

APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR PROPOSED USE OR DEVELOPMENT

APPLICATION REFERENCE:	PL/2025/09290
APPLICATION TYPE:	Lawful development: Proposed use
SITE ADDRESS:	31 Trinity Street, Salisbury, SP1 2BD
DEVELOPMENT DESCRIPTION:	Proposed change from C3 Residential to C4 HMO for between 3-6 un related individuals.
RECOMMENDATION:	Approve

PROPOSAL

This application seeks a Certificate of Lawfulness (CLP) under Section 192 of the Town and Country Planning Act 1990 (as amended) for a proposed change of use from C3 Residential, to C4, HMO, for between 3 and 6 unrelated individuals.

The planning merits of the proposal are not under consideration. The only issue is whether the proposed works constitute "permitted development" (PD) under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) [hereafter referred to as "the GPDO"].

RELEVANT LEGISLATION AND POLICY

The statutory framework governing CLP's is set out in Section 192 of the Town and Country Planning Act 1990 (as amended). This section establishes that a proposed development or use is "lawful" if it would not constitute a breach of planning control. A CLP can be granted if the Local Planning Authority is satisfied, on the balance of probabilities, that the proposed development or use would not require planning permission.

The application has been assessed against the relevant criteria set out in Schedule 2, Part 1, Class A and Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended and to consider whether a Certificate of Lawfulness (Proposed) can be granted.

REPRESENTATIONS

There is no legal obligation to consult third parties, including Town/Parish Councils or neighbouring properties, for this type of application.

RELEVANT SITE HISTORY

None

ASSESSMENT AND CONCLUSION

The application relates to a mid-terrace, three storey dwelling in Salisbury.

The application seeks Lawful Certificate, Proposed Use, consent for the change of use from C3 Residential, to C4 HMO.

Class L of the GDPO, for small HMOs to dwellinghouses and vice versa states that:

Permitted development

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.

In assessing the proposal, the following has been confirmed:

The original dwelling was not granted by virtue of Class M, N, P, PA or Q of Part of the Schedule 2.

The site dwellinghouse is not on Article 2(3) land or a site of special scientific interest.

As a result of the proposed works, the total area of ground covered by buildings within the curtilage of the dwelling house (other than the dwelling house) would not exceed 50% of the total area of the curtilage.

The proposal would not consist or include of the construction or provision of a veranda, balcony or raised platform. It would also not consist of or include the installation, alteration or replacement of a microwave antenna, chimney, flue, soil and vent pipe or the alteration to any part of the roof of the dwelling house.

The proposed development would consist of a change of use of a building from a use falling within Class C3 (dwellinghouses) of the Schedule of Use Classes Order, to a use falling within Class C4 (houses in multiple occupation) of that Schedule.

The proposed development would not result in the use of two or more separate dwellinghouses falling within Class C3 of the Schedule to the Use Classes Order of any building previously used as a single dwellinghouse falling within Class C4.

The proposed development does fall within the scope of permitted development, as defined under Schedule 2, Part 1 Class A and Part 3 Class L of the GPDO. It meets all relevant limitations and conditions, and no restrictions (such as Article 4 Directions or planning conditions) are in force that would remove the permitted development rights relied upon.

The proposed development is considered lawful under Section 192 of the Town and Country Planning Act 1990 (as amended).

RECOMMENDATION

It is recommended that a Certificate of Lawfulness for Proposed Development be GRANTED for the following use/development:

Reason for approval: The proposed development is deemed lawful under Schedule 2, Part 1 Class A and Part 3 Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Therefore, the proposal is in accordance with relevant statutory provisions and does not require planning permission.