



Appeal Decisions

Site visit made on 10 April 2025

by **David Jones BSc (Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 June 2025

Appeal A Ref: APP/J0350/C/23/3329403

56 Langley Road, Slough SL3 7AD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Gurdip Singh Hothi against an enforcement notice issued by Slough Borough Council.
 - The notice was issued on 9 August 2023.
 - The breach of planning control as alleged in the notice is the material change of use of the dwelling house to a large house in multiple occupation ("the HMO") by more than 6 persons (Sui Generis Use).
 - The requirements of the notice are: Cease the use of the dwelling house as a large HMO by more than 6 persons (Sui Generis Use)
 - The period for compliance with the requirement is: Six months.
 - The appeal is proceeding on the grounds set out in section 174(2)(f), and (g) of the Town and Country Planning Act 1990 (as amended).
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Appeal B Ref: APP/J0350/W/24/3346642

56 Langley Road, Slough SL3 7AD

- 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 Hothi against the decision of Slough Borough Council.
 - The application Ref is P/01721/003.
 - The development proposed is the change of use of property legally under planning use class C4 (small HMO up to 6 rooms) to sui-generis HMO / C2 for 9 rooms with ancillary office facilities, 6 car parking spaces, bin and cycle storage and garden amenity.
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Decisions

Appeal A

1. The appeal is dismissed and the enforcement notice is upheld.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. Since the appeals were lodged, a revised version of the National Planning Policy Framework ("the Framework") was published in December 2024. I have considered the changes and as they are not material to the development proposed in Appeal B, further comments were not sought. I have, however, determined the appeals having regard to the revised Framework.
4. In Appeal A the alleged breach of planning control is stated as being "*the material change of use of the dwelling house to a large house in multiple occupation ("the HMO") by more than 6 persons (Sui Generis)*". It is clear from both the absence of

a ground (b) appeal and the appellant's appeal submissions that the property was in use as a large HMO as alleged in the notice. The development proposed in Appeal B however refers to the "*Change of use of property legally under planning use class C4 (small HMO up to 6 rooms) to sui-generis HMO/C2 for 9 rooms...*".

5. Given that the description refers to both a sui generis (large HMO) and C2 (residential institutions) use I sought clarification from the parties as to what was being sought. It was subsequently confirmed that the application seeks a "flexible" use where the property could be used either for living accommodation for nine persons aged 16 and over with care available when needed (C2), or as a nine-bedroom large HMO (Sui Generis). It was further clarified that there would be no mixed use, and the property would be used for one or other use at any given time.
6. The development proposed in Appeal B therefore differs from the breach of planning control alleged in Appeal A. For the avoidance of doubt, I have determined Appeal B on the basis of the submitted plans and information on which the Council made its decision.

Appeal A on ground (f)

7. The basis for an appeal on ground (f) is that the steps required by the notice to be taken exceed what is necessary to remedy any breach. When an appeal is made on ground (f), it is essential to understand the purpose of the notice. S173(4) of the Act provides that the purpose shall be either to remedy the breach of planning control or to remedy any injury to amenity. In this case, its primary purpose is to remedy the breach by discontinuing the use of the land. For the appeal on ground (f) to succeed, the appellant must propose alternative lesser steps which would remedy the breach.
8. Class C4 of the Town and Country Planning (Use Classes) Order 1987 (as amended) ("the UCO") provides for the use of a dwellinghouse as a "house in multiple occupation" (HMO) by not more than six residents, that is up to six unrelated individuals who share basic amenities such as a bathroom and kitchen (a small HMO). The use of a dwellinghouse by more than six residents not living together as a household is "sui generis" or in a use of its own. There is no dispute that at the date the notice was issued the property was in a sui generis use as a thirteen bedroom HMO (a large HMO) which constituted a breach of planning control.
9. The appellant considers that the requirement to cease the use of the property as a large HMO, and thus limiting the number of residents to six, is excessive. Instead, the appellant suggests that the number of residents could be restricted to 9 which would, in his view, still achieve the objective of the enforcement notice. The appellant sets out that this could be achieved by having one person per room on the ground and first floors, and by evicting the tenants on the second floor. An additional person could possibly be accommodated if modifications to the loft space were also carried out to create one large bedroom.
10. However, the use of the property by nine or ten unrelated individuals who share basic amenities would still constitute a large HMO and a "sui generis" use. Since there is no planning permission to use the property for that use, the appellant's suggested lesser steps would not remedy the breach of planning control.

