

**APPLICATION FOR A CERTIFICATE OF LAWFUL DEVELOPMENT
FOR THE PROPOSED CHANGE OF USE
FROM 8 PERSON/7BEDROOM HMO, TO 8 PERSON/8 BEDROOM HMO**

APRIL 2026

27 ARGYLE ROAD
BOGNOR REGIS
PO21 1DZ

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1. INTRODUCTION

- 1.1. Well Planned have been instructed to submit an application to Arun District Council (the LPA), regarding a lawful development certificate (LDC) to add an additional bedroom to a House in Multiple Occupation (HMO), but without increasing the level of occupancy.
- 1.2. The purpose of this document is to support the application, setting out how the proposal does not amount to a material change of use of the land.
- 1.3. Well Planned offer a range of planning related services and seek to work proactively with the LPA to secure a positive outcome to acceptable proposals.

2. SITE DESCRIPTION

- 2.1. The application site is a two storey, seven-bedroom HMO in the Marine Ward of Bognor Regis, occupying a plot of around 200m².
- 2.2. The property is of red brick construction, with a double bay window, grey slated pitched roof, and both front and rear facing dormer windows.
- 2.3. Accommodation is set over three levels, with two bedrooms and communal space at ground floor level, three bedrooms at first floor level, and two more bedrooms in the roof space.

3. PLANNING HISTORY

- **BR/249/24/PL** - Change of use from dwelling house (Class C3) to a 7-bed House in Multiple Occupation (HMO) (Sui Generis) - Approved 22nd May 2025
 - **BR/200/24/PDH** - Notification under extended permitted development rights for a single storey flat roof rear extension measuring 6m beyond the rear wall of the original dwelling house, with a maximum height of 3m and an eaves height of 3m - Approved 21st November 2024
- 3.1. The above have been implemented in full. The change of use granted is for an eight person/seven bedroom HMO, with bedroom 5 being allocated for double occupancy. At the time of submission, the property has been occupied by seven unrelated individuals. To confirm this, seven tenancy agreements have been provided to the LPA as verification of the implementation.

4. DEFINITION OF DEVELOPMENT

- 4.1. Section 55 (1) of The Town and Country Planning Act 1990 defines the term 'development' and states the following:
- (1) Subject to the following provisions of this section, in this Act, except where the context otherwise requires, "development," means 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.
 - (1A) For the purposes of this Act " building operations " includes—
 - (a)demolition of buildings;
 - (b)rebuilding;
 - (c)structural alterations of or additions to buildings; and
 - (d)other operations normally undertaken by a person carrying on business as a builder
 - (2) The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—
 - (a)the carrying out for the maintenance, improvement or other alteration of any building of works which—
 - (i)affect only the interior of the building, or
 - (ii)do not materially affect the external appearance of the building.

- 4.2. As any alterations would be restricted to the interior, and the external appearance of the building would not be altered, the salient point of discussion is whether the addition of one bedroom to an existing house in multiple occupation, would constitute a material change in the use of the land.

5. EVIDENCE TO VERIFY APPLICATION

- 5.1. The purpose of this application is to seek acceptance that the change of occupancy from eight individuals across seven bedrooms, to eight individuals across eight bedrooms, would not constitute a material change of use of the land, and therefore would be considered as a lawful development not requiring planning permission.
- 5.2. In this particular scenario, the number of permitted occupiers remains the same, with an additional communal room (shown on approved plans as a 'snug') being repurposed to a bedroom, and bedroom 5 being reduced to single occupancy, which will apply to all bedrooms.
- 5.3. The concept of a material change of use is not subject to a legal definition, but it is generally considered that for such a change to have occurred, there should have been a significant difference in the character of the activities on the land, as compared to the previous.
- 5.4. The following list provides examples of applications and appeals where the repurposing of existing space to form an additional bedroom has been deemed as acceptable, and not a material change of use. In these cases, the application has also proposed an additional occupier, which was also considered lawful. This further reinforces the acceptability of the proposed change, which does not seek to increase the level of occupancy.

LPA DECISIONS (LDCs ONLY)

- 10 The Crescent, Sutton, LPA reference DM2024/00968 – dated 20th September 2024**

Occupation of existing 6 persons HMO to a 7 person HMO

This certificate of lawfulness was granted by the LPA under delegated powers, stating in their report that:

It is acknowledged that the proposed increase in the number of occupiers from 6 persons to 7 persons would marginally intensify the use of the building and the land within its curtilage as a result of the comings and goings from the additional occupier. Given the nature of the application property and the residential character of the area, it is considered that the proposed increase in the intensity of use from one additional occupier would not be significant to lead to any material change of use by fact and degree.
- 37 Henderson Road, Portsmouth, LPA reference 24/01423/CPL, dated 22nd January 2025**

Application for a certificate of lawful development for the proposed use as 7-bed/7-person House of multiple occupation (Sui Generis)

