



Appeal Decision

Site visit made on 5 June 2025

by **J Heppell BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7th July 2025

Appeal Ref: APP/J2210/W/25/3360526

137 Sturry Road, Canterbury, Kent, CT1 1DF

- 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 Harry Tweedy against the decision of Canterbury City Council.
 - The application Ref is CA/24/01610.
 - The development proposed is to change the use of the property from C3 to C4.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As above, I have simplified the description of development provided on the application form by removing unnecessary detail from the description originally used by the appellant.
3. Although the change of use of a dwelling house (Use Class C3) to a house in multiple occupation (HMO) for between 3 and 6 residents (Use Class C4) is “permitted development” under Part 3 Class L of Schedule 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015, Canterbury City Council introduced an Article 4 Direction on 25 February 2016 that requires planning permission to be obtained for such changes of use. Consequently, there is no dispute between the parties that planning permission is required for the proposal.

Main Issue

4. The main issue in this appeal is the effect of the proposal on the housing mix and character of the local community.

Reasons

5. The appeal property is a semi-detached dwelling located in a mixed residential and commercial area. Adjacent to the site is a student village centred on Parham Road and Parham Close. The appellant intends to convert the property to a six bedroom HMO by utilising a planning permission for a two storey rear extension¹ and a Certificate of Lawfulness for a loft conversion².
6. Policy HD6 of the Canterbury District Local Plan adopted July 2017 (CDLP) requires that, in order to maintain an appropriate housing mix and to safeguard the

¹ LPA reference CA/23/00184

² LPA reference CA/23/00183

character of local communities the proportion of HMOs within areas subject to Article 4 directions should not exceed 10% of the total number of dwellings within a 100m radius. Paragraph 2.68 of the CDLP advises that, based on the East Kent Strategic Housing Market Assessment identifying family housing as the main property type required by the future housing market, the policy is designed to combat the trend of subdividing larger family homes into flats, in order to promote community cohesion and residential amenity through the housing mix. Paragraph 2.71 refers to research undertaken by the Council which indicates that levels of late-night disturbance, untidy gardens and incidents of litter and poor storage of refuse are significantly higher in areas where HMOs predominate.

7. The appeal property is a dwellinghouse capable of accommodating a family, and consequently falls within the scope of the policy. A number of nearby houses in Sturry Road appear to be in shared occupancy and, together with the purpose-built student accommodation adjacent to the appeal site, mean that there is a mix of family and shared housing in the area. The appellant has explained that there is growing demand in the local area for quality accommodation aimed at professionals, and that the proposed HMO will contribute to increasing the diversity of housing options in the area. The CDLP acknowledges the positive economic, cultural and social benefits that students bring to the city, and the consequent need to ensure a supply of HMO-type accommodation for students.
8. However, I have not been presented with evidence that there is a shortage of HMOs in the area, and nor have I been presented with evidence that the local area has an exceptionally high proportion of HMOs such that, in accordance with Policy HD6, consideration could be given to permitting further conversions to HMOs. The Council's evidence shows that nearly 20% of the properties within 100 metres of the appeal site are HMOs, well in excess of the 10% limit set by Policy HD6. This assertion has not been challenged by the appellant, and on the basis of what I have seen and the evidence before me, I have no reason to believe that such a figure is inaccurate.
9. In the absence of evidence to the contrary, the limitation on HMOs imposed by Policy HD6 must prevail, so as to maintain the desired housing mix and protect the character of the local community. I have noted the appellant's offer to manage the property in a neighbourly manner in order to control noise, waste collection and maintenance, but this is insufficient to overcome the policy conflict I have identified.
10. I therefore conclude that the proposal would adversely affect the housing mix and character of the local community, contrary to Policy HD6 of the CDLP, the aims of which I have outlined above.

Conclusion

11. The proposal would conflict with the development plan as a whole, and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Accordingly, the appeal should be dismissed.

J Heppell

INSPECTOR