11. Furthermore, in the absence of an appeal on ground (a), as set out in section 174(2) of the 1990 Act, and a deemed planning application, the power available to me under section 176(1) only relates to whether the requirements exceed what is necessary to remedy the breach and not the substance of the notice. If an appeal is not brought on ground (a), it is not appropriate for arguments to be introduced on the planning merits in the context of an appeal on ground (f). Accordingly, the appeal on ground (f) fails.

Appeal A on ground (g)

12. An appeal on ground (g) is that the period for compliance with the notice falls short of what is reasonable. The appellant seeks a period of compliance of nine months on the basis that the tenants will need to find alternative accommodation to meet with their individual needs, the potential difficulty in evicting tenants, and concerns regarding the human rights of tenants.
13. I have nothing before me to indicate that six months would not be sufficient time to notify any existing tenants and for them to find alternative accommodation. Similarly, I have no evidence before me to indicate that tenants would not leave voluntarily. Moreover, should eviction proceedings become necessary, a landowner would be able to rely on the provisions of section 179(3) of the 1990 Act which provides a statutory defence against prosecution where the owner has done everything they could be expected to do to secure compliance with the notice.
14. I recognise that in upholding the notice, it would mean that the occupiers of the property would lose a home. In this regard, I have taken into account rights under Article 8 of the Human Rights Act 1998, which states that everyone has a right to respect for private and family life, their home and correspondence. In this case, there is no evidence to suggest that an extended compliance period would be reasonably needed in order for tenants to find alternative accommodation. Furthermore, upholding the enforcement notice is a legitimate and proportionate response to addressing the breach of planning control in the public interest. This outweighs the loss of a home for each of the tenants.
15. In my assessment, the six month period of compliance is reasonable given the nature of the steps required by the notice. Accordingly, the appeal on ground (g) fails.

Appeal B

Main Issues

16. The main issues are the effect of the proposed development on:
- The supply of family housing in the Borough;
 - The living conditions of occupiers of neighbouring residential properties, having particular regard to noise and disturbance;
 - The character and appearance of the area; and
 - Highway safety, having particular regard to vehicle parking.

Reasons

Background

17. 56 Langley Road is a large, three-storey detached dwelling located within a pleasant residential area comprising predominantly detached dwellings. As outlined in Appeal A, whilst the lawful use of the property is a dwelling house under Class C3 of the UCO, No. 56 is currently in use as a thirteen-bedroom HMO with living accommodation arranged over three floor levels.
18. Nevertheless, the submitted plans for the proposed flexible nine-bedroom HMO/C2 use detail nine bedrooms arranged over two floors. At ground floor level there are four en-suite bedrooms proposed, along with a communal kitchen, entrance hall, shower room and laundry room. At first floor level the plans detail a further five bedrooms (four of which are en-suite), and a communal kitchen. At second floor level an office, staff room, staff kitchen, and store are proposed.

Supply of Family Housing

19. Core Policy 4 of the Slough Local Development Framework Core Strategy 2006-2026 (adopted December 2008) (CS) concerns the type of housing provision in the Borough. The policy sets out that high density housing should be located in Slough town centre, while outside this area new residential development should predominantly consist of family housing. Furthermore, the policy states that there should be no net loss of family homes as a result of flat conversions, changes of use, or redevelopment.
20. The appellant argues that the issue regarding the loss of family housing does not arise as the change of use from a Class C3 dwelling to a small HMO (C4) is permitted development. It is correct that planning permission is granted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) at Article 2, Part 3, Class L for the change of use from Class C3 to Class C4 and vice-versa.
21. Although No. 56 is not currently in use as a Class C3 dwelling, due to the size and internal arrangement of the property, along with direct access to a generously sized private garden area to the rear, the property is quite clearly capable of being occupied as a single-family dwelling. However, the granting of planning permission for the proposed large HMO/C2 use would prevent the property from being used flexibly for purposes in Class C3 or C4 in the future. Consequently, irrespective of whether the property was being used as a large HMO or a C2 use, the proposal would result in the net loss of family housing.
22. For the reasons set out above, I conclude that the proposed development would result in the loss of a family unit of accommodation and, in this regard, is contrary to Core Policy 4 of the CS.

Living Conditions

23. The appeal property is located on a residential street and is flanked on both sides by detached properties, albeit the property to the west is separated by Whitehouse Way which leads to a small, quiet, cul-de-sac of residential properties to the rear of the appeal site. From the evidence before me, and from my own observations, the majority of the properties in the area appeared to be in use as single dwellings.

