
Appeal Decision

Site visit made on 4 March 2025

by **N Bromley BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 March 2025

Appeal Ref: APP/P4605/W/24/3353392

298 Frankley Beeches Road, Longbridge, Birmingham B31 5LZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Swahib Malook against the decision of Birmingham City Council.
 - The application Ref is 2024/02918/PA.
 - The development proposed is described as “Change of Use Application from C3 Dwelling house to C4. There is to be no structural alteration or modification to the property layout. This is simply an application to change the use to an HMO”.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024 and updated on 7 February 2025. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no party’s interests have been prejudiced by taking this approach.

Main Issue

3. The main issue is whether the proposed development would result in the unacceptable loss of a family dwelling.

Reasons

4. The appeal site comprises a four-bedroom, semi-detached house on Frankley Beeches Road. It is located within an established residential area and the property is characteristic of housing within the locality.
5. Even though the appeal property has been in single owner occupier use for 15 years, it has four bedrooms and is of a type and size that could accommodate a family.
6. Policy TP30 of the Birmingham Development Plan (the BDP), requires proposals for housing to meet local needs and to take account of the Strategic Market Housing Assessment. Policy TP35 of the BDP also seeks to prevent the loss of housing to other uses.
7. Policy DM11 of the Development Management in Birmingham Development Plan Document 2021 (DPD), sets out the range of criteria that should be satisfied for the conversion of existing dwellinghouses to Houses in Multiple Occupation

(HMO). Among these, criterion d) stipulates that the proposal should not result in the loss of an existing use that makes a significant and important contribution to other Council objectives, strategies and policies.

8. The Houses in Multiple Occupation Supplementary Planning Document (the SPD) sets out the proportion of households with dependent children in Birmingham is higher than the regional and national average and there is a continued demand from family households for three or more-bedroom homes. This is echoed in the Council's Housing Strategy 2023-2028, which also advises that the growth of Houses of Multiple Occupation (HMO) accommodation and exempt accommodation means the city has seen a significant loss in privately rented family homes. As such, the Council highlight that new housing provision is failing to meet the city's housing needs, and that there is a need for three and four or more bed houses, as identified by the Birmingham Housing and Economic Development Needs Assessment and supported by the latest Birmingham Development Plan Authority Monitoring Report (22/23).
9. On the other hand, the appellant suggests that there is an abundance of family housing in the area, and it would be challenging to privately rent or sell the property as a family dwelling. In particular, my attention has been drawn to a development for up to 950 dwellings at the former North Worcestershire Golf Club, ref: 2017/02724/PA (the approved development), which is located adjacent to the appeal property. However, limited details have been provided. Notably, the amount and current availability of family sized houses within the approved development is not known.
10. The SPD sets out the need for marketing to be undertaken to demonstrate an established lack of demand for a property in single-family use. In particular, the SPD sets out that evidence to demonstrate that the property has been openly marketed at a city-wide level at a reasonable purchase or rental price for a period of at least six months shall be submitted with the application.
11. The appellant suggests that there is a high availability of comparable family homes in the area for rent or sale. However, there is limited robust evidence to support this claim. Indeed, the evidence submitted by the appellant is restricted to internet searches. Also, even though the appellant suggests that making the appeal property available for rent as a family dwelling is unlikely to be successful, a city wide, six-month, marketing exercise has not been undertaken.
12. While competitive rental offers have been received from exempt / supported housing providers, the appellant has advised that they do not want to pursue these, and I attach limited weight to this matter. In any event, it is not clear, on the evidence before me, that exempt / supported housing would result in the loss of the property as a family house. I also have no substantive evidence before me of the need or the level of shortfall for HMO accommodation in the area.
13. Additionally, although the appellant identifies that an HMO license would be valid for five years, and after that period the housing needs could be reassessed, and a new licence could be refused at that point if necessary, licensing and planning are covered by separate legislation. Therefore, it would not overcome the concerns identified.

14. Consequently, for the above reasons, I conclude that the proposed development would result in the unacceptable loss of a family dwelling. Therefore, it would conflict with Policies TP30 and TP35 of the BDP and Policy DM11 of the DPD.

Other Matters

15. No objections have been raised with regards to visual impact, design considerations, the effect on highway and pedestrian safety, as well as residential amenity. Likewise, the internal space meets the minimum space standards, including communal areas and the bedrooms would have adequate privacy and light. There is also external amenity space for future occupants, as well as suitable bicycle and waste storage arrangements within the site.
16. The proposal would add to the mix of housing in the area and could provide high quality shared accommodation, to cater for young professionals looking to rent in the area. In addition, the use of the appeal property as an HMO would not unbalance the mix of housing in the area. However, the benefit of one additional HMO to the housing stock in the area would be limited and would not outweigh the harm which I have identified.

Conclusion

17. For the reasons set out above, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations of sufficient weight to indicate that a decision should be made other than in accordance with it. Therefore, the appeal should be dismissed.

N Bromley

INSPECTOR