



town planning expert

## Section 192 Town and Country Planning Act

Certificate of Lawful Proposed Use for the Change of Use of two C3 dwellinghouses to two C4 Houses in Multiple Occupation

Flat 1 and Flat 2, 19 Edwin St, Gravesend, DA12 1EH

Technopole Portsmouth, Kingston Crescent, Portsmouth, Hampshire, PO2 8FA  
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Jonathan McDermott and Francelita Balbido are Chartered Town Planners regulated by the Royal Town Planning Institute  
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### Site Information

Consultant	Jonathan McDermott/Joseph Orbell
Client	Aaron Prowse
Site Address	Flat 1 and Flat 2, 19 Edwin St, Gravesend, DA12 1EH
LA	Gravesend Borough council
Description of Development	Certificate of Lawful Proposed Use for the Change of Use of two C3 dwellinghouses to two C4 Houses in Multiple Occupation
Pathway (PD/Application/Appeal)	Certificate of Lawful Use (Proposed)

### Constraints Review

Flood Risk Zone	1
Contaminated Land	No
Tree Preservation Order	No
Heritage Assets	No
Noise Abatement Areas	No
Explosive Hazard Areas	No
National Landscape	No
Special Protection Area	No
Site of Special Scientific Interest	No
RAMSAR Convention Site	No
Site of Importance to Nature Conservation	No
Article 4(1) Directions	No

### Report Date

29th September 2025

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## 1. Introduction

1.1. This Statement supports an application for a Lawful Development Certificate for the change of use from two C3 dwellinghouses to houses in multiple occupation (Use Class C4).

### About Town Planning Expert

1.2. Town Planning Expert is a general needs planning consultancy formed in 2012 and practising as a Chartered Planning Practice. Town Planning Expert is instructed to submit a planning application for development as set out below.

### Our VICTORY © Framework

1.3. Our VICTORY Framework applies a policy, plan lead, approach to development with the intent of gaining planning permission in a manner that complies with National and Local Planning Policy in accordance with S38 of the Planning and Compulsory Purchase Act 2004.

### The Development Proposed

1.4. It is proposed to change the use of the two properties from dwellinghouses to a 5 bedroom C4 HMO in Flat 1 and a 4 bedroom C4 HMO in Flat 2 under Class L, part 3, schedule 2 of the General permitted development order 2015.

### Matters Pursuant to Application

1.5. The property comprises two dwellinghouses within Use Class C3, established through previous planning permissions. In September 2025, an appeal was allowed permitting the replacement of a basement door with a window.

1.6. This application is submitted under Section 192 of the Town and Country Planning Act 1990 to confirm the lawfulness of the proposed development.

1.7. The development complies with the provisions of Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and therefore benefits from deemed planning permission under Section 57 of the Town and Country Planning Act 1990.

## 2. The Legal Framework

Section 192 Town and Country Planning Act 1990

### **Certificate of lawfulness of proposed use or development.**

- (1) If any person wishes to ascertain whether—
  - (a) any proposed use of buildings or other land; or
  - (b) any operations proposed to be carried out in, on, over or under land,

would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question.
- (2) If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.
- (3) A certificate under this section shall—
  - (a) specify the land to which it relates;
  - (b) describe the use or operations in question (in the case of any use falling within one of the classes specified in an order under section 55(2)(f), identifying it by reference to that class);
  - (c) give the reasons for determining the use or operations to be lawful; and
  - (d) specify the date of the application for the certificate.
- (4) The lawfulness of any use or operations for which a certificate is in force under this section shall be conclusively presumed unless there is a material change before the use

is instituted or the operations are begun, in any of the matters relevant to determining such lawfulness.

Class L, Part 3, Schedule 2, General Permitted Development Order 2015.

Class L – small HMOs to dwellinghouses and vice versa

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.

## Interpretation

### 2.—(1) In this Order—

“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.

## 3. Site, Context and Comparable Forms of Development

3.1. The application site comprises a three-storey end-of-terrace property with a basement, situated on the eastern corner of Edwin Street and Saddington Street.

3.2. The property currently contains two units within Use Class C3. There is no Article 4 Direction restricting the change of use from Class C3 (dwellinghouse) to Class C4 (small HMO). Accordingly, the permitted development rights on which the applicant relies remain available for this property.

## 4. Constraints to Development

4.1. While the site is located within a Conservation Area, the proposed use of the property as two small HMOs (Use Class C4) falls within the scope of permitted development rights.

## 5. Proof of Evidence

5.1. 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.

5.2. The proposed change of use is possible through internal configuration changes including minor internal changes all covered by permitted development allowances.



5.3. The site is within a Conservation Area however this does not have an impact on the use of Class L permitted development allowances. The allowances are therefore available to the applicant.

5.4. Matters relating to car parking, design and amenities are not germane to the determination of this certificate as they fall well outside the scope of the classes in question.

5.5. As such, it is considered that the use of permitted development in this case to change the use of the property is lawful. The certificate must therefore be granted on this basis.