24. The lawful use of the appeal property is a dwelling falling within Class C3 of the UCO, and the appellant refers to the property as a *“single unit family dwelling with 10 no rooms comprising 8 double rooms and 2 single rooms”*. The property is undoubtably sizeable and could accommodate a large family. The description of development in the application refers to the *“change of use of the property legally under planning use class C4 (small HMO up to 6 people)”*, and I acknowledge that, following the property reverting to its lawful use, planning permission would not be required to subsequently change the property to a small HMO under Class C4 of the UCO.
25. The proposed development would have nine bedrooms, and I shall turn firstly to its proposed use as a large HMO. In general, the occupiers of an HMO are fairly transient. Occupants are unlikely to share common connections or relationships or have similar work patterns and leisure interests, and they will commonly be leading daily lives which are largely separate from one another. Occupiers will also generally undertake their day-to-day activities, including cooking, laundry, and socialising, as well as travelling for the purposes of work, leisure, and shopping, separately from one another and at different times of the day.
26. In addition, occupiers of the HMO are likely to attract their own visitors, such as friends and family, as well as receiving their own deliveries. Many of these visitors are likely to be using a private vehicle to travel to the property, thus increasing vehicular movements to and from the appeal site.
27. In my view, these factors differ greatly than that of a dwelling where the property would be occupied by a single household where family and friends are likely to be largely mutual between occupants, and daily routines more consistent and synchronised.
28. Given the above, I find it highly likely that the use of the property as a large HMO would involve a significant increase in activity at the premises, as well as a noticeable increase in the number and frequency of pedestrian and vehicular comings and goings, when compared to the use of the property as a C3 dwelling. Even when compared to a small HMO under Class C4, it would represent an appreciable increase in activity. In my view, the use would give rise to an unacceptable level of harm to the living conditions of occupiers of neighbouring residential properties by way of noise and disturbance.
29. The appellant has provided a House in Multiple Occupation Management Plan (HMOMP). However, whilst a planning condition could be imposed to require compliance with that plan, I consider it highly unlikely that the HMOMP would offset the adverse impacts on the neighbouring residential occupiers to any significant degree.
30. Regarding when the property would be used for a purpose falling within Use Class C2, a *“C2 Home with Care Use Statement of Purpose”* was provided to give an overview of what activities would take place. In summary, it is proposed that the appeal property would be used as a care home for young people aged 16 years and over. Whilst no nursing care would be provided, services would be tailor made for those with limited needs.
31. The appellant has provided very limited information with the application and appeal in regard to the proposed C2 use. The proposed floor plans include nine bedrooms, as well as an office, staff room, and staff kitchen at second floor level. No

information regarding the number of staff who would be on site at any given time, whether they would live at the property, or the times of day that any change over of staff would take place have been provided.

32. The proposal would appear to allow the property to be occupied by up to nine independent young people, albeit sharing communal kitchens and external garden space. Occupation by people living independently with varying lifestyles, would again, in my view, be materially different in character to a large family where visitors and journeys are more likely to be shared. Occupants are likely to be a more transient population than a family, that would come and go separately from one another for school, work, or leisure activities.
33. It is not clear from the evidence presented to me as part of the appeal, whether individual residents would require visits from educational or health care providers, in addition to those staff that may be on site on a more regular basis. To some extent this may depend on the requirements of the individual young persons. Nonetheless, this would cumulatively add to the intensification of activity that would occur at the appeal site, compared to a Class C3 or even C4 use.
34. Given the quiet residential nature of the surrounding area, the proximity of neighbouring properties, the more transient population, greater number of occupants, staff and visitors, and pattern of use arising from the proposal, the C2 use would be readily perceptible to neighbouring residents and would, in my view, lead to unacceptable levels of disturbance.
35. I therefore conclude that the proposed development would have an adverse effect on the living conditions of occupiers of neighbouring residential properties. The proposal is therefore contrary to Policy H20 of the Local Plan for Slough (adopted March 2004) (LP) which requires HMO's to not result in loss of amenity for adjoining occupiers. It is also in conflict with Core Policy 8 of the CS which requires development to respect the amenities of adjoining occupiers.

