

Location

7 Queen's Road, Hinckley, LE10 1ED

Proposal

Application for a Lawful Development Certificate (existing) for change of use of existing single dwelling house (C3) to House in Multiple Occupation (HMO).

Following documents has been submitted to support the application

- HMO Floor plans
- A signed Licence for a House in Multiple Occupation from Hinckley Council
- Relevant Planning History
- Council Tax Record
- Fire Alarm Installation Certificate

The Law

The law relating to Lawful Development Certificates can be found in Sections 191 to 193 of the Town and Country Planning Act 1990 (as amended). For the purposes of this application the relevant section is 191, being a certificate sought for an existing use as the change has already been carried out.

Assessment

In order to determine this application for a Lawful Development Certificate, it must be established whether or not the change of use of the existing single dwelling house to an HMO is lawful under Class L (small HMOs to dwelling houses and vice versa) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Class L states as follows:

Permitted development L. Development consisting of a change of use of a building—
(a) (b) 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 (dwelling houses) of that Schedule;
from a use falling within Class C3 (dwelling houses) 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 dwelling houses falling within Class C3 (dwelling houses) of the Schedule to the Use Classes Order of any building previously used as a single dwelling house falling within Class C4 (houses in multiple occupation) of that Schedule; or

(b) as two or more separate dwelling houses falling within Class C4 (houses in multiple occupation) of that Schedule of any building previously used as a single dwelling house falling within Class C3 (dwelling houses) of that Schedule.

In broad terms a Class C4 is defined as a small shared house occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.

The application property is a 2 storey semi-detached property with a loft floor.

There is no planning history to confirm that the property has been altered from a dwelling house in the past. It is also confirmed by council tax record.

Planning History:

Planning Applications (4)

- [CHANGE OF USE TO GUEST HOUSE WITH FIVE BEDROOMS](#)
Ref. No: 97/00733/COU | Status: Refused
- [CHANGE OF USE OF EXISTING RETAIL SPACE TO FORM RESIDENTIAL ACCOMODATION IN ASSOCIATION WITH DWELLING](#)
Ref. No: 08/00330/COU | Status: Planning Permission
- [Extensions and alterations to dwelling](#)
Ref. No: 13/01070/HOU | Status: Planning Permission
- [External wall and window alterations to dwelling \(following demolition of former shop front ground floor bay window and first floor bay window\)](#)
Ref. No: 22/00460/HOU | Status: Planning Permission

Building Control Applications (8)

- [Extension to house and shop](#)
Ref. No: HI/74/00067/4B | Status: Plans Approved
- [Alterations to existing front elevation](#)
Ref. No: HI/08/51501/OTH | Status: Section 32 Notice
- [RESUBMISSION Alterations to existing front elevation](#)
Ref. No: HI/08/51501/OTH/A | Status: Plans Approved
- [Change of use of existing retail space to dwelling and alterations to existing front elevation](#)
Ref. No: HI/10/50611/OTH | Status: APPRET
- [Install a gas-fired boiler](#)
Ref. No: HI/GASAFE/01522/14 | Status: Building Work Complete
- [Remove existing external bay window and replace and extend porch](#)
Ref. No: HI/14/50317/DEXBN | Status: Accepted
- [Dormer loft conversion and alterations to create new en suites](#)
Ref. No: 24/6357/IN | Status: Building Work Complete
- [Install a gas-fired boiler](#)
Ref. No: GASAFE/01407/25 | Status: Building Work Complete

Licensing (1)

- [House in Multiple Occupation](#)
Ref. No: 24/00443/HMO | Status: Issued

Property information for
7 QUEENS ROAD, HINCKLEY, LE10 1ED

Local Authority	Hinckley And Bosworth
Local authority reference number	101200650070
Council Tax band	A
Improvement indicator	No
With effect from	1 April 2020
Mixed-use property	No
Court code	None

Flat roof dormer conversion has been added to property under permitted developments rights. Full buidling regulation certificate confirms the loft conversion work attached.

However, it has changed in 2024 from a 4 bedroom single dwelling house within Class C3 to a 6 bedroom HMO (Class C4), as shown on the submitted post-works floor plans; there are two bedroom on ground floor, three bedrooms on first floor and one bedroom in the loft floor. This is backed up by the submitted Hinckley Council HMO Licence, which states the maximum permitted occupancy is 6 persons. Therefore submitted layout conform as a C4 dwelling as defined above. Fire Alarm installation certificates further confirms the HMO use.

Conclusions

The submitted evidence demonstrates that the works falls within the definition of a House in Multiple Occupation under Class C4 of The Town and Country Planning (Use Classes) (England) Order 1987 (as amended) and therefore the change of use from Class C3 would be permitted under the terms of Schedule 2, Part 3, Class L of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Accordingly, the Council should issue the Lawful Development Certificate relating to the site.