

109 Dodworth Road, Barnsley, S70 6HL

Application for Lawful Development Certificate for an Existing Use

On 14 May 2020, Barnsley MBC made an Article 4 Direction under Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015. The Article 4 direction came into force on **24 June 2021**. This means development consisting of a change of use to a building currently used as a dwelling house (Class C3) to an HMO (Class C4) is no longer deemed as permitted development. This is under Class L(b) of part 3 of Schedule 2 of Town and Country Planning (General Permitted Development) (England) Order 2015.

In terms of a Certificate of Lawfulness for Existing Use or Development when permission was required and planning permission is not secured in advance. To secure an LDC, you'll need to meet certain criteria. Your property must:

- Be used as a HMO continuously for 10 years;
- Have at least three tenants;
- Have two or more households sharing basic facilities.

However, our client changed the use of a C3 dwelling to a C4 HMO in advance of an Article 4 Direction restricting the permitted change of use being adopted.

In this situation we would not need to prove the use has been established for 10 years, we need to prove that the change of use occurred prior to the adoption of the Article 4 Direction.

As such we have attached Assured Shorthold Tenancy Agreements which are dated April 2018, February 2021 and December January 2020. Which confirm the property was used as a HMO (C4) prior to the Article 4 direction.

We trust this is suitable evidence to support the application.