Character and Appearance

36. The residential properties in the vicinity of the appeal site are for the most part large, detached buildings set in generously sized plots. At the time of my visit the appeal property appeared to be reasonably well-maintained and in good condition. It is not in dispute that no external alterations to the property are proposed in order to facilitate the proposed use. Consequently, there would be no significant impact on the appearance of the appeal property within the street scene.
37. There is no evidence before me to indicate that there are large HMOs in the immediate vicinity of the appeal site which benefit from the necessary planning permission. The Council advise that there is one care home at 60 Langley Road which was granted planning permission in 2001¹. Nevertheless, it is clear that the character of the area is residential, comprising predominantly detached dwellings occupied by single households.
38. For the reasons already set out in the previous main issue above, I have found that both the proposed large HMO and C2 uses would significantly intensify the level of activity at the appeal property, which would be readily perceptible to the occupiers of neighbouring properties. In my view, these effects would be

¹ Council Ref: P/09629/001

appreciable far wider than just the immediately adjacent properties and would detrimentally change the character of the local area.

39. Accordingly, the proposed use would cause harm to the character of the surrounding area. The development would conflict with Core Policy 8 of the CS which seeks, amongst other things, to ensure that developments respect their location and surroundings, and reflect the street scene and local distinctiveness of the area.

Highway Safety

40. The proposed plans detail the provision of six off-street car parking spaces and a small turning area to be provided on the hard surface to the front of the property. The Council though seek one off-street parking space per bedroom, although the source of this standard is unclear. Reference is made to the Council's Transport and Highway Guidance, Developers Guide Part 3 (November 2008), however I have not been directed to any particular part of that document or the development plan which sets specific parking standards for HMOs.
41. The appellant argues that the provision of six parking spaces would suffice for a nine bed HMO. In my experience, and although perhaps not universally the case, HMOs can often provide accommodation for persons from lower income groups who are less able to afford the costs involved in accessing a private vehicle. It is common for many of those who occupy HMOs to travel by public transport, on-foot, or by bicycle. I therefore consider it unlikely that all nine residents would have their own individual vehicle.
42. In any event, even if more than six of the occupiers were to have access to a private vehicle there is space for on-street parking within walking distance of the property. Although there might be greater incidences of on-street parking during other periods, such as at evenings and weekends, there were opportunities for such parking available in the vicinity when I visited.
43. The same would also apply for the proposed C2 use of the property, given that I find it highly unlikely that many, if any, of the young person's occupying the property would have their own private vehicle. The parking spaces would therefore most likely be used by staff members, and no concerns have been raised that the number of spaces provided would not be sufficient for that purpose.
44. The Council's final reason for refusal relates to concerns that there would not be adequate provision for the loading, unloading, and manoeuvring of service vehicles in connection with the C2 use of the appeal property. It is unclear why the Council considers that the use as described in the application and supporting document "*C2 Home with Care Use Statement of Purpose*," would generate a significant increase in deliveries from larger vehicles such as a long wheelbase van. There is no evidence before me to demonstrate that deliveries would be at a level which would give rise to any highway safety concerns.
45. As a result, I conclude that sufficient off-street parking would be provided and that there would be no harm to highway safety arising from the proposed use at the property. There is no conflict with Policies T2 and H20 of the LP, and Core Policies 7 and 8 of the CS. These policies seek, amongst other things, that parking is appropriate to its location and the scale of the development. The proposal also accords with paragraph 116 of the Framework which states that developments

should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Planning Balance and Conclusion

46. The Council accepts that they cannot demonstrate a five-year housing land supply. Consequently, due to the provisions of footnote 8, paragraph 11d)ii of the Framework should be applied.
47. The proposed development would support the Government's objective of significantly boosting the supply of homes and would contribute towards the Council's housing supply. The development would also contribute to the needs of groups with specific housing requirements and help provide a mix of housing types for the local community. It would also contribute to the local economy. All these matters weigh in favour of granting planning permission for the proposed use. However, given the relatively limited scale of the development, these factors carry only modest weight.
48. On the other hand, the proposed use has an adverse effect on the supply of family housing in the Borough, on the living conditions of occupiers of neighbouring properties, as well as on the character of the surrounding area. These are matters which attract substantial weight and would therefore significantly and demonstrably outweigh the benefits associated with the proposal.
49. The proposal conflicts with the development plan when read as a whole and other material considerations, including the Framework, do not indicate that the appeal should be determined other than in accordance with it. It therefore follows that the appeal fails and should be dismissed.

Conclusion

50. Having considered all matters raised, I conclude that Appeal A does not succeed. I have therefore upheld the enforcement notice.
51. For the reasons given above, I conclude that Appeal B should be dismissed.

David Jones

INSPECTOR