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## Appeal Decision

Site visit made on 25 March 2025

**by R Kent BA (Hons) MTP DipM MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 19<sup>th</sup> May 2025**

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**Appeal Ref: APP/Y1110/W/24/3356032**

**Clifton House, Albert Street, Exeter, Devon, EX1 2BH**

- 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 Jeff Jenner (Blockworks Group Ltd) against the decision of Exeter City Council.
  - The application Ref is 24/0854/FUL.
  - The development proposed is erection of six purpose built student accommodation units.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised in December 2024 and again in February 2025. I sought the parties' comments on the 2025 Framework and have determined the appeal on the basis of that latest version taking into account the comments received.

### Main Issues

3. The main issues are:
  - whether the proposal would be acceptable in this location with particular regard to the level of student accommodation in the surrounding area; and
  - whether the proposed development would provide adequate living conditions for future occupants of the accommodation with particular reference to internal living space and external amenity space.

### Reasons

#### *Location*

4. In order to manage the balance of housing accommodation in an area of the city nearest to the University, which includes the appeal site, the Council adopted an Article 4 Direction in 2010, since updated, to control the change of use of private dwellings to Houses in Multiple Occupation (HMOs).
5. The evidence indicates that when the area to which the Article 4 Direction applied was surveyed in 2022, Portland Street immediately to the south east of the appeal site had the highest concentration of student HMOs. Of the 111 properties in the street, 46% were in student HMO use. In addition, a block of purpose built student residential accommodation (PBSA) accommodating 15 students has been

provided in Lower Albert Street a short distance across Clifton Road from the appeal site. Taken together, this creates a significant concentration of student accommodation in the immediate vicinity of the appeal site.

6. The Council, through its “Supplementary Planning Guidance for Development Related to the University Of Exeter” 2007 (SPG) and Core Strategy 2012 (CS) seeks to accommodate 75% or more of the additional student numbers arising from the growth of the university in PBSA. The evidence indicates that by September 2024, around 12,500 bedspaces were available in PBSA across the city meaning that 64% of the increase in the city’s student population since 2007 can now be accommodated in PBSA. Whilst the percentage of student properties might be less across the wider area and the proposal would contribute six more PBSA units towards the 75% commitment, it would nevertheless unacceptably add to the concentration of student accommodation in the area around the site which is already experiencing adverse effects arising from that concentration.
7. My conclusions are supported by the representations from interested parties which highlight the harmful effect that the concentration of students in the neighbourhood has on the community. This includes noise and disturbance from students going out and returning late at night; increased demand for on-street parking during term time; a reduction in the availability of family accommodation; and issues with waste disposal. The turnover in the occupation of student accommodation is also cited as turning the neighbourhood into a transient area rather than a stable, community focussed environment. Whilst some of these impacts might be capable of being mitigated through a management plan for the proposed accommodation, I have not been provided with full details of such a plan or how it would be enforced.
8. The Council’s ‘Houses in multiple occupation’ Supplementary Planning Document (SPD) 2023 is part of the Council’s policy response to the growth in the need for student housing. It states that within the area subject to the Article 4 Direction, the Council regards the existing proportion of properties with student Council Tax exemptions to be an over concentration of student housing for the purposes of Exeter Local Plan First Review 2005 (LP) saved policy H5. Whilst the SPD applies to HMOs and is not directly relevant to PBSA schemes, from the evidence before me I have found no reason to arrive at a different conclusion on the over concentration of student accommodation in the vicinity of the appeal site.
9. In reaching this view, my attention has been drawn to two appeal decisions. Whilst I have not seen the details of the 2017 appeal proposals in Lower Albert Street<sup>1</sup>, and have considered this appeal proposal on its individual merits, the decision indicates that at that time 32% of the houses in Portland Street were assessed as being in student use. That has since risen to 46% by 2022 as referred to above and is indicative of an increasing imbalance in the mix of housing in the vicinity of the appeal site to which the proposal would contribute.
10. I am also aware of a more recent 2024 appeal decision at 6 Gladstone Road<sup>2</sup> to the south of the junction of Portland Street and Gladstone Road. In that decision, the Inspector concluded that there was a concentration of HMOs in the vicinity of that appeal site and the proposed change of use would exacerbate that imbalance in conflict with LP policy H5. Whilst that proposal was for a HMO rather than

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<sup>1</sup> APP/Y1110/W/17/3178667

<sup>2</sup> APP/Y1110/W/23/3333038

PBSA, the conclusions reached on the balance of the local community are similar to my own conclusions on this appeal.

11. For the reasons given, the proposal would add harmfully to the concentration of student accommodation in the immediate area and would not be an acceptable location for further student accommodation in conflict with LP policy H5 which seeks to prevent an over concentration of student housing.

