



Appeal Decision

Site visit made on 15 April 2025

by **Andreea Spataru BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 May 2025

Appeal Ref: APP/Q3060/W/25/3358313

55 Fisher Street, Nottingham NG7 6FJ

- 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 Joshua Gooding against the decision of Nottingham City Council.
- The application Ref is 24/00889/PFUL3 (PP-13098126).
- The development proposed is the change of use from (Use Class C3) to a 3-bedroom House in Multiple Occupation (HMO) (Use Class C4) (retrospective).

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development above has been taken from the Council's decision notice, rather than the application form, as it is more concise.
3. The development is retrospective, as the application form indicates that the change of use was completed in September 2023. I have considered the appeal on this basis.
4. Since the application was determined, a revised National Planning Policy Framework (the Framework) was published on 12 December 2024. However, as any policies that are material to this decision have not fundamentally changed, I am satisfied that this has not prejudiced any party. I have had regard to the latest version of the Framework in reaching my decision.

Main Issues

5. The main issues are:
 - Whether the development would result in the unacceptable loss of family accommodation; and
 - The effect of the development on the living conditions of the occupiers of neighbouring properties, with particular regard to noise, levels of activity, property upkeep, waste disposal, turnover of occupants, and parking, and linked to this, on the surrounding area.

Reasons

Family accommodation

6. Policy 8 of the Aligned Core Strategies Part 1 Local Plan (ACS) 2014 outlines the general approach to residential development within the city and the neighbouring boroughs. It states that residential development should maintain, provide and

contribute to a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities. This policy also states that there should be an emphasis on providing family housing, including larger family housing, to meet Sustainable Community Strategy and Housing Strategy objectives.

7. Policy HO1 of the Nottingham City Land and Planning Policies Development Plan Document Local Plan Part 2 (LAPP) 2020 also supports the provision and retention of family housing in the city. The supporting text of the policy defines family housing as likely to be of no more than three storeys, have private enclosed gardens, and have three or more bedrooms, two of which are capable of double occupancy. Policy HO2 of the LAPP also seeks to protect dwellinghouses (use class C3) suitable for family occupation and includes a presumption against the conversion of such properties to a C4 HMO dwelling unless certain criteria apply. It is not part of the appellant's case that the proposal falls within any of the permitted exceptions to policy HO2.
8. Policy HO6 of the LAPP relates to HMOs and Purpose-Built Student Accommodation, and states that planning permission for these developments will only be granted where it does not conflict with Policies HO1 and HO2 and does not undermine local objectives to create or maintain sustainable, inclusive and mixed communities.
9. The appeal property is a two-storey, three-bedroom, mid-terrace dwelling with an enclosed private garden to the rear, and permit holders parking to the front. It is in a predominantly residential area, opposite a school, and close to local shops, leisure centre and parks. It is therefore an established family dwelling of the type that the development plan seeks to retain. Therefore, the development conflicts with the aims of Policies HO1 and HO2 of the LAPP.
10. In the context of Policy HO6 of the LAPP, the Council indicates that the surrounding area does not have a high concentration of HMOs. Nevertheless, given the conflict with Policies HO1 and HO2 of the LAPP, there is also conflict with Policy HO6 of the LAPP.
11. Accordingly, the development has led to the unacceptable loss of a family dwelling, which conflicts with the aims of Policy 8 of the ACS and Policies HO1, HO2, HO6 of the LAPP, as set out above.

Living conditions and surrounding area

12. The Council assert that the proposed change of use might lead to an increase in noise, anti-social behaviour, poorly maintained property, and inappropriate management of waste because these are common issues associated with HMOs. The Council also referred to a high turnover of occupants and to the absence of residents outside term times if the property would be occupied by students. However, no specific evidence has been provided which relates to the appeal property or this area. This is particularly relevant as the evidence indicates that the property has been used as an HMO for some time.
13. The application form indicates that the three-bedroom dwelling would be occupied by up to three individuals. The activity generated by up to three occupiers, even if these were students, would not significantly increase the risk of noise or

disturbance to occupiers of nearby properties over and above that of a family house.

14. Based on the evidence submitted by the appellant and from what I have seen during my site visit there are no signs of problems in the area associated with waste disposal. I have no evidence before me to suggest that the upkeep of the property would differ significantly in relative terms based on the type and tenure of occupation. Its future maintenance would remain the responsibility of the owner and manager, and I have no reason to doubt that the property would be well kept.
15. There would be a possibility for the appeal property to be occupied by students. Be that as it may, based on the Council's evidence, there is not an over-concentration of HMOs or student properties in the area. Thus, empty properties outside of term time are not a significant issue in the locality.
16. I noted that parking on Fisher Street is restricted to permit holders Monday to Saturday between certain times. There is also parking on Beaconsfield Street, which is limited to two hours at some times, except for permit holders. Given the proximity of the site to local services and facilities, occupiers would not necessarily all need a car. I am also mindful of the fact that a three-bedroom family home occupied by adults and older children could generate similar parking demands as a small HMO. Furthermore, I have not been informed about any concerns from the Highway Authority regarding on-street parking capacity in the area.
17. In conclusion, I find that the development does not cause harm to the living conditions of nearby occupants and does not have a detrimental effect on the surrounding area, with regard to noise, associated activity, property upkeep, waste disposal, turnover of occupants, and parking levels. Accordingly, in these regards, there is no conflict with Policy 10 of the ACS or Policies HO6, DE1, DE2, TR1 and IN2 of the LAPP, which collectively seek, amongst other things, to protect the amenity of nearby residents and the local environment, and to ensure an appropriate level of parking provision.

Other Matters

18. I acknowledge the intention to provide quality accommodation, and I have no reason to doubt the owner's experience and qualifications for successfully managing such properties and dealing with any potential problems that may arise. However, that does not address, nor outweigh, the conflict in policy that would occur from the loss of a dwelling suitable for family occupation.
19. I have had regard to the proposed measures outlined by the appellant within the 'Planning Obligation' document, which seek to respond to some of the Council's concerns. The document does not amount to an enforceable legal deed under the provisions of section 106 of the Town and Country Planning Act 1990, rather it is an informal statement of intent more akin to a management plan. In any event, I found that the effect of the development on the living conditions of nearby residents is acceptable. Nevertheless, this does not negate the harmful impact of the development regarding the loss of a family dwelling.

Conclusion

20. For the reasons set out above, the appeal should be dismissed.

Andreea Spataru INSPECTOR