



Appeal Decision

Site visit made on 10 November 2020

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2020

Appeal Ref: APP/Q1445/W/20/3254234

5 Brading Road, Brighton, BN2 3PE

- 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 Albert Swayne against the decision of Brighton & Hove City Council.
 - The application Ref BH2020/00556, dated 16 February 2020, was refused by notice dated 26 May 2020.
 - The development proposed is change of use from a C3 single dwelling to a C4 house of multiple occupation.
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Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the proposed development on the mix and balance of the community in the area.

Reasons

3. Out of the 80 dwellings within a radius of 50m of the appeal site there are already 10 dwellings in use as Class C4, mixed Class C3/C4 or as a house in multiple occupation (HMO) according to the Council. The appellant has counted only 9 out of 100 properties in such uses. However, the Council maintains a database for this purpose drawn from a variety of information sources which is regularly kept up to date. Its evidence can therefore be regarded as more reliable meaning that more than 10% of dwellings within the 50m radius are in such uses. As a consequence, the proposal would be contrary to Policy CP21 ii) of the Brighton and Hove City Plan Part One which provides that changes of use to Class C4 will not be permitted in such circumstances.
4. The issuing of HMO licenses is part of a different legislative regime to the planning system. No further works are required to accommodate the use and there would be ample space for 3 people but neither of these considerations alters the conflict with this policy. It has been devised to avoid an over-concentration of HMOs across the city in order to accommodate a range of housing needs and to ensure healthy and inclusive communities. In order to be effective such a policy needs to be applied on a case-by-case basis because of the potential cumulative effects of a series of individual changes. Therefore, by breaching Policy CP21, the proposal would undermine the objective of supporting mixed and balanced communities in the area.

Conclusion

5. The proposed development would be contrary to the development plan and there are no other considerations to outweigh that finding. Therefore, for the reasons given above, the appeal should not succeed.

David Smith

INSPECTOR