#### *Living conditions*

12. Although reference has been made to the 'Technical housing standards – nationally described space standard'<sup>3</sup> (NDSS) they are not referenced in any of the development plan policies drawn to my attention. With this in mind, while the NDSS may provide a useful indication of what would constitute a reasonable size for the internal space within the proposed units, it is not a development plan policy requirement.
13. Objective 3 of the CS aims to provide everyone in the community with a home of a suitable type and size for their needs. Whilst students might not necessarily live in the accommodation all year round, the NDSS sets out the standard of accommodation which should be applied across all tenures. This would include student accommodation such as that proposed.
14. The gross internal floor area of the two second floor studio flats as stated in the Council's officer report would be "around 30 sqm" which falls significantly beneath the NDSS minimum of 37 sqm and has not been disputed by the appellant.
15. The proposed development comprises self-contained flats without any shared or communal living spaces within the building for use by its occupants. The occupants of the studio flats would therefore have to use their single room accommodation for their day to day living needs. Even though the appellant suggests that in 2019 the average student studio flat had a smaller average floor space of 20.6 sqm, I have not been provided with the full details of the accommodation referred to. Notwithstanding this, it does not justify allowing further studio flats which are significantly below the NDSS and which do not have access to other shared living space within the building.
16. The proposal includes a narrow courtyard to the rear of the building on its north western side, part of which would be used to accommodate a recycling store. The two ground floor flats would have doors opening onto the space and bedroom windows facing on to it. Saved policy DG4 of the LP requires that developments should ensure a quality of amenity which allows residents to feel at ease within their homes and gardens. Further guidance is provided in the Residential Design Supplementary Planning Document (RDSPD) 2010.
17. Whilst the courtyard would be sufficient to provide the sitting out space for the ground floor flats as envisaged by the RDSPD, it would be substantially less than the required 20 sqm per flat communal space. Moreover, the position of the doors and windows in the ground floor flats would mean that communal use of the courtyard would be likely to result in a loss of privacy to the occupants of those flats as a result of users of the courtyard being able to look into the windows of the ground floor flats. Even though there is a park a short walk to the north of the site,

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<sup>3</sup> Technical housing standards -nationally described space standard.' G March 2015 together with the notes added 16 May 2016 which apply to it.

the constrained nature of the external amenity space would limit the useable space available to the occupants of the development, and in particular the occupants of the small studio flats.

18. Therefore, for these reasons, the proposal would not provide adequate living conditions for future occupants of the accommodation with particular reference to living space and external amenity space. It would therefore conflict with CS Objectives 3 and 9 and LP policy DG4 which seek to ensure new development provides a suitable size of accommodation, raises the quality of urban living and provides a quality of amenity for residents.

### **Other Matters**

19. The evidence refers to the development having been screened for the need for an Appropriate Assessment (AA) under the Conservation of Habitats and Species Regulations 2017. Regulation 63(1) of the Regulations indicates that the requirement for an AA is only necessary where the competent authority is minded to give consent for the proposed development. Therefore, given my conclusions on the main issues, it is not necessary for me to consider this matter in any further detail.
20. The site lies between the former Globe Inn and the rear of Nos 34-56 Belmont Road, a terrace of three storey Grade II listed buildings. Dating from around 1840, they gain their significance from their stucco finish, architectural detail and group value. The appeal site is currently a car park separated from the rear of the terrace by a timber fence. Whilst the rear of the terrace can be experienced from views across the site, the site's use as a car park does not make a positive contribution to the setting of Nos 34-56. The scale and form of the proposed building reflects the character of the adjoining buildings and those opposite and its position to the rear of Nos 34-56 Belmont Road would not harm their significance as heritage assets.
21. For the same reasons as above, the site does not make a positive contribution to the setting of the Belmont Conservation Area and the proposed development would not cause harm to its setting. I note that planning permission<sup>4</sup> was granted in 2023 for five self-contained flats on the site, following a previous permission for two dwellings<sup>5</sup>, with a very similar design to the appeal proposal. The Council concluded that the proposed flats would not harm the significance of these heritage assets and I have found no reason to come to a different conclusion.

### **Planning Balance**

22. The Council can only demonstrate 4 years and 10 months of housing land supply which is below the minimum level required. Consequently, paragraph 11 d) of the Framework requires that consideration of the presumption in favour of sustainable development is necessary.
23. The harm and conflicts are such that the proposal should be regarded as being in conflict with the development plan, as a whole. Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework is simply one such consideration and in this case the presumption in favour of sustainable

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<sup>4</sup> LPA ref 23/0325/FUL

<sup>5</sup> LPA ref 21/1153/FUL

development set out within paragraph 11 d) ii. of the Framework applies by virtue of Footnote 7 and is not disapplied by 11 d) i.

24. For the reasons given, the development would cause a moderate level of harm by adding to the concentration of student accommodation in the immediate area. It would have a substantial harmful effect on the living conditions of future occupants of the development. As a consequence, the proposal would conflict with LP policies H5 and DG4 and Objectives 3 and 9 of the CS.
25. Whilst the proposal would result in an increase of 6 dwellings in a sustainable location within walking distance of the University and local facilities, PBSA does not currently count towards the Council's overall housing land supply<sup>6</sup>. Nevertheless, there would still be the modest benefit of providing a further small amount of student accommodation to the city's stock of PBSA which carries moderate weight in favour of the proposal. The limited short term economic benefits arising from the construction of the development also carry moderate weight in favour of the proposal.
26. The LP and CS form the development plan for the area in which the site is located. The Framework expects that the needs of groups with specific housing requirements are addressed. Policy H5 of the LP seeks to promote a diversity of housing and is consistent with the Framework in this respect. The Framework also seeks to achieve well designed places with a high standard of amenity for future users. Policy DG4 of the LP and Objectives 3 and 9 of the CS are consistent with the Framework in this respect. The conflict with these policies is therefore given substantial weight in this appeal.
27. Taking everything together, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

## Conclusion

28. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

*R Kent*

INSPECTOR

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<sup>6</sup> Exeter City Council vs. Secretary of State for Communities and Local Government, Waddeton Park Limited and The R B Nelder Trust [2015] EWHC 1663