South Tyneside Council

Reference:	260039
Location:	214 Dean Road South Shields NE33 5PZ
Ward:	Simonside and Rekendyke
Description:	Application for a Lawful Development Certificate for the existing use of the premises as C4 small House of Multiple Occupation [HMO]
Recommendation:	Grant Permission No Conditions
Case Officer:	Nick Graham
Case Officer Contact No.:	0191 4247427 or 07741108995

Description of the Site and Proposal

This application relates to the land and property at 214 Dean Road, South Shields. This application is seeking a lawful development certificate for the existing use of the property as a small HMO [Use Class C4]. The application form states the site is used as a 6 bedroom HMO (use class C4) and was converted utilising the property's Permitted Development rights prior to the recent borough wide Article 4 Direction (save the Lawe Top area) being brought into place. The application seeks to confirm this C4 use class as being the lawful planning use status at the site.

Relevant Planning History

No relevant planning history.

Summary of Consultation Responses

There is no legal requirement to undertake consultation with any consultees in relation to a lawful development certificate application. However, the application is viewable on our online system.

Summary of Representations

No neighbours were notified of this application. There is no legal requirement to notify neighbours in relation to a lawful development certificate application. However, the application is viewable on our online system.

Legal Background

Section 191 (1) of the Town and Country Planning Act 1990 states that with regard to a certificate of lawfulness of proposed use or development, if any person wishes to ascertain whether any existing use of buildings or other land, or any operations proposed would be lawful, they may make an application for the purpose to the Local Planning Authority, specifying the land and describing the use or operations in question.

If the Local Planning Authority is 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 of the use, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

A certificate shall:
a) specify the land to which it relates;
b) describe the use or operations in question;
c) give the reasons for determining the use or operations to be lawful; and
d) specify the date of the application for the certificate.

The lawfulness of any use or operations for which a certificate is in force, shall be conclusively presumed unless there is a material change in any of the matters relevant to determining such lawfulness. The applicant has applied for a Certificate of Lawful Use as they would like the Council to make a statutory decision on whether the proposed use is lawful for planning purposes.

An Article 4 Direction was brought in by South Tyneside Council in November 2025, and confirmed in March 2026, removing permitted development rights for the change of use of dwellings (use class C3) to small HMOs (use class C4).

Assessment

Government Guidance (online and in relation to lawful development certificates) includes 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 or appeal process.".

The submitted information within the application form states the property is a 6 bedroom House of Multiple Occupation [HMO]. Documentation has been provided by the applicant including the HMO licence granted at the property for 6 people (one person per bedroom) in July 2025, two 6 month tenancy agreements for two individuals dated July 2025, and a fire risk assessment dated June 2025. In summary, the submission states the use class C4 HMO use was lawful and operational in July 2025, prior to the introduction of the Article 4 Direction in November 2025.

The Council's Land Use Gazetteer lists the property as a 'Private House', however it is noted this entry on the Gazetteer has not been updated since August 2009 and this may not reflect recent changes of use or those occurring where they may not have required planning permission (and therefore no notification / approval would have been sought / required).

The Council's Environmental Health Officer has noted the property previously operated as an unlicensed 5 bedroom HMO in 2020, however it does now have an HMO licence granted in July 2025 [also submitted by the applicant] and that Officer's understanding at the time was that tenants were also moving into the property in July 2025. This is corroborated by the tenancy agreements submitted by the applicant.

The Environmental Health Officer also confirmed Building Control signed off the new drainage system in July 2025, and during a follow up visit by the Environmental Health Officer in April

2026 the Officer has confirmed there are 6 bedrooms and where the Officer was informed that all bedrooms were occupied.

As a result, and based upon the submitted information (and information in the Council's possession) and on the balance of probability, it is considered that the 6 bedroom for 6 persons HMO use commenced in July 2025 prior to the introduction of the Article 4 Direction, which at the time would have amounted to Permitted Development under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) [the GPDO], and the Town and Country Planning (Use Classes) (Amendment) Order 2005 (as amended) [the UCO]. It is therefore recommended that a Lawful Development Certificate be granted for the proposal described in the application.

In deciding whether to grant planning permission the Council must have due regard to the 3 equality aims contained in Section 149 of the Equality Act 2010 (the public sector equality duty). A preliminary assessment of the potential equality impacts of any grant of planning permission in this case has been undertaken. There are no apparent equality impacts of the proposed development which give rise to the need to undertake a more detailed equality impact assessment.

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Recommendation

Grant Certificate of Lawfulness in respect of the existing use.

Informatives

1. For the avoidance of doubt, this decision relates to the following plans:

   Site Location Plan received 19/02/2026
   Application Form received 19/02/2026

Case officer: Nick Graham
Signed: N. Graham
Date: 15/04/2026

Authorised Signatory: G.Horsman
Date:16/04/2026