



Covering Statement

Certificate of Existing Lawful Use application for C4 (House of Multiple Occupancy) at: 164 Uttoxeter Old Road, Derby, DE1 1NF



Dear Sir or Madam,

We refer to the above application, submitted on behalf of our client, seeking a Certificate of Lawful Existing Use in respect of the property at 164 Utttoxeter Old Road, Derby. The application is accompanied by the following documentation:

- Completed application form;
- Site location plan;
- Four Assured Shorthold Tenancy agreements demonstrating the existing occupation and use of the property; and
- The relevant application fee, paid directly through the Planning Portal.

The Site

The submitted site location plan identifies, by means of a red-line boundary, the land and property to which this application relates. The application property is currently occupied and operated as a House in Multiple Occupation falling within Class C4 of the Town and Country Planning (Use Classes) Order 1987, as amended.

Existing Use

The application property is a terraced dwelling that was originally used as a dwellinghouse falling within Use Class C3. The property was subsequently converted to, and has since been occupied as, a small House in Multiple Occupation falling within Use Class C4. Evidence has been submitted to show that the property has been in C4 use continuously since 2014.

The application is also supported by four Assured Shorthold Tenancy agreements. These documents provide evidence of the letting and occupation of individual rooms within the property by separate tenants and demonstrate the property's existing use as a House in Multiple Occupation.

Class L of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 permits:

“Development consisting of a change of use of a building—

(a) from a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order, to a use falling within Class C4 (houses in multiple occupation) of that Schedule.”

The change of use of the property from a dwellinghouse within Use Class C3 to a small House in Multiple Occupation within Use Class C4 therefore constituted permitted development, provided that the permitted development right had not been removed by an Article 4 Direction or by a condition attached to an earlier planning permission.



There were no relevant planning restrictions preventing reliance upon the permitted development right when the change of use occurred. Consequently, the use of the property as a Class C4 House in Multiple Occupation did not require an express grant of planning permission.

The applicant is therefore seeking a Certificate of Lawful Existing Use to obtain formal confirmation from the Local Planning Authority that the existing Class C4 use of the property is lawful for planning purposes.

Summary and Conclusion

This application seeks confirmation that the existing use of 164 Uttoxeter Old Road, Derby as a House in Multiple Occupation falling within Use Class C4 is lawful.

The submitted Assured Shorthold Tenancy agreements demonstrate the letting and occupation of the property as an HMO. The change of use from a dwellinghouse within Use Class C3 to a small HMO within Use Class C4 was permitted by Class L of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 and did not require a separate planning application.

On the basis of the information and evidence submitted, it is respectfully requested that the Local Planning Authority issue a Certificate of Lawful Existing Use confirming the lawful use of the property as a Class C4 House in Multiple Occupation.

Yours Faithfully,

Adam Wilson | BSc (hons), M.Arch, PG Dip, ARB