DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0620-26**	**Applicant:**	**Barrett Properties**
Proposal:	Change of use of residential dwelling (C3) to HMO (C4)		
Location:	3 Green Lane Spalding		
Terminal Date:	28th August 2026		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019
National Guidance **National Planning Policy Framework December 2024**

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Description of Proposal

This is an application for a certificate of lawfulness made under Section 192 of the Town and Country Planning Act 1990. The applicant seeks to ascertain whether the change of use of a residential dwelling (C3) to a house in multiple occupation (C4). A 6 bedroom HMO is proposed.

Site Description

The site is within the settlement boundaries of Spalding, as outlined within the South East Lincolnshire Local Plan, 2019. The site is within a residential area towards the centre of the town. To the immediate east and south east is The Immaculate Conception & St Norbert Catholic Church, to the north is Aldi and the shopping area of Winsover Road.

3 Green House is a mid-terrace, three-storey property. It is a redbrick property, characterised by a two storey bay window arrangement. It is somewhat typical of the area, although there is a reasonable variety in the built form.

Relevant History

No relevant history

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

No responses received

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

This application is a legal determination, and planning policy is not relevant to the conclusion as to whether the proposed use would be lawful. The planning history of the site was investigated. Permitted development rights had not been removed by any previous permissions.

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 or appeal process.

In support of this application, the following has been submitted:

- Application form
- Site location and block plan
-Existing floor plan
-Proposed floor plan
-Planning statement

The Town and Country Planning (Use Classes) Order 1987

The Town and Country Planning (Use Classes) Order 1987 defines specified use class which the operation of a building may fall into.

Within the Order, a C3 use is defined as:
"Class C3. Dwellinghouses
Use as a dwellinghouse (whether or not as a sole or main residence) by
(a)a single person or by people to be regarded as forming a single household;
(b)not more than six residents living together as a single household where care is provided for residents; or
(c)not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4)."

A C4 use is defined as:
"Class C4. Houses in multiple occupation
Use of a dwellinghouse by not more than six residents as a "house in multiple occupation"."

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

Schedule 2, Part 3, Class L of the General Permitted Development Order, 2015 enables:
" 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."

The applicant has stated that existing use of the property is a C3 dwellinghouse. There is nothing before the Council to conclude differently on the balance of probabilities.

Proposed is a six bedroom HMO. No external alterations are proposed. Therefore, if the works were carried out in the manner described in the supporting documents, and should the future occupancy of the property be restricted to no more than six people, then the resultant use would be classified as a C4 HMO.

As such, the proposed change of use is permissible under Class L of the General Permitted Development Order.

Conditions

Class L.1 states the following:
"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."

The relevant conditions have been met, and the change of use is not precluded as a result.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

The proposed change of use of a C3 dwellinghouse to a C4 house in multiple occupation is considered to be permitted development under Class L of Part 3 of Schedule 2 of the General Permitted Development Order, 2015. The development, if completed in accordance with the submitted plans, would therefore be lawful.