

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

SUBJECT OF DECISION

Application for a Lawful Development Certificate for a change of use from dwellinghouse (Use Class C3) to houses in multiple occupation (HMO) (Use Class C4) for the use of a dwellinghouse including external alterations for removal of chimney ("the proposed development") – Planning application reference: **041693**

DECISION REFERENCE

DO/42/2026 (MW)

SOURCE OF AUTHORITY

AND REFERENCE (i.e. Committee/ Constitution/Minute No. etc.

Part 3E.3 a)

Ss.191 to 194, Town and Country Planning Act 1990

Certificate of lawful use or development except when called in for decision by Planning Applications Committee pursuant to the process outlined in Part 3E.7 iv.

DATE OF DECISION

23/09/2026

DECISION MAKER (Name and Job Title)



Matt Wallbank
Assistant Director – Democracy & Governance

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 carried out in, on, over or under land is lawful. This can be done by applying for a certificate of lawfulness.

This application is seeking to ascertain that the proposed development outlined in the application is lawful (without the need for a formal planning application) by virtue of Section 55 of The Town and Country Planning Act 1990.

b) The Decision

The Certificate be issued for the proposed development. Planning application reference: **041693**

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 Town and Country Planning Act 1990 and the Town and Country Planning (Use Classes) Order 1987 Act.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED IN MAKING THE DECISION

Reject the application. This was not an option in view of the submitted proposals. The proposed change of use from Use Class C3 to Use Class C4 in respect of 42 College Street would be lawful within the meaning of Section 192 of the Town and Country Planning Act 1990. This is because whilst it would constitute a change of use, there is not considered to be a material change when considering the number of occupants residing at the property would not be an unusual number and therefore, would mirror a dwellinghouse use. The changes would not constitute a 'material change' therefore the proposal would not amount to development as set out in Section 55 of the Town and Country Planning Act 1990, meaning it does not require planning permission. This therefore confirms that the proposal would be lawful, on the specified date and thus, would not be liable to enforcement action under Section 172 of the Town and Country Planning Act 1990.

WARD RELEVANCE

Arbury

FINANCIAL AND BUDGET IMPLICATIONS

None

CONSULTATION UNDERTAKEN WITH MEMBERS/OFFICERS

Consultation has been undertaken with the Legal Services Team and the Planning Services Team.

ANY CONFLICT OF INTEREST DECLARED BY ANY MEMBER CONSULTED

None

IN RESPECT OF ANY DECLARED CONFLICT BY A CABINET MEMBER, ANY DISPENSATION GIVEN BY THE HEAD OF PAID SERVICE (Note if the decision is a non-executive decision, no dispensation can be given).

Not applicable

EQUALITIES IMPLICATIONS

None

HUMAN RESOURCES IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

HEALTH EQUALITIES IMPLICATIONS

None

SECTION 17 CRIME & DISORDER IMPLICATIONS

None

RISK MANAGEMENT IMPLICATIONS

None

SME (SMALL/MEDIUM ENTERPRISES) & LOCAL ECONOMY IMPLICATIONS

None

ENVIRONMENTAL IMPLICATIONS

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**