This application was approved by the council's planning committee, who resolved to grant the certificate of lawful proposed development, stating that the proposed use would not amount to a material change of use, and would fall outside of the meaning of development.
- 43 Ashdown Road, Worthing, LPA reference AWD/0045/18 dated 13th June 2018**

The Council were satisfied, on the balance of probability, that the proposed use of this small HMO within Class C4 by up to 7 unrelated residents would not in this case involve a material change of use and therefore does not constitute development

PLANNING INSPECTORATE (PINS) DECISIONS (LDC & PLANNING PERMISSION)

- 83 Margate Road, Portsmouth, PINS reference APP/Z1775/X/22/3298877, dated 20th November 2023**

Use as a seven person/seven bedroom house in multiple occupation

The Inspector granted the lawful development certificate, and stated:

The question to be addressed is whether the difference between a sixth and seventh occupant would involve a material change of use. The basic approach is that, for a material change of use to have occurred, there must be some significant difference in the character of the activities from what has gone on previously as a matter of fact and degree.

I appreciate that an HMO with more than 6 occupants falls within a different use class. But it does not follow that an increase from 6 to 7 occupants, as is the case here, means that a material change of use has occurred.

- **12 Monica Close, Watford, PINS reference APP/Y1945/W/22/3311547, dated 8th September 2023.**
The inspector concluded that matters opposed by the LPA, with regard to the impact suggested increased occupancy of 1 individual, would not have a detrimental bearing on the living conditions of occupiers, or the character of the area, and resolved to grant planning permission for the change of use to a 7 bedroom HMO.
- **164 Kingston Road, Ilford, PINS reference APP/W5780/W/20/3263096, dated 11th August 2021**
In this example, the Inspector also allowed the appeal, and elaborated:
Notwithstanding this I am mindful that although the property is in use as a C4 HMO for 6 people and whilst the intensification of a use can amount to a material change of use, the mere intensification does not in itself constitute a material change of use. A key factor in this respect is whether the degree of intensification is such that it amounts to a material change in the character of the use. Whilst the proposed change of use to a Sui Generis 7 person HMO would fall outside the classification of Use Class C4, the circumstances of this case are such that I find that as a matter of fact and degree, the proposed use would not amount to a material change of use.
- **41 Stainburn Close, Worcester, PINS reference APP/D1835/W/21/327272784, dated 19th August 2021**
The Inspector stated:
The occupation of an additional room is unlikely to increase the level of activity at the appeal property (whether internally or in the outdoor amenity area) to a discernible degree over and above the level associated with its occupation by up to 6 residents.
- **32 Danes Road, Exeter, PINS reference APP/Y1110/X/15/3132534, dated 11th April 2016**
Change of use from small HMO (Use Class C4) to large HMO (sui generis) limited to 7 residents.
As a much earlier appeal, the Inspector concluded that:
I recognise that the use for which the LDC is sought would be an intensification of the existing use as more people would be residing at the appeal property. And, it would fall outside the ambit of Use Class C4. Be that as it may, the circumstances of this case are such that I find that as a matter of fact and degree, the proposed use would not amount to a material change of use. It would not therefore amount to development as defined by section 55 of the 1990 Act and so would be lawful.

5.5. Established case law extends to many cases regarding a change of use, not limited to HMO development. Largely, the argument is that an intensification of use would only require a planning application when the use has intensified to the extent that it has become of a different nature.

5.6. In this case, the intensification of use is neutral, it is the number of approved bedrooms that is proposed to alter.

6. CONCLUSION

- 6.1.** It is reasonable to rule out any issue of intensification, given that there is no change in the level of occupancy.
- 6.2.** Essentially, the character of the residential building exists as a large HMO, and would continue to exist as a large HMO.
- 6.3.** The proposal would seek the repurposing of an existing room, namely a communal space, and any works to facilitate this would be limited to the interior, which, as established above, does not meet the test to comprise development.
- 6.4.** Regardless of the additional bedroom, there is no change to the property's compliance with the councils HMO standards.

ROOM	REQUIRED	PROVIDED
Bedroom 1	6.51 m ²	10.51 m ²
Bedroom 2	6.51 m ²	9.56 m ²
Bedroom 3	6.51 m ²	9.92 m ²
Bedroom 4	6.51 m ²	10.01 m ²
Bedroom 5	6.51 m ²	12.97 m ²
Bedroom 6	6.51 m ²	10.42 m ²
Bedroom 7	6.51 m ²	9.21
<u>Bedroom 8</u>	6.51 m²	10.31 m²
Communal (Kitchen/Diner/Living)	16.00 m ²	22.65 m ²

- 6.5.** Although the examples provided for the purpose of this application are limited, the evidence is clearly accepted on a national level that, in such circumstances that operational development is not involved, and the character and use of the building is fundamentally the same as established, then the increase of one bedroom to the HMO, maintaining the same level of occupation, does not constitute a material change of use of the land, and therefore a certificate of lawful development should be granted.