

19 February 2026

Ms Rebecca Harrison

By Electronic Communication Only

On the matter of: 20250995

Application for a Proposed Lawful Development Certificate; Change of use of Flat 1 (Class C3) at basement & ground floors to a 5 person House of Multiple Occupation (HMO) (Class C4) and change of use of Flat 2 (Class C3) at first & second floors to a 4 person HMO (Class C4).

Flat 1 And Flat 2 19 Edwin Street Gravesend Kent

Dear Rebecca

Further to the comments by members of the public and a ward councillor we provide the following in rebuttal I have organised the following into broad headings to assist.

1. Whether or not the flats are dwellings within Class C3 of the Use Classes Order.

It is a matter of fact that flats are dwellings within Class C3 as defined by the Town and Country Planning (Use Classes) Order 1987. It is also a matter of fact that each flat is its own separate planning unit within one building as reinforced by *Burdle and another v Secretary of State for the Environment and another* (1972) 1 WLR 1207. As such the assertion that the flats are not dwellings and latterly not separate planning units is wholly flawed.

2. Whether or not flats have permitted development allowances in respect of Part 3 of the General Permitted Development Order 2015.

The Interpretation section of the GPDO makes clear that:

“dwellinghouse”, **except in Part 3 (changes of use)**, Class B (demolition of buildings) of Part 11 (heritage and demolition),] Part 12A (development by local authorities and health service

bodies) and Part 20 (construction of new dwellinghouses) of Schedule 2 to this Order, does not include a building containing one or more flats, or a flat contained within such a building.

As such flats enjoy permitted development rights under Class L(2), Part 3, Schedule 2 of the General Permitted Development Order 2015. The assertion raised by the objector in this respect is wholly flawed.

3. Parking Pressure resulting from the development.

As a Certificate of Lawfulness application there is no assessment of the planning merits in this case and an objection in respect of parking pressure is unfounded.

4. Impact of household waste and fly tipping.

Fly tipping is a civil offence and not a matter for consideration within any type of application. That being said as this is a Certificate of Lawfulness Application an objection on this point is unfounded.

5. Inaccuracies within the proposed plans.

The applicant asserts that these plans are wholly accurate and this has been validated by the Local Planning Authority.

6. Number of persons per HMO.

Class C4 is limited by the Use Classes order to no more than 6 unrelated persons per HMO. It is within the applicants scope of control to consider what the appropriate number of persons (up to 6) would be inside each HMO. The site will be subject to the Housing Act in respect of the appropriateness of the accommodation which is dealt with separately.

7. These will not be Class C4 HMO's.

The use classes order does not allow for 'totting up' between two separate HMO's within the same building neither does planning law. As such this objection is wholly unfounded.

8. Noise and General Disturbance

As a Certificate of Lawfulness application there is no assessment of the planning merits in this case and an objection in respect of noise and general disturbance is unfounded.

9. This is NOT automatically lawful development

This objection is wholly flawed. As an LDC for proposed use or development the applicant relies upon Class L(2), Part 3, Schedule 2 of the General Permitted Development Order 2015 in this respect. There is no assessment on 'ballance of probabilities' in this case only an assessment as to whether the proposal complies with the GPDO.

10. The change of use is a material change to the character of the occupation and an intensification of the use.

The applicant relies upon Class L(2), Part 3, Schedule 2 of the General Permitted Development Order 2015 in this respect. The General Permitted Development Order is a development order which grants planning permission for the classes of development within Schedule 2. This is a process allowed to the Secretary of State in exercise of the powers conferred by sections 59, 60, 61, 74 and 333(7) of the Town and Country Planning Act 1990. As such in granting such an order the Secretary of State has determined that express planning permission is not required from the Local Planning Authority. Irrespective of the perceived harm in this case the objection is wholly flawed.

11. Failure to demonstrate lawful use under Article 4 (if applicable)

There s no Article 4 Direction restricting Class L(2), Part 3, Schedule 2 of the General Permitted Development Order 2015 and as such this point of objection is flawed.

12. Precedent risk

Matters relating to planning precedent are covered by caselaw (specifically Dorset County Council vs Secretary of State for the Environment 1991) which makes clear that a previous decision does not bind the LPA to make a similar decision in similar circumstances. That being said and for the reason set out in response 10 the provisions of the GPDO 2015 do ot have the

ability of setting an undesirable precedent in that they are a deemed permission in their own right where the Secretary of State has made a planning assessment.

We trust these comments assist the LPA and guide the Committee in making the appropriate decision on this application.

Yours Sincerely

Jonathan McDermott
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Principal Town Planner