

Comments summary

Dear Sir/Madam,

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 20/01/2026 11:38 PM from [REDACTED]

Application Summary

Address: 19 Edwin Street Gravesend Kent

Proposal: Application for a Proposed Lawful Development Certificate; Change of use of 2 flats within Class C3 to form 2 HMO's within Class C4.

Case Officer: Ms Rebecca Harrison

[Click for further information](#)

Customer Details

Name: [REDACTED]

Email: [REDACTED]

Address: [REDACTED] Longfield Road Meopham Gravesham

Comments Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Reasons for comment:

Comments: STRONG OBJECTION

Application ref: 20250995

Address: 19 Edwin Street, Gravesend

Proposal: Change of use of 2 flats (Class C3) to form 2 HMOs (Class C4)

1. This is NOT automatically lawful development

An LDC can only be granted if the applicant proves, on the balance of probability, that the proposed use is lawful without the need for planning permission.

That burden of proof rests entirely with the applicant, not the Council.

If there is any reasonable doubt, the certificate must be refused.

2. Flats converting to HMOs is not a simple C3 → C4 switch

Each flat is a separate planning unit. Converting self-contained flats into HMOs introduces:

- A material change in the character of occupation
- Intensification of use
- Different amenity impacts to surrounding residents

This is not equivalent to converting a single dwellinghouse into a small HMO.

Case law and appeal decisions repeatedly confirm that intensification and character change matter, even where use classes appear similar on paper.

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

Gravesham has long-standing concerns around HMOs and housing pressure.

If any Article 4 Direction applies now or applied at any point since the relevant date, permitted development rights are withdrawn and planning permission is required.

The application documentation does not clearly or conclusively demonstrate that:

- No Article 4 restriction applies, or
- That the lawful use would have existed prior to any such direction

Uncertainty here alone is fatal to an LDC.

4. Over-intensification and loss of residential amenity

HMOs introduce materially different impacts compared to C3 flats, including:

- Higher occupant turnover
- Increased noise and disturbance
- Increased refuse generation
- Increased pressure on parking and local services

These impacts are not theoretical, they are well-documented and directly relevant when assessing whether the proposed use is genuinely lawful without permission.

An LDC cannot be granted where the use would clearly operate in a materially different way to the existing lawful use.

5. Risk of incremental over-occupation

C4 HMOs allow occupation by up to six unrelated individuals per unit.

This creates a credible risk of:

- 12 unrelated occupants within a single building
- Internal alterations that alter the nature of the flats
- Pressure toward larger or de facto sui generis HMOs

The proposal therefore enables a scale of occupation wholly inconsistent with the existing lawful residential use.

6. Inadequate evidence provided

The application lacks clear, robust evidence demonstrating:

- Exact internal layouts post-change
- How the flats would function independently as lawful HMOs
- How intensification would not materially alter the planning use

- That no planning conditions or historic restrictions apply

An LDC must be refused where evidence is incomplete, ambiguous, or contestable.

7. Precedent risk

Granting this certificate would set a dangerous local precedent, enabling piecemeal conversion of flats to HMOs across Gravesend without proper planning scrutiny.

That directly undermines:

- Local housing balance
- Residential amenity
- The Council's ability to manage HMO concentration

CONCLUSION

This proposal fails the legal test for a Lawful Development Certificate.

The applicant has not demonstrated beyond reasonable doubt that the proposed change of use is lawful without planning permission.

Accordingly, the application must be refused.

Kind regards