



Appeal Decision

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by **D Hartley BA (Hons) MTP MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 JULY 2025

Appeal Ref: APP/U4230/X/25/3362759

505 Manchester Road, Worsley, Salford, M27 9QN

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) (the Act) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Peter Grech against the decision of Salford City Council.
 - The application ref PA/2024/1625, dated 29 October 2024, was refused by notice dated 18 December 2024.
 - The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 (as amended).
 - The use for which a certificate of lawful use or development is sought is a proposed change of use from (use class C3) dwellinghouse to a six person HMO (use class C4).
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Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the proposed use which is found to be lawful.

Preliminary Matter

2. For the avoidance of doubt, I make clear that the planning merits of the proposed development is not relevant in this appeal. My decision rests on the facts of the case and on relevant planning law and judicial authority.

Main Issue

3. The main issue is whether the Council's decision to refuse to grant an LDC was well-founded with particular regard to whether on the date of the LDC application planning permission was not needed for use of the dwellinghouse as a house in multiple occupation (HMO) for six persons.

Reasons

4. On the 10 October 2023, the Council resolved to supplement an existing Article 4 Direction which removes permitted development rights to move from use class C3 (dwellinghouses) to use class C4 (small HMOs to dwellinghouses and vice versa) as outlined in Class L of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). The Article 4 Direction is applicable to the Swinton and Wardley ward of which the appeal property is sited.
5. The Article 4 Direction came into force on 17 November 2024. Section 192(2) of the Act states that *"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". The LDC application is dated 29 October 2024. It therefore pre-dates the Article 4 Direction coming into force for the ward to which the appeal property relates.

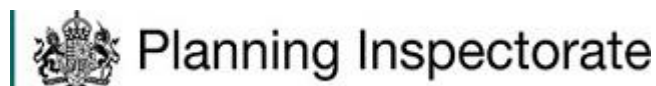
6. On 29 October 2024, the evidence is that if use of the property as a use class C4 HMO had been instituted or begun, it would have been permitted development. This is because the Article 4 Direction was not in force for the area at this time: it came into force on 17 November 2024. Hence, use of the dwellinghouse as an HMO for six persons would have been permitted development given Class L of Part 3 of Schedule 2 of the GPDO. Indeed, there is no evidence to indicate that the proposal would not be permitted development in respect of the limitations imposed in L.1. of Class L of Part 3 of Schedule 2 of the GPDO.

Conclusion

7. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development for a proposed change of use from (use class C3) dwellinghouse to a six person HMO (use class C4) is not well-founded and that the appeal should succeed. I will exercise accordingly the powers transferred to me in section 195(2) of the 1990 Act (as amended).
8. In reaching the above conclusion, I emphasise that it relates only to the legal position that existed on the date of the LDC application, i.e., on 29 October 2024. If use of the appeal property as an HMO has not begun or been instituted to date, or was begun or instituted on or after 17 November 2024, then the appellant should be aware that the Article 4 Direction which came into force for the area on 17 November 2024 removes permitted development rights from use class C3 to the use class C4 and, in this regard, planning permission would be required for a six person use class C4 HMO. If applicable, the appellant may want to discuss this matter further with the local planning authority.

D Hartley

INSPECTOR



Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 29 October 2024 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and shown on the plans attached to this certificate, would have been lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason:

On the 19 October 2024, the Article 4 Direction which removes permitted development rights from use class C3 (dwellinghouse) to the use class C4 (small HMO) in the area was not in force. It came into force on 17 November 2024. Hence, had use of 505 Manchester Road, Worsley, Salford, M27 9QN as a use class C4 HMO been begun or instituted on 19 October 2024 it would have been permitted development.

Signed

D Hartley

Inspector

Date: 11 JULY 2025

Reference: APP/U4230/X/25/3362759

First Schedule

Proposed change of use from (use class C3) dwellinghouse to a six person HMO (use class C4).

Second Schedule

Land at 505 Manchester Road, Worsley, Salford, M27 9QN

IMPORTANT NOTES – SEE OVER

NOTES

This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use /operations described in the First Schedule taking place on the land specified in the Second Schedule would have been lawful, on the certified date and, thus, was /were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use /operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use /operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

The effect of the certificate is subject to the provisions in section 192(4) of the 1990 Act, as amended, which state that the lawfulness of a specified use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters which were relevant to the decision about lawfulness.

Plans

These are the plans referred to in this decision dated: **11 JULY 2025**

by **D Hartley**

Land at: 505 Manchester Road, Worsley, Salford, M27 9QN

Reference: APP/U4230/X/25/3362759

Scale: Not to Scale

