Expiry Date - 05/02/2025

Development Control – Delegated Officer Report

Application Number: AWDM/1594/24 **Recommendation – ISSUE**

Site: **17 Franklin Road Worthing West Sussex BN13 2PG**

Proposal: **Application for a Lawful Development Certificate for a Proposed Change of use from residential to 6-bed (single occupant) HMO (Use Class C4)**

Date of site visit: 04.02.2025

Neighbours checked: N/A

Additional neighbour notifications: N/A

Site and Surroundings

The application relates to a semi-detached mid-C20 dwelling house located on the west side of Franklin Road, within an established residential suburb of the town. The dwelling is set back from a front garden with vehicle access from Franklin Road serving a driveway. A detached garage building set back to the rear on the south side has been enlarged by a car port structure in front. The dwelling has been enlarged at the rear by a conservatory and more recently by rooms in the roof consisting of a hip to side gable roof extension and rear dormer. The property benefits from a long rear garden.

Adjoining the site to the south is a private access drive serving 3no link-attached bungalows for disabled people dating from the mid-1990s (Nos 15A/B/C) occupying a 'backland' position to the rear of 5-11 Franklin Road. Adjoining the site to the north is the attached house No.19.

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 a bedroom with en-suite shower room on the ground-floor, 3no bedrooms (each with an en-suite shower room) on the first floor and 2no bedrooms (both with an en-suite bathroom or shower room). The remainder of the ground-floor would consist of a communal living/dining space at the rear (retaining the existing conservatory), separate kitchen and separate WC.

Relevant Planning History:

AWDM/1735/23 Application for a Lawful Development Certificate for Proposed rooms in roof consisting of hip to gable, rear dormer with Juliet balcony and front roof lights. Approved 29.02.2024 and implemented.

AWDM/0352/24 Demolish existing conservatory and replace with single storey extension. Permitted 09.05.2024

Consultations: None

Representations: 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 Supporting Statement confirms the bedrooms would be single occupancy. Each would be provided with its own shower/bathing 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 would not be required for a change of use of this property to a 6-bed (single occupant) HMO (Use Class C4).

Recommendation

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 submitted Planning Statement and the proposed layout shown on Drg: A02 P1: Proposed Plans and 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:	Jo Morin	Date: 04.02.2025
Authorised by:	Louise Prew	Date: 04/02/2025