



Appeal Decision

Site visit made on 12 November 2020

by Simon Hand MA

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

Decision date: 01 December 2020

Appeal Ref: APP/J0350/X/20/3251303

53 Lansdowne Avenue, Slough, SL1 3SG

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Faz Hassan against the decision of Slough Borough Council.
 - The application Ref P/15307/002, dated 21 January 2020, was refused by notice dated 9 March 2020.
 - The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 as amended.
 - The use for which a certificate of lawful use or development is sought is an existing change of use from a dwellinghouse (Use Class C3) to a House of Multiple Occupation (Sui Generis).
-

Decision

1. The appeal is dismissed.

Costs

2. An application for costs was made by the Council and is the subject of a separate letter.

Preliminary Matters

3. The appeal is for a Lawful Development Certificate. This is purely a question of whether the change of use described in the application is lawful. Matters of planning policy or the merits of the change of use are not relevant to my consideration of the case.
4. The application concerns a change of use from a C3 dwellinghouse to a sui generis HMO, although it is clear from the appellant's representations that an HMO use had begun in 2012, that does not however affect my consideration of whether a sui generis HMO was lawful on 21 January 2020.

Reasons

5. On visiting the property I could see it was well maintained and set out as an HMO. There was a large shared kitchen and separate shower room and toilet on the ground floor and a further bathroom on the first floor. There were 6 bedrooms, each currently with a single occupant, although the appellant has an HMO licence for 8 people, and the fact there are currently only 6 is just a coincidence as the appellant is hoping to have 8 occupants. The property is clearly in use as an HMO.

6. The application is to determine whether a sui-generis HMO would be lawful and the answer is no. Ordinarily planning permission is required for a change of use from a C4 HMO to a sui generis HMO. The difference between 8 occupants and 6 is usually considered to be material, there are more comings and goings and greater pressure on the facilities within the dwelling as well as a greater impact on the amenity of neighbours, demand for parking etc. No argument has been made that this sui-generis HMO is any different and no evidence has been provided at all to suggest why the material change of use from a C4 use to a sui-generis HMO would be lawful.
7. This is presumably because the matter was fully aired in a recent appeal¹ (issued in July of this year), where the Inspector found the change from a 6 person HMO to a sui generis HMO with 8 people was a substantial one. The appeal was dismissed because of the loss of a family dwelling and impact on neighbours' amenities.
8. The time period for immunity from enforcement for a material change of use from a C4 use to a sui generis use is 10 years, and the HMO use (in whatever form) only began in 2012 so the 10 year period has not been exceeded.

Simon Hand

Inspector

¹ APP/J0350/W/20/3245018