
Appeal Decision

Site visit made on 20 September 2016

by Rory Cridland LLB (Hons)

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3 February 2017

Appeal Ref: APP/D0121/W/16/3152680

49 Walliscote Road, Weston-Super-Mare, North Somerset BS23 1EE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Goldsmith Property against the decision of North Somerset Council.
 - The application Ref 16/P/0140/F, dated 21 December 2015, was refused by notice dated 18 March 2016.
 - The development proposed is described as "change of use from guesthouse (Class C1) to house in multiple occupation (sui generis)".
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The Decision Notice refers to Saved Policy H/6 of the North Somerset Replacement Local Plan. Since the date of determination, the Council has adopted a new development plan document¹, Policy DM39 of which replaces Policy H/6. This Document, together with the North Somerset Core Strategy² forms the Local Development Plan (LP) for the area. I must determine this appeal in accordance with the development plan in place at the time and I have therefore done so with regard to the newly adopted policies only.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

4. The appeal site is located within a mostly residential area, consisting of both single occupancy accommodation and family homes. However, in view of the number of self-contained flats and Houses in Multiple Occupation (HMO) located nearby, the area has been designated as one of Restricted Subdivision.
5. LP Policy CS15 seeks to ensure that there is a genuine mix of housing within existing communities and encourages the development of a range of housing types that better meet the housing needs of the community. In addition, it seeks to reduce the existing proliferation of single person units within certain areas. This is supported by LP Policy DM39 which restricts the conversion of

¹ North Somerset Sites and Policies Plan – Part 1: Development Management Policies (2016)

² North Somerset Council Core Strategy (2012)

houses into self-contained flats or HMO's in areas designated as Areas of Restricted Sub Division.

6. While I note the appellant's argument that LP Policy DM39 does not extend to guesthouses within use class C1, that policy does not distinguish between dwelling houses or guesthouses. It is the conversion into single dwelling units which the policy seeks to restrict rather than the conversion from specific types of dwelling. In doing so, it aims to limit the amount of this type of housing and the negative impacts on the local area which result from their overconcentration. I am therefore satisfied that the proposal would be caught by the restriction in LP Policy DM39. Although I note the points made by the appellant in relation to the number of other HMO's located nearby, Policy DM39 is clear that where an area is designated as one of Restricted Sub Division, no further conversions to self-contained flats or HMO's will be permitted.
7. Although I note that the business model adopted by the appellant is to provide good quality accommodation, it is the overall impact that a large concentration of HMO uses would have on the area that the Policy is concerned with rather than individual business operating models. Accordingly, I do not consider it sufficient to overcome the policy objection identified above.
8. Consequently, I find that the proposal would result in an additional HMO in an area of Restricted Subdivision. This would be contrary to both LP Policies CS15 and DM39 which seek to restrict the increase of HMO's in such areas and encourages the development of a range of housing types.

Other Matters

9. While I note the parties' references to Policy DM34, this policy is not referred to in the decision notice as forming part of the reason for refusal. Nevertheless, I agree with the Council that the proposal would not contribute the creation of a mixture of housing types within the area and would instead increase the number of small accommodation types.

Conclusion

10. For the reasons set out above, I conclude that the appeal should be dismissed.

Rory Cridland

INSPECTOR