
Appeal Decision

Site visit made on 9 March 2020

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 30th March 2020

Appeal Ref: APP/Q1445/W/19/3242168

21 Coombe Terrace, Brighton, East Sussex BN2 4AD

- 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 Mr Richard Tang against the decision of Brighton & Hove City Council.
 - The application Ref BH2019/02235, dated 7 August 2019, was refused by notice dated 30 October 2019.
 - The development proposed is change of use from a 3 bedroom terraced house to a 4 bedroom house in multiple occupation.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the mix and balance of the community in the area having regard to the provisions in the development plan.

Reasons

3. The appeal property is a two-storey terraced dwelling located on the east side of Lewes Road (the A270). The proposed development would change the use of the three bedroom single dwelling house (C3) to a four bedroom house in multiple occupation (C4).
4. Policy CP21 of the Brighton and Hove City Plan Part One 2016 (BHCP) states, amongst other things, that in order to support mixed and balanced communities and to ensure that a range of housing needs continue to be accommodated throughout the city, applications for new build Houses in Multiple Occupation (HMO), and applications for the change of use to a Class C4 (HMO) use, a mixed C3/C4 use or to a sui generis HMO use (more than six people sharing) will not be permitted where more than 10% of dwellings within a radius of 50 metres of the application site are already in use as Class C4, mixed C3/C4 or other types of HMO in a sui generis use.
5. The supporting text to Policy CP21 explains that the city has a high number of HMOs and the policy will be used to control future changes of use to (C4), mixed C3/C4 uses and large (sui generis) HMOs to address the potential impact of concentrations of HMOs upon their surroundings and to ensure that healthy and inclusive communities are maintained across the city. Furthermore, to aid implementation of this policy, the Council will maintain a database of properties

in HMO use, using a variety of information sources including planning records, details of HMOs licenced by the Council and those properties identified as student housing through Council tax records.

6. The Council's evidence on this matter is that of the thirty-one dwellings within 50 metres of the curtilage of the application site, six are currently in use as HMOs. This equates to around 19% of the total number of dwellings; significantly greater than the 10% limit set out in Policy CP21. Thus, the policy has already been breached and the proposal would breach the policy even further.
7. For the above reasons, the current mix of residential uses in the area fails to promote the mix and balance required to ensure that healthy and inclusive communities are maintained across the city. Consequently, the proposed development would further exacerbate this harm.
8. Accordingly, having regard to the provisions in the development plan, I conclude that the proposed development would fail to support a mixed and balanced community in the area and would, therefore, not adhere to Policy CP21 of the BHCP.
9. Policy QD27 of the Brighton and Hove Local Plan 2005, referred to in the Council's refusal notice, relates to living conditions issues, therefore is not directly relevant to the main issue.

Other Matters

10. I acknowledge the appellant's comments regarding waste management, parking and the impact of the proposal on the Council's housing stock. However, based on the evidence before me I find no harm in respect of these matters and I note that the Council raised no objection either.

Conclusion

11. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Andrew Bremford

INSPECTOR