3 Green Lane, Spalding, Lincolnshire, PE11 2YB

Section 192 Town and Country Planning Act 1990

Change of use from C3 dwellinghouse to C4 House in Multiple Occupation

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Site Information

Consultant	Joseph Orbell
Client	Tom Barrett
Site Address	3 Green Lane, Spalding, Lincolnshire, PE11 2YB
LA	South Holland
Description of Development	Change of use from C3 dwellinghouse to C4 House in Multiple Occupation
Pathway (PD/Application/Appeal)	Certificate of Lawful proposed use

Constraints Review

Flood Risk Zone	3
Contaminated Land	No
Tree Preservation Order	No
Heritage Assets	No
Noise Abatement Areas	No
Explosive Hazard Areas	No
National Landscape	No
Special Protection Area	No
Site of Special Scientific Interest	No
RAMSAR Convention Site	No
Site of Importance to Nature Conservation	No
Article 4(1) Directions	No

Planning History

Report Date	2nd July 2026

1. Introduction

1.1. The site, the subject of this application, is a 3-storey terraced building on the southern side of Green Lane. The property is currently within a C3 use class.

1.2. The applicant seeks a Certificate of Lawful Proposed Use under Section 192 of the Town and Country Planning Act 1990 to confirm that the proposed change of use benefits from Class L(b), Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

1.3. Town Planning Expert is the agent for this application.

About Town Planning Expert

1.4. Town Planning Expert is a general needs planning consultancy formed in 2012 and practising as a Chartered Planning Practice. Town Planning Expert is instructed to submit a planning application for development as set out below.

Our VICTORY © Framework

1.5. Our VICTORY Framework applies a policy, plan lead, approach to development with the intent of gaining planning permission in a manner that complies with National and Local Planning Policy in accordance with S38 of the Planning and Compulsory Purchase Act 2004.

The Development Proposed

1.6. A certificate of lawful use is sought for the use of the property as a 6-bedroom HMO (Use Class C4). There are no physical changes to the building proposed in this application, and the property is not subject to an Article 4 Direction removing Class L permitted development rights.

2. The Legal Framework

Section 192 Town and Country Planning Act 1990

Certificate of lawfulness of proposed use or development.

(1) If any person wishes to ascertain whether—

(a) any proposed use of buildings or other land; or

(b) any operations proposed to be carried out in, on, over or under land,

would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question.

(2) If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

(3) A certificate under this section shall—

(a) specify the land to which it relates;

(b) describe the use or operations in question (in the case of any use falling within one of the classes specified in an order under section 55(2)(f), identifying it by reference to that class);

(c) give the reasons for determining the use or operations to be lawful; and

(d) specify the date of the application for the certificate.

(4) The lawfulness of any use or operations for which a certificate is in force under this section shall be conclusively presumed unless there is a material change before the use is instituted or the operations are begun, in any of the matters relevant to determining such lawfulness.

Class L, Part 3, Schedule 2, General Permitted Development Order 2015.

Class L – small HMOs to dwellinghouses and vice versa

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.

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.

3. Proof of Evidence

3.1. Class L allows for the change of use of a house to an HMO for up to 6 persons. Class L does not include any limiting conditions within it. There is no Article 4(1) direction restricting HMOs in South Holland and therefore, the use of this property as an HMO is permitted development under Class L and is lawful.

3.2. The proposed change of use does not require any alterations beyond redecoration and internal renovation.

3.3. Matters relating to car parking, design and amenities are not germane to the determination of this certificate as they fall well outside the scope of the classes in question.

3.4. As such, it is considered that the use of permitted development in this case to change the use of the property is lawful and the certificate must therefore be granted on this basis.