

**KIRKLEES METROPOLITAN COUNCIL  
INVESTMENT & REGENERATION SERVICE**

**DEVELOPMENT MANAGEMENT**

**Town and Country Planning Act 1990 (as amended) Section 191/192**

**DELEGATED DECISION FOR APPLICATION FOR CERTIFICATE OF  
LAWFUL DEVELOPMENT**

Reference no.: 2024/CL/92041/W

Site: 15, Dog Kennel Bank, Huddersfield, HD5 8JB

Description: Certificate of lawfulness for proposed change of  
use from dwellinghouse (Class C3) to house of multiple occupation (Class C4)

Case Officer: Jessica Irwin

**Decision Reference: PROPOSED USE GRANT**

**I hereby authorise the approval of this application for the reasons set  
out in the officer's report and recommendation annexed below in  
respect of the above matter.**

Kevin Walton

**AUTHORISED OFFICER**

**Date 02-Oct-2024**

## **Officer report**

### **Site Description**

The application site relates to a 3-storey property sat within a row of terraces located opposite Longley Park golf course.

### **Description of the development**

The application is for a certificate of lawfulness for proposed change of use from dwellinghouse (C3) to house of multiple occupation with one self contained room (C4) and alterations.

The dwellinghouse currently benefits from 5 bedrooms. The proposal is to provide 6 bedrooms with either en-suite facilities or an assigned bathroom and the ground floor would be used as a communal kitchen and living room. There would be no external works taking place as a result of the proposed change of use.

### **Relevant Planning History**

77/4183 – information unavailable

### **Consultation Responses**

No consultations were deemed necessary for this proposal as it is an application for a Lawful Development Certificate.

### **Legislation**

The Town and Country Planning Act 1990 (hereafter “TCPA”)  
The Town and Country Planning (Use Classes) Order 1987 (as amended)  
The Town and Country Planning (General Permitted Development) (England) Order 2015 (here after “the Order”).

### **Assessment**

Section 55 of the TCPA states that development of land includes material change of use. It is considered that the proposed change of use from C3 single dwellinghouse to C4 house of multiple occupation of up to 6 unrelated persons is development for the purposes of section 55 of the Town and Country Planning Act 1990.

Article 3(1) and Schedule 2, Part 3, Class L of the Order provides a general planning permission for the change of use from Class C4 (HMO) to Class C3 (dwellinghouse) and vice versa.

*Class L – small HMOs to dwellinghouses and vice versa*

#### **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.

**Comment:** *The proposal concerns a change of use from a use falling within Class C3 to a use falling within Class C4.*

**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.

**Comment:** *The proposal would not result in either of the above.*

**Conclusion:**

The proposed change of use from dwellinghouse house (Class C3) to house of multiple occupation (Class C4 of Schedule 1 as defined by the Use Classes Order 1987 (as amended)) would benefit from general planning permission granted by virtue of Article 3(1) and Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), subject to respective conditions stated in paragraph L.1 of the same Order.

Plan type	Reference	ID	Date received
Application form	-	1050799	22-Jul-2024
Proposed plans and elevations	PDA24-083-002 Rev. D	1052586	07-Aug-2024
Existing plans and elevations	PDA24-083-002 Rev. A	1050798	22-Jul-2024