

Delegated Report

Lawful Development Certificate

Application no:	20241172
Location	50 Wrotham Road, Gravesend, Kent, DA11 0QF
Proposal:	Application for a Proposed Lawful Development Certificate for the change the use of the property from a single-family dwelling to a 5 person HMO.
Applicant:	Mr Doku
Site Visit	N/A Desktop Assessment

Plans & Documents

Application Form – dated 24 December 2024;
 Supplementary Information – Planning Statement;
 Drawing no. 001 – Rev. A – Site Location Plan, with Existing and Proposed Block Plans;
 Drawing no. 002 – Rev. A – Existing and Proposed Floor Plans.

Policies & Representations

Not applicable, this is an application for a lawful development certificate under Section 192 of the Town & Country Planning Act 1990 (as amended).

Material Consideration

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

The Town and Country Planning act 1990 (as amended)

The Town and Country Planning (Use Classes Order) 1987 (as amended)

Relevant Planning History

Reference	Description	Decision	Decision Date
20230013	Change of use from C3 to C4 HMO; with proposed extension to rear dormer and installation of roof light windows to front roof slope and a single storey rear extension	REFUSED	05.04.2023
20220726	Application for a Lawful Development Certificate in respect of the proposed erection of a rear dormer and installation of roof light windows to front roof slope and a single storey rear extension.	CERTIFICATE GRANTED	09.09.2022

20220552	Application for a Lawful Development Certificate in respect of the proposed erection of a rear dormer and installation of roof light windows to front roof slope and a single storey rear extension.	CERTIFICATE REFUSED	20.06.2022
20220170	Erection of a single storey rear extension and rear dormer, installation of roof light windows to front roof slope. Conversion from a 3 bedroom dwelling to 3 self-contained flats (1 x 2 bed and 1 x 1 bed and Bedsit).	REFUSED	14.04.2022
20211315	Erection of a rear dormer and installation of roof light windows to front roof slope. Conversion from a 3 bedroom dwelling to 3 self-contained flats (2 x 1 bed and 1 x 2 bed).	REFUSED	20.12.2021

Officer Assessment*Permitted Developments Rights Restrictions*

Article 2 (3) Land (AONB, Conservation Area)	N
Article 4 Direction	N
Permitted Development Rights Removed/Restricted	N

Analysis

The Town and Country Planning (Use Classes) Order 1987, assigns use classes to various uses. In the case of small HMO's the legislation designates this as use Class C4 with the description of; '*Small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.*' Class L, Part 3, Schedule 2 of the GPDO, allows for conversion from C3 (dwellinghouses) to C4 (Houses in Multiple Occupation), without requiring planning permission, where certain criteria are met.

Part 3, Schedule 2 of the GPDO**Class L – Small HMOs to dwelling houses and vice versa****Permitted Development:**

L	Development consisting of a change of use of a building -	Y/N
(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 (dwelling houses) of that Schedule	N/A
(b)	From a use falling within Class C3 (dwelling houses) of the Schedule to the Use Classes Order, to a use falling within Class C4 (houses in multiple occupation) of that Schedule;	Y
L.1	Development is not permitted by Class L if it would result in the use-	Y/N

(a)	As two or more separate dwelling houses falling within Class C3 (dwelling houses) of the Schedule to the Use Classes Order of any building previously used as a single dwelling house within Class C4 (houses in multiple occupation) of that Schedule; or	N/A
(b)	As two or more separate dwelling houses falling within Class C4 (houses in multiple occupation) of the Schedule to the Use Classes Order of any building previously used as a single dwelling house within Class C3 (dwelling houses) of that Schedule.	N/A

Conclusion

The submitted plans show the property as altered would have 5 bedrooms and the HMO would serve 5 individuals. The proposed small HMO falls within the above limits set out in Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and would comply with the definition of C4 (Houses in Multiple Occupation), as set out within The Town and Country Planning (Use Classes) Order 1987.

Therefore, planning permission is not required, and a Lawful Development Certificate can be issued.

Recommendation: <u>Grant</u> Lawful Development Certificate			
Case Officer:	Mr Ethan Bonthron	Team Leader:	Mrs Faye Walsh
Signed:		Signed:	
Dated:	20 th February 2025	Dated:	20 February 2025