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## Appeal Decision

Site visit made on 28 April 2025

by **C Coles MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 JUNE 2025

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**Appeal Ref: APP/Z1775/W/25/3360728**

**23 Grayshott Road, Southsea, City of Portsmouth PO4 8AH**

- 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 Reece Payne (Reelen Limited) against the decision of Portsmouth City Council.
  - The application Ref is 24/00628/FUL.
  - The development proposed is described as 'under this planning application, we are looking to propose a C3 three-bedroom dwelling conversion with a HMO license valid until 08/04/2025 to a C4 four-bedroom HMO dwelling'.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The appellant acknowledges the appeal is retrospective, however, the Council do not have evidence of any planning permission in place for the use as a House in Multiple Occupation (HMO), nor have the appellants provided evidence they can demonstrate the property was in continuous HMO use for the past 10 years to apply for a Lawful Development Certificate. Retrospective is not an act of development therefore I have dealt with the appeal on the basis that planning permission is sought for the change of use from a dwellinghouse (Class C3) to an HMO within Class C4.

### Main Issues

3. The main issues are the effect of the proposed development on:
  - the mix and balance of the community in the area; and
  - the living conditions for the future occupants of the development.

### Reasons

#### *The Mix and Balance of the Community in the Area*

4. The appeal site is a bay fronted mid-terrace dwelling located within a residential area.
5. The development is to change the downstairs dining room into a bedroom to convert the property from a three-bedroom family home to a four-bedroom HMO (C4 use). No external alterations are proposed.

6. Policy PCS20 of the Portsmouth Plan (LP) (2012) seeks to ensure that a range of household needs are accommodated throughout the City and applications for HMOs will only be permitted where the community is not already imbalanced by a concentration of such uses or where the development would not create an imbalance. To this end, a city wide Article 4 Direction is in force which removes permitted development rights for changes to convert a single dwellinghouse (Class C3) into an HMO. This enables the Council to control the location of new HMOs through the planning system.
7. Alongside this, the Council also published the Houses in Multiple Occupation - Ensuring Mixed and Balanced Communities Supplementary Planning Document (SPD) (2019). This detailed document sets out how Policies PCS20 and PCS23 of the LP will be implemented and is afforded significant weight as a material consideration in the determination of applications. The SPD is supported by an assessment of the need for and supply of shared housing in Portsmouth and the impacts on local communities of high concentrations of HMOs and evidence of harm caused by HMO properties. This can include poor refuse management, on-street parking issues, noise and anti-social behaviour, high property turnover, neglected gardens and lack of maintenance to housing stock. There are also wider impacts on infrastructure and services arising from the changing demography. These can be to the detriment of permanent residents and families living in the local area.
8. The approach taken in the SPD is to set a 10% threshold for new HMOs. A community will be considered to be 'imbalanced' where more than 10% of residential properties within a 50 metre radius of the area surrounding the application property are already in HMO use.
9. The Council have reviewed their information and confirm that 9 properties within a 50 metre radius of the appeal site have HMO status which equates to 10.7%. The Council acknowledge that their data is susceptible to error and they have not explained how they arrived at this figure, but it is reasonable to assume that having reviewed their initial information, the data now presented is the most accurate source of information currently available. Although the appellant questions the validity of the data and the fairness of relying on this information in determining the appeal, no alternative evidence is put forward to counter the Council's position in terms of the percentage of dwellings within a 50 metre radius in use as an HMO. It was also impossible during my site visit to verify the position as it is not always obvious whether or not a dwelling is an HMO by its physical appearance.
10. Overall, the evidence points to the fact that the area is already suffering from an over-concentration of HMOs. To allow the appeal in such circumstances would exacerbate the over-concentration of HMOs and unacceptably affect the character of the area and the living conditions of those remaining local residents and families who occupy C3 dwellings. The proposal would therefore be contrary to the objective of creating a sustainable and balanced community. It would thus conflict with Policy PCS20 of the LP and guidance contained within the SPD.

#### *The Living Conditions for the Future Occupants of the Development*

11. Policy PCS23 of the LP seeks to ensure the protection of amenity and the provision of a good standard of living environment for neighbouring and local occupiers as well as future residents and users of the development.

12. According to the evidence in front of me, the living room, kitchen, bathroom and WC do not meet the required space standards and no separate dining room is provided to meet the requirements for communal living space as required by the SPD, the proposal would therefore conflict with Policy PCS23 of the LP and guidance contained within the SPD insofar as the proposal would not provide acceptable living conditions for the future occupants of the development.

### **Other Matters**

13. I acknowledge the appellants concerns over the Council's handling of the application and the apparent inconsistency in the data used to determine the application. However, this is not a matter that I can consider under a S78 planning appeal and does not alter my findings, in which I have had regard solely to the planning merits of the proposal.

### **Conclusion**

14. For the reasons given above the appeal should be dismissed.

*C Coles*

INSPECTOR