

Our ref: hk/O/Grvnd/Flat/CLUOPED?19.05.26

19 May, 2026

Gravesham Borough Council
Civic Centre
Windmill Street
Gravesend
Kent DA12 1AU

Dear Planning Officers,

Certificate of Lawful Proposed Use for the change of use of Class C3 to first and second floor to C4 House in Multiple occupation at 78 Peacock Street Gravesend.

The subject property is the 4-bedroom flat at first and second floor level above the former Peacock public house on Peacock Street Gravesend.

This application is submitted under Section 192 of the Town and Country Planning Act 1990 to confirm the lawfulness of the proposed development. It is proposed to change the use of the C3 dwellinghouse to up to a 6 -bedroom C4 HMO. The proposed development is fully compliant with permitted development rights granted under Class L, Part 3, Schedule 2 of the General Permitted Development Order 2015.

Class L states –

Class L – small HMOs 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 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.

Article 2 (Interpretation) of the General Permitted Development Order 2015 (as amended) confirms 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;

The exception provided in Part 3 therefore confirms that the subject property benefits from the Class L permitted development right. 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 these dwellinghouses as a HMOs is permitted development under Class L and is lawful.

The council has already considered the principle and established the precedent of the proposed development recently and granted a certificate of lawful proposed use for (Ref: 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) at Flat 1 and Flat 2, 19 Edwin Street Gravesend Kent.

In approving the application at planning committee officers reported that –

The proposal for change of use of Flat 1, 19 Edwin Street and Flat 2, 19 Edwin Street to 5 persons and 4 persons HMOs (houses of multiple occupation) respectively would be lawful development as it falls within the limits set out in Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the following reasons. Flat 1 and Flat 2 are each in use Class C3 (dwelling house); the number of persons in each HMO would be no more than 6 and so they would constitute a small HMO under use Class C4 (houses of multiple occupation). Both flats are separate individual dwelling houses and so the proposal would not result in two or more dwelling houses changing to an HMO.

As the proposed use is lawful development the certificate must be granted.

If you have any questions related to this development, please do not hesitate to contact these offices in the first instance.

Yours sincerely,

HARIS KASUJI BA MA MRTPI