

Delegated Report

Planning Reference 26/00129/CLP
Applicant(s) Mr West
Ward Hinckley Clarendon



Application Site 2 Glenbarr Drive, Hinckley

Proposal Certificate of proposed lawful development for the erection of a single storey rear extension and the change of use from a dwellinghouse (C3) to a HMO (C4)

1. Recommendations

1.1. Grant Certificate of Lawful Proposed Development

2. Planning Application Description

2.1. The application seeks a Certificate of proposed lawful development for the erection of a single storey rear extension and the change of use from a dwellinghouse (C3) to a five bed HMO (C4). The extension and change of use has not yet taken place.

3. Description of the Site and the Surrounding Area

3.1. The application site is located on the corner of Glenbarr Drive and Roston Drive, within the settlement boundary of Hinckley. The property itself is a 3-bedroom semi-detached property, with a garage and off-street parking afforded to the dwelling.

3.2. The area is defined by residential properties, consisting of semi-detached and detached dwellings of a mix of designs.

4. Relevant Planning History

4.1 There is no relevant planning history within this application site that is applicable to the current application.

5. Publicity and Consultation

5.1. There is not a statutory requirement to consult third parties on an application for a lawful development certificate. It may, however, be reasonable for a local planning authority to seek evidence from these sources, if there is a good reason to believe they possess relevant information about the content of a specific application.

5.2. Notwithstanding this, views expressed by third parties on the planning merits of the case, or on whether the applicant has any private rights to carry out the operation, use or activity in question are irrelevant when determining the application.

5.3. In this instance, no consultation was conducted.

6. Policy

6.1 Section 192 of the Town and Country Planning Act 1990.

6.2 Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).

6.3 The Housing Act 2004

6.4 The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018.

7. Appraisal

7.1 Section 192 of the Town and Country Planning Act 1990 enables any person with the opportunity to ascertain whether any proposed use of buildings or other land, or any operations proposed to be carried out in, on, over or under land would be lawful.

7.2 The statutory framework covering, 'lawfulness,' for lawful development certificates is set out in Section 191(2) of the Town and Country Planning Act 1990. Section 191(2) of the Town and Country Planning Act 1990 confirms that uses and operations are lawful at any time if:

- (a) No enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and
- (b) They do not constitute a contravention of any of the requirements of any enforcement notice then in force.

7.3 Paragraph 55(1) of the Town and Country Planning Act 1990 defines, 'development' as the carrying out of building, engineering, mining, or other operations in, on, over, or under land, or the making of any material change in the use of any buildings or other land.

7.4 National Planning Practice Guidance (NPPG) confirms that there is no statutory definition of 'material change of use;' however it is linked to the significance of a change and the resulting impact on the use of land and buildings. Whether a material change of use has taken place is a matter of fact and degree and this will be determined on the individual merits of a case.

7.5 In accordance with National Planning Practice Guidance (NPPG), the applicant is responsible for providing sufficient information to support an application.

- 7.6 In the case of applications for proposed development, an applicant needs to describe the proposal with sufficient clarity and precision to enable to a local planning authority to understand exactly what is involved. Without sufficient or precise information, a local planning authority may be justified in refusing a certificate. However, this does not preclude another application being submitted later on if more information can be produced.
- 7.7 The NPPG confirms that a local planning authority needs to consider whether, on the facts of the case and relevant planning law, the specific matter is, or would be, lawful. Planning merits are not relevant at any stage in this particular application.
- 7.8 This Certificate contains two elements, firstly, the single storey rear extension. This is assessed against Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('GPDO').
- 7.9 The rear extension would measure 2.77m in depth, 5.35m in width and 2.75m in height. It is confirmed that the single storey rear extension would comply with the stipulation's outset within the GPDO, and would not exceed any of the dimensions set out, and as such would be considered to be permitted development and a lawful development.
- 7.10 The second element of this certificate relates to the conversion of the property from C3 to C4, which would be assessed against the criteria set out within Schedule 2, Part 1, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('GPDO'). The criteria confirms that development is permitted for a change of use of a building 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.
- 7.11 The proposal does not result in the single residential property being converted into two or more dwellinghouses falling within Use Class C4 uses and therefore the proposal complies with Class L of this Part.
- 7.12 Small HMO's are classified by the number of occupants being 3-6 unrelated individuals. The proposal is for a 5 bed HMO with each room being for single occupancy, which would fall within this category. It is confirmed that the future occupiers would have shared kitchen/dining facilities and would have their own private WC and shower room.
- 7.13 Section 55 of Part 2 of the Housing Act 2004 (Licencing of Houses in Multiple Occupation) confirms that HMOs to which this Part applies are required to be licenced. Section 4 of The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018 confirms that an HMO is of a prescribed description for the purposes of Section 55(2)(a) of the Housing Act if it is occupied by five or more persons who are living in two or more householders.
- 7.14 Section 2 of the Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018 details the licencing conditions for the acceptable minimum bedroom floor area standards of an HMO. The Council's Private Sector Housing

Department provides the local licencing conditions for the minimum acceptable size of common rooms within HMOs.

7.15 The Council's Private Sector Housing Department requirements state that no one should sleep in a room without any access to natural light, heating and ventilation, for example, basements without windows. The rooms afforded to each resident would meet the Nationally Described Space Standards and would provide a sufficient amount of amenity with regards to access to natural light, heating and ventilation. As such it is likely that the development would comply with the Council's licensing requirements and therefore the Housing Act 2004.

7.16 Given the above, it is considered that the proposal would fall within the criteria set out in both Schedule 2, Part 1, Class A and Schedule 2, Part 3, Class L of the GPDO and as such would not require planning permission and is considered to be lawful.

8. Equality Implications

8.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; and
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

8.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

8.3 There are no known equality implications arising directly from this development.

8.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

9. Conclusion

9.1 The proposed rear extension and change of use from Class C3 to C4 (HMO) is considered to be in accordance with the criteria set out within both Schedule 2, Part 1, Class A and Schedule 2, Part 3, Class L , of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and therefore would be lawful development.

9.2 This conclusion is made on the basis of details provide by the Applicant, and as shown on the following documents received by the Local Planning Authority:

- Application Form (submitted: 11.02.2026)
- Planning Statement (submitted: 11.02.2026)
- Existing Elevations, Section, Floor, Roof Plans, Site Location Plan, Drg No. AVD-951-GDH-PL01 (submitted: 11.02.2026)
- Proposed Elevations, Section, Floor, Roof Plans, Block Plan, Drg No. AVD-951-GDH-PL02 (submitted: 11.02.2026)

10. Recommendation

10.1 Grant Certificate of Proposed Lawful Development