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Ref: IC/3059
VIA PLANNING PORTAL

May 2025

Head of Planning
Havering Council

Dear Sir,

61 HAVERING ROAD, RM1 4QT
LDC UNDER SECTION 191 OF THE ACT IN RESPECT OF THE LAWFUL C3 TO C4 CHANGE OF USE OF THE ABOVE PROPERTY BY VIRTUE OF CLASS L OF THE GPDO

On behalf of our clients, Mrs Shazia Tariq, we submit an LDC under Section 191 of the Act to confirm that the change of the use of the above property, from a C3 residential unit to a C4 HMO for up to 6 persons sharing accommodation which took place on the 10/02/2025, was lawful.

The change of use has occurred and so we seek an LDC under S191 of the Act

We note that as licensing will not allow a licence for more than a year unless there is some form of planning documentation in place. As the GPDO does allow a change of use from C3 to C4 without recourse to the local planning authority this is not necessarily an aligned position.

The property lies on the eastern side of Havering Road, broadly opposite Parklands Primary School.

It is a detached property and an image of the property is below:



The fact that it is detached is germane to the Class L assessment as there are two Article 4 directions both of which claiming effect on 13th July 2016 as follows:

Direction Notice 1 - Brooklands, Romford Town, Heaton and Gooshays Wards

The effect of this Article 4 Direction is that permitted development rights to change any dwelling located with these four wards into a house in multiple occupation do not apply and planning permission will be required.

The Direction was confirmed on 3 November 2015 and came into force on 13 July 2016.

Article 4 Direction Art4/1/2015

Direction Notice 2 - Whole of Borough, except Brooklands, Romford Town, Gooshays and Heaton Wards

The effect of this Article 4 Direction is that permitted development rights to change a dwelling which is a flat, terraced house or semi-detached house located within any part of the borough other than the four wards above into a house in multiple occupation do not apply and planning permission will be required

The site is not within the geographical area covered by Order 1 and whilst within the area covered by Order 2, *which effectively covers the remainder of the borough*, it is a detached property and so is not affected by this restriction, which we have highlighted above.

Class L grants the change of use and a small HMO comprises up to 6 persons.

The change of use occurred on the 10/02/2025 and so the LDC is submitted under Section 191.

As an LDC is a matter of law we do not provide any policy 8 assessment.

The plans show that the dwelling provides 2 bedrooms at ground floor level, a communal kitchen and communal lounge area as well as 4 bedrooms at first floor level.

These are all based on single occupancy and so the 6 bedrooms total 6 occupants.

All of the rooms are en-suite but otherwise do not meet the Gravesham tests for self-containment.

In respect of planning history we note the following planning applications.

An LDC for development described as Certificate of Lawfulness for the change of use from dwelling (Use C3(a)) to a care home for the support of six people (Use Class C3(b)): this was submitted on the 17/01/2025 under the terms of D0025.25 and was refused on 25th April 2025 on the basis of insufficient information.

However there was no aspect of this decision which suggested that the site was not in C3 use.

The LDC was submitted before the C3 to c4 change of use occurred. The officers report stated as follows:

A Certificate of lawfulness is sought for a change of use from a dwelling (Use C3(a)) to a care home for the support of six people (Use Class C3(b)).

The proposal is to confirm whether the proposal is deemed to be permitted development.

This is not a planning application and therefore the merits of the case do not come into consideration. The decision whether to grant or refuse a certificate is a matter of fact and law.

The application form states that the proposal has not been started.

Prior to that an LDC for development described as Certificate of lawfulness for proposed demolition of existing garage and erection of a rear outbuilding was submitted in December in December, 2024 and was refused on 12th March, 2025.

Again this was submitted pre the C3 to C4 change of use and an extract from the officer's delegated report with the addition of our highlighting reads as follows, **with our emphasis:**

1. Whether the proposed works are permitted development by virtue of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

Is the property a dwellinghouse? - Yes

Have permitted development rights been removed? - No

Is it within a conservation area? - No

Is the proposed use incidental to the use of the dwellinghouse? - N

Therefore the change of use from C3 to C4 occurred lawfully under Class L of the GPDO from the 10 February, 2025 and the property is being used by up to 6 persons and no more and an LDC can be issued on this basis.

Ian Coward from these offices is dealing with this matter.

Yours faithfully

**Collins & Coward
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