


**RECORD OF EXERCISE OF DELEGATED AUTHORITY BY OFFICER PURSUANT TO
REGULATION 13 OF THE LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS)
(MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012 &
THE OPENNESS OF LOCAL GOVERNMENT BODIES REGULATIONS 2014**

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| <u>SUBJECT OF DECISION</u> Certificate of proposed lawful use of a two-storey terraced dwelling house Class C3 to Class 4. Application ref: 040965 | |
| <u>DECISION REFERENCE</u> DO/36/2025 (MW) | <u>SOURCE OF AUTHORITY AND REFERENCE</u> (i.e. Committee/ Constitution/Minute No. etc. Part 3E.3 a) |
| <u>DATE OF DECISION</u> 28th August 2025 | <u>DECISION MAKER (Name and Job Title)</u>  Matt Wallbank <u>Assistant Director – Democracy & Governance</u> |

RECORD OF THE DECISION

a) The issue

Under section 192 of the Town and Country Planning Act 1990, an applicant can ascertain whether any development/use carried out in, on, over or under land is lawful. This can be done by applying for a certificate of lawfulness.

The relevant law is the Town and Country Planning Act 1990 as amended (“the Act”), the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO”) and the Town and Country Planning (Use Classes) Order 1987 as amended (“the UCO”).

The UCO in Part C of the Schedule to the order states

Class 3. Dwellinghouses

Use as a dwellinghouse (whether or not as a sole or main residence) by –

- (a) A single person or by people to be regarded as forming a single household or*
- (b) Not more than six residents living together as a single household where care is provided for residents;*
- (c) Not more than six residents living together as a single household where no care is provided for residents (other than a use within Class 4)*

Class C4 Houses in Multiple Occupation

Use as a dwellinghouse by not more than six residents as a “house in multiple occupation”

The GPDO provides under article 3 that planning permission is granted for the classes of development described as permitted development in Schedule 2 of the order

Class L of Part 3 of Schedule 2 of the Order states as permitted development

Development consisting of a change of use of a building from a use falling within Class 3(dwellinghouse) of the Schedule to the Use Class Order, to a use falling with Class C4 (houses in multiple occupation) of that Schedule

The present use is within Class C3 and the proposed use would be within Class C4 and the proposed change of use would be granted by the GPDO as amended.

b) The Decision

The Certificate be issued for the proposed change of use to Class C4.

REASON FOR THE DECISION

The assessment is a matter of law, fact and degree. The applicants have submitted proposals that satisfy the requirements of the 2015 Order and Use Class Order 1987 as amended.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED IN MAKING THE DECISION

Reject the application. This was not an option in view of the submitted proposals.

WARD RELEVANCE

St Mary’s

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| <u>FINANCIAL AND BUDGET IMPLICATIONS</u> None |
| <u>CONSULTATION UNDERTAKEN WITH MEMBERS/OFFICERS</u> Consultation has been undertaken with the Legal Services Team and the Planning Services Team. |
| <u>ANY CONFLICT OF INTEREST DECLARED BY ANY MEMBER CONSULTED</u> None |
| <u>IN RESPECT OF ANY DECLARED CONFLICT BY A CABINET MEMBER, ANY DISPENSATION GIVEN BY THE HEAD OF PAID SERVICE</u> (Note if the decision is a non-executive decision, no dispensation can be given). Not applicable |
| <u>EQUALITIES IMPLICATIONS</u> None |
| <u>HUMAN RESOURCES IMPLICATIONS</u> None |
| <u>FINANCIAL IMPLICATIONS</u> None |
| <u>HEALTH EQUALITIES IMPLICATIONS</u> None |
| <u>SECTION 17 CRIME & DISORDER IMPLICATIONS</u> None |
| <u>RISK MANAGEMENT IMPLICATIONS</u> None |
| <u>SME (SMALL/MEDIUM ENTERPRISES) & LOCAL ECONOMY IMPLICATIONS</u> None |
| <u>ENVIRONMENTAL IMPLICATIONS</u> None |

LEGAL IMPLICATIONS

This decision complies with Section 192 of the Town & Country Planning Act 1990.

ANY OTHER COMMENTS

None

**PLEASE RETURN TO THE MONITORING OFFICER AS SOON AS A DECISION IS
MADE OR AS REASONABLY PRACTICABLE THEREAFTER**