Avenue.

1.2. It is proposed to change the use of the property from a dwellinghouse to a 5-bedroom, 6-person HMO (Class C4) under Class L, part 3, schedule 2 of the General permitted development order 2015.

About Town Planning Expert

1.3. Town Planning Expert is a general needs planning consultancy formed in 2012 and practising as a Chartered Planning Practice. Town Planning Expert is instructed to submit a planning application for development as set out below.

Our VICTORY © Framework

1.4. Our VICTORY Framework applies a policy, plan lead, approach to development with the intent of gaining planning permission in a manner that complies with National and Local Planning Policy in accordance with S38 of the Planning and Compulsory Purchase Act 2004.

The Development Proposed

1.5. It is proposed to change the use of the property from a dwellinghouse to a 5-bedroom, 6-person HMO (Class C4).

1.6. The proposed C4 HMO will have a total of 5 bedrooms, and a spacious shared kitchen and dining room with access into an open garden space.

1.7. Covered and secure bike storage for all residents can be provided at the rear of the property.

Matters Pursuant to Application

1.8. This application document is prepared in accordance with S192 of the Town and Country Planning Act to seek confirmation that the development is lawful.

1.9. In this instance, the development complies with the provisions of Class L of the General Permitted Development Order 2015, as amended, and therefore has the benefit of planning permission under S57 of the Town and Country Planning Act.

2. The Legal Framework

Section 57 Town and Country Planning Act 1990

57 Planning permission required for development.

> (1)Subject to the following provisions of this section, planning permission is required for the carrying out of any development of land.

[F1(1A)Subsection (1) is subject to section 33(1) of the Planning Act 2008 (exclusion of requirement for planning permission etc. for development for which development consent required).]

> (2)Where planning permission to develop land has been granted for a limited period, planning permission is not required for the resumption, at the end of that period, of its use for the purpose for which it was normally used before the permission was granted.
>
> (3)Where by a development order [F2, a local development order or a neighbourhood development order] planning permission to develop land has been granted subject to limitations, planning permission is not required for the use of that land which (apart from its use in accordance with that permission) is its normal use.
>
> (4)Where an enforcement notice has been issued in respect of any development of land, planning permission is not required for its use for the purpose for which (in accordance with the provisions of this Part of this Act) it could lawfully have been used if that

development had not been carried out.

(5)In determining for the purposes of subsections (2) and (3) what is or was the normal use of land, no account shall be taken of any use begun in contravention of this Part or of previous planning control.

(6)For the purposes of this section a use of land shall be taken to have been begun in contravention of previous planning control if it was begun in contravention of Part III of the 1947 Act, Part III of the 1962 Act or Part III of the 1971 Act.

(7)Subsection (1) has effect subject to Schedule 4 (which makes special provision about use of land on 1st July 1948).

Section 192 Town and Country Planning Act 1990

Certificate of lawfulness of proposed use or development.

(1) If any person wishes to ascertain whether—

(a) any proposed use of buildings or other land; or

(b) any operations proposed to be carried out in, on, over or under land,

would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question.

(2) If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

(3) A certificate under this section shall—

(a) specify the land to which it relates;

(b) describe the use or operations in question (in the case of any use falling within one of the classes specified in an order under section 55(2)(f), identifying it by reference to that class);

(c) give the reasons for determining the use or operations to be lawful; and

(d) specify the date of the application for the certificate.

(4) The lawfulness of any use or operations for which a certificate is in force under this section shall be conclusively presumed unless there is a material change before the use is instituted or the operations are begun, in any of the matters relevant to determining such lawfulness.

Class L, Part 3, Schedule 2, General Permitted Development Order 2015.

Class L – small HMOs to dwellinghouses and vice versa

L. 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.

3. Site, Context and Comparable Forms of Development

3.1. The application site relates to a two-storey terraced building on the Western side of Cortis Avenue.

3.2. The property currently falls within Class C3. There is no Article 4 direction preventing the change of use from C3 to C4 and therefore, the permitted development allowances that the applicant relies upon are intact for the property in question.

3.3. The property is not in a Conservation Area and not a listed building.



Site location (Google)



Site photograph (Google)

4. Constraints to Development

4.1. There are no constraints that would prevent the use of the permitted development allowance relied upon in this instance.

5. Proof of Evidence

5.1. Class L allows for the change of use of a house to an HMO for up to 6 persons. Class L does not include any limiting conditions within it. There is no Article 4(1) direction restricting HMOs in the area and therefore, the use of this property as a HMO is permitted development under Class L and is lawful.

5.2. The proposed change of use is possible through internal configuration changes including minor internal changes all covered by permitted development allowances.

5.3. The site is not within a Conservation Area or within an area where the use of Class L permitted development allowances are restricted. The allowances are therefore available to the applicant.

5.5. Matters relating to car parking, design and amenities are not germane to the determination of this certificate as they fall well outside the scope of the classes in question.

5.6. As such, it is considered that the use of permitted development in this case to change the use of the property is lawful. The certificate must therefore be granted on this basis.