



Appeal Decision

Site Visit made on 22 June 2021

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 July 2021

Appeal Ref: APP/B1415/W/21/3269972

40 St Helens Road, Hastings, East Sussex TN34 2LQ

- 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 Conrad Howard against the decision of Hastings Borough Council.
 - The application Ref HS/FA/20/00811, dated 17 November 2020, was refused by notice dated 17 February 2021.
 - The development proposed is change of use from dwellinghouse (C3) to a 6 bedroom HMO (C4)
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of proposed development in the banner heading as provided by the Council in their decision notice, as this more accurately describes the proposal. The appellant has referred to this description in their appeal form, confirming it is the development they are seeking planning permission for.

Main Issues

3. The main issue is the effect of the proposed development on the supply of family housing within the borough.

Reasons

4. The appeal site is a three-storey end of terrace dwelling with off-street parking to the front and a private garden to the rear, on a street characterised by dwellings of a similar style and size overlooking Alexandra Park. The appeal property has six bedrooms, including one in the roof space.
5. It is proposed to change the use of the appeal property from a dwelling used by a single household (C3 use class) to a House in Multiple Occupation (HMO) to be occupied by up to six people (C4 use class). Policy HC1 of the Council's Development Management Plan (DMP)¹ states that planning permission will be granted for the conversion of dwellings provided that the building can no longer be retained for single family housing occupancy, amongst other things. The supporting text explains that an aim of the Council's Planning Strategy (PS)² is to increase supply of new dwellings and promote an appropriate mix of dwelling

¹ Hastings Local Plan: Development Management Plan (2015)

² Hastings Local Plan: The Hastings Planning Strategy 2011 – 2028 (2014)

- types and sizes, with an emphasis on increasing the supply of larger and family sized units.
6. The existing building remains capable of being occupied by a single family, but the appellant claims it has been difficult to rent on account of its size, and historically it has been under-occupied. The appellant would rather rent the property through six separate lease agreements to avoid periods when the property is vacant. In support of the appeal, a Marketing Report produced by a local estate agent³ explains that they have seen a lack of demand for houses with five or more bedrooms and that the appeal property was vacant for a thirteen week period at the end of 2019, while advertised to let as a single household. Furthermore, it is noted that their data for the twelve months preceding February 2021 show properties with five or more bedrooms were vacant for an average of fifteen weeks while advertised to let.
 7. I note the reported under-occupation of the appeal property and vacancy periods of local properties with five or more bedrooms while advertised to let in the Marketing Report, which concludes that the appeal property could be most effectively used as a HMO to alleviate housing needs in a way that a six bedroom house could not. I do not find it remarkable that large rental properties may take a relatively long time to find tenants living together as a single household, mainly due to the number of people and costs involved, which would be factored into any investments in the property. The appellant makes reference to the appeal property not being viable once the void periods are taken into account, but I have seen no details demonstrating this and the Marketing Report does not show it is unviable to be rented or sold as a dwelling to be occupied by a single household in the long-term.
 8. I am not convinced by the claims relating to under-occupation of the dwelling due to the freedom of households to choose the size of their dwelling. The submitted plans show the appeal property to have six bedrooms, but that does not mean it should be occupied by a six or seven person household to alleviate housing needs; it is not uncommon for families of different sizes to need to use bedrooms as study, playroom, storage, or guest rooms.
 9. I also note conflicting advice from a different local estate agent⁴ provided by an interested party in respect of a neighbouring property, which suggests there is high demand locally for renting 'larger' properties such as that address. I do not doubt that different local estate agents may have different opinions on the matter, depending on their customer base, but aside from those conflicting opinions, the Marketing Report does not conclude that the property is unviable to be rented or sold as a dwelling to be occupied by a single household, or otherwise demonstrates it can no longer be retained for single family housing occupancy.
 10. The proposal would result in the loss of a dwelling suitable for single family occupancy which would conflict with Policy HC1 of the DMP and Policy DS1 of the Council's PS, which seek to protect the existing stock of family sized housing, amongst other things.
 11. The appellant has referred to the dates the DMP and PS were adopted, noting the age of the research they were based on and that they pre-date the

³ Polecat Properties, 25 February 2021

⁴ Oliver & Baily, 3 May 2021

Framework⁵. The appellant claims they are therefore out-of-date, and that reduced weight should be applied to them. Paragraph 213 of the Framework clarifies that development plan policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. The Council have not disputed the appellant's claims that the housing needs research that the development plan policies are based on relies on projections from a 2010 base. The evidence base is therefore old, but the policies are not necessarily out-of-date. No parties have identified any aspects of Policies HC1 and DS1 that are inconsistent with the Framework.

12. The appellant has referred to Office for National Statistics data from 2018 which project a small decline in households with three or more dependent children and a larger increase in one person households. There has been no detailed analysis of all this data, including households of different sizes, in respect of its implications for future planning policies within the borough. Considering the lack of detailed analysis and recent changes to living arrangements, as raised by interested parties, I do not consider it appropriate to apply more weight to those projections than the research relied upon by the development plan, which would have been appropriately scrutinised, albeit longer ago.

Other Matters

13. Both main parties agree the proposal would not lead to a concentration of HMOs exceeding 10% of total numbers of properties within a 100m radius of the appeal site. The submissions made by the main parties clarify the errors made by interested parties suggesting otherwise. The proposal would therefore accord with Policy H4 of the Council's PS, but this does not outweigh the harm that would be caused to the supply of family housing within the borough, which the development plan also seeks to prevent. The proposal therefore fails to accord with the development plan as a whole.
14. The Framework supports a mix of housing appropriate to local need, including different housing sizes, types and tenures for different groups in the community. The appellant has referred to the possibility that the proposal could result in student occupants and suggests that the proposal increases the range of accommodation types and tenure, in accordance with the Framework. The proposal would increase HMO accommodation, but this would be at the cost of reducing single household accommodation within the borough, which the development plan seeks to avoid. The Framework does not support new student accommodation over any other type of accommodation and the proposal is not specifically to house students. Compliance with parts of the Framework in this case does not outweigh the harm caused by the loss of a building that can be retained for single family occupancy in this location.
15. The appellant has referred to the heavy traffic of St Helens Road, its urban form, and the open nature of Alexandra Park on the opposite side of the road, suggesting the area has a higher 'carrying capacity' than other residential areas. It is also noted that the proposed development would not result in any physical alterations to the building that would prevent its future use as a family house. The local attributes of the appeal site and reversibility of the proposal would not justify a deviation from the development plan's aim of protecting houses that are capable of single family occupancy.

⁵ National Planning Policy Framework (2019)

16. I note the appellant's stated intention to continue maintaining the appeal property, including its garden and to improve its appearance. However, these are matters which do not weigh significantly in favour of the proposal and they do not outweigh the harm identified.

Conclusion

17. The proposed development would reduce the supply of family housing within the borough. This would be contrary to the Council's development plan and there are no other material considerations that outweigh this finding. The proposal is therefore unacceptable, and the appeal should not succeed.

L Douglas

INSPECTOR