

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: E0022.25

WARD: Mawneys **Date Received:** 13th May 2025

ADDRESS: 61 Havering Road
Romford

PROPOSAL: Certificate of lawfulness to confirm the existing change of use from a C3 residential unit to a C4 HMO for up 6 persons is lawful

DRAWING NO(S): 61HR/28
61HR/20 Issue A
61HR.21 Issue A

RECOMMENDATION: It is recommended that a **Certificate of Lawfulness be issued** in accordance with the details given at the end of the report

SITE DESCRIPTION

The site comprises of a two storey detached property at No. 61 Havering Road, Romford.

DESCRIPTION OF PROPOSAL

An existing Certificate of Lawfulness to confirm the existing change of use from a C3 residential unit to a C4 HMO for up 6 persons, which took place on 10th February 2025 was lawful.

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 existing floor plans show a living room and reception room at ground floor and four bedrooms on the first floor. The 'use for which LDC is sought' floor plans show bedrooms 1 and 2 on the ground floor and bedrooms 3-6 on the first floor. However, the supporting statement and application form state that the change of use has occurred from 10th February 2025.

RELEVANT HISTORY

D0149.25	Certificate of Lawfulness for Erection of Rear Out-building for Use as Garage, Office, Gymnasium, and Storage Ancillary to Main Dwelling. Demolish existing garage. Withdrawn - Invalid 13-05-2025
D0025.25	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)).

	PP is required	25-04-2025
D0540.24	Certificate of lawfulness for proposed demolition of existing garage and erection of a rear outbuilding.	
	PP is required	12-03-2025

CONSULTATIONS/REPRESENTATIONS

N/A.

RELEVANT POLICIES

Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

STAFF COMMENTS

There is an enforcement case, reference, ENF/22/25, for a change of use to a house in multiple occupation, which is under investigation. Site photos were provided by the agent for this application. In determining this application, photos, Google Street View, aerial view images and submitted drawings were used to assess the site constraints.

Section 191(2) (a) of the Town and Country Planning Act 1990 (the "Act"), states that a use is lawful if the time limit for enforcement action has expired. The time limit for enforcement action relating to the development, as set out in Section 171B of the Act, is ten years continuous use prior to the date of the application.

Section 191(4) of the Town and Country Planning Act 1990 places the onus of proof in an application for a Lawful Development Certificate firmly on the applicant. The courts have held that the relevant test of the evidence on such matters is the 'balance of probability'.

The guidance in the NPPG is that an application needs to describe precisely what is being applied for and the land to which the application relates. The supporting evidence must be clear and precise. Where the local planning authority has no evidence itself, or from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse a certificate. In this case, the application form states that the grounds for the application for a Lawful Development Certificate are the development is permitted by the GPDO Class L.

Assessment:

The supporting statement states that: "The site is not within the geographical area covered under Order 1 and whilst within an 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. Class L grants the change of use and a small HMO comprises up to six persons".

In 2015, the Council introduced two Article 4 Directions that removed permitted development rights to convert certain properties to Houses in Multiple Occupation. The Article 4 Directions relevant to

this application are:

Direction Art4/1/2015: This direction introduces the requirement for planning permission to be obtained for a formation of a HMO for ALL properties in the following Ward Administrative Boundaries - (Brooklands, Romford Town, Gooshays and Heaton).

Given the property falls outside these boundaries of these wards it is not compelled to require planning permission under this direction.

Direction Art4/2/2015: This direction introduces the requirement for planning permission to be obtained to change a dwelling which is a flat, terraced house or semi-detached house located within any part of the borough, except Brooklands, Romford Town, Gooshays and Heaton Wards.

Given the property is detached it is not compelled to require planning permission under this direction.

The submitted drawings demonstrate that the property includes the provision of 6 bedrooms. The layout of the property as shown on the submitted plans constitutes a HMO type use rather than a use as self-contained flats. Bedrooms 1-6 each have an en-suite and share a ground floor kitchen and dining room.

There are no more than six residents residing at the property. This means that the property constitutes a "small" HMO (3-6 occupants) within the definition of Use Class C4, rather than a large HMO (more than 6 occupants) within a Sui Generis type use.

For the reasons outlined above it is recommended that an existing Certificate of Lawfulness be approved in this instance.

KEY ISSUES/CONCLUSIONS

An existing Certificate of Lawfulness to confirm the existing change of use from a C3 residential unit to a C4 HMO for up to 6 persons, which took place on 10th February 2025 was lawful.

Given that the property is detached, it is considered that there is sufficient evidence to clearly and robustly demonstrate the existing change of use from a C3 residential unit to a C4 HMO for up to 6 persons at 61 Havering Road, Romford, complies with the Article 4 Direction Notice 2 and is therefore lawful in planning terms. It is recommended that an existing Certificate of Lawfulness be approved in this instance.

RECOMMENDATION:

It is recommended that **a Certificate of Lawfulness be issued** in accordance with the following details

Authorising Officer:

Neil Goate

8th July 2025

NWA