



Appeal Decision

Site visit made on 7 July 2025

by **Les Greenwood MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 July 2025

Appeal Ref: APP/M2515/W/25/3361546

15 St Andrews Drive, Lincoln, Lincolnshire LN6 7UG

- 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 Miss Esther Ogedengbe against the decision of the City of Lincoln Council.
 - The application Ref is 2025/0029/C4.
 - The development proposed is a flexible change of use to alternate between Class C3 (dwelling house) and Class C4 (HMO) with minimal internal changes including fire safety upgrades.
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Decision

1. The appeal is allowed and planning permission is granted for a flexible change of use to alternate between Class C3 (dwelling house) and Class C4 (HMO) with minimal internal changes including fire safety upgrades at 15 St Andrews Drive, Lincoln, Lincolnshire LN6 7UG in accordance with the terms of the application, Ref 2025/0029/C4, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan and existing floor plans.
 - 3) The use of the property known as 15 St Andrews Drive is permitted to change from Class C3 (Dwellinghouses) to Class C4 (Houses in Multiple Occupation) and vice versa without the need for a further application for planning permission for an unlimited number of times for a period limited to 10 years hence from the date of this permission.

Preliminary matter

2. The existing authorised use of the property is as a Class C3 dwellinghouse¹. The appeal proposal is to change this to a flexible use, allowing use of the property as either a Class C3 dwellinghouse or a Class C4 house in multiple occupation (HMO). Class C4 is defined as use of a dwellinghouse by up to 6 residents not living as a single household.

Main Issue

3. The Council's sole reason for refusal of the appeal application is an alleged failure to satisfactorily demonstrate an exceptional circumstance of an established lack of demand for the use of the property as a Use Class C3 dwelling. Based on this, the

¹ Town and Country Planning (Use Classes) Order 1987 (as amended)

main issue is the effect of the proposal on the supply of Class C3 dwellinghouses in the local area.

Reasons

4. 15 St Andrews Road is a semi-detached, 2 storey house on a street of similar houses. It has been extended at the back and provides a total of 5 bedrooms.
5. The supporting text for policy S25 of the Central Lincolnshire Local Plan (CLLP) advises that HMOs do meet a particular housing need, but can cause difficulties where there is a high concentration in a particular area. In an effort to manage the impact of shared accommodation, the Council issued an Article 4 Direction², removing the normal permitted development rights for changes of use from Class C3 dwellings to Class C4 HMOs. This means that a planning application is required for this type of change of use, which would otherwise be permitted development.
6. Policy S25 supports the change of use of dwellings to Class C4 HMOs where a set of 5 criteria are met. The relevant criterion for this appeal is: (b) it can be demonstrated there is an established lack of demand for the single family use of the property concerned. The Council is evidently satisfied that the proposal meets the other 4 criteria of policy S25 including: (a) the conversion would not cause harm to the amenities of future occupants, neighbours and the wider area or result in safety issues; and (c) the conversion would not lead to an over-concentration of shared accommodation uses in the area. In respect of this latter point, the Council advises that there are no other HMOs within a 100m radius, so the 10% local HMO threshold set by the policy would not be breached.
7. The Council's Houses in Multiple Occupation Supplementary Planning Document (SPD) provides further detail about assessing demand, requiring verified evidence that the property has been openly marketed at a reasonable purchase or rental price for a period of at least 6 months. The Council officers' committee report advised that evidence showed the property to have been marketed both for sale and for rent at a reasonable price for at least 6 months, without being sold or let. Some additional marketing evidence was submitted with the appeal, to back this up.
8. Local objectors advise that No 15 was let prior to the Council's Planning Committee meeting where the application was refused. The appellant responds that the property was marketed for 6 months before a rental was agreed, at a reduced price below market value. In my view, the fact that the property was eventually rented out does not in itself mean that there is sufficient demand to reject this proposal.
9. On one hand, the submitted marketing evidence is not fully convincing in the absence of a report from the marketing agents. On the other hand, I note that the Council officers, who are in a better position to judge the local market than me, confirmed that sufficient marketing evidence was submitted. The committee, in making the decision, was fully entitled to take a different view on this, but the Council has not submitted any specific evidence to back up this position by demonstrating shortcomings in the marketing process.
10. I furthermore have seen no evidence to show that there is a particular need to retain this property solely in Class C3 dwellinghouse use, due to any local shortage

² Article 4 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended)

of such accommodation. The proposal would still allow for C3 use when demand dictates. The key reason for CLLP policy S25 and the SPD is to avoid overconcentrations of HMOs and in this case this would be the only HMO in the vicinity.

11. On balance, I find that sufficient, unsuccessful, marketing has been carried out to demonstrate compliance with criterion (b) of CLLP policy S25. I conclude that the proposal would not materially harm the supply of Class C3 dwellinghouses in the local area. It complies with policy S25, the SPD and the National Planning Policy Framework, which aim to protect the existing housing stock and boost the supply of housing – including housing to meet the needs of different groups in the community.
12. I have taken the views of local residents and other interested parties into account. In particular I find myself in agreement with the Council's Environmental Health officer that there should be no overriding objection in terms of potential noise or other environmental impact. Whether in Class C3 or C4 use, the property would be subject to legislation regarding noise and other nuisances.
13. I also agree with the County Highway Authority that there should be no highway safety objection. 2 parking spaces are provided on site. There could be more demand for spaces than this, whether the house is in Class C3 or C4 use. The street itself is narrow, with restricted opportunities for on-street parking but I have not seen any evidence to show that on-street parking is at unacceptable levels or causes highway safety problems. There are footways on both sides of the street so walking should be reasonably safe. The Highway Authority confirms that sufficient services and facilities could be accessed via sustainable travel options such as walking, cycling and public transport, so that future residents of the development should not have to rely on the private car. Other issues such as local water pressure and space for bin storage are not sufficient reason to withhold planning permission for this minor change of use.
14. Standard conditions specifying the timescale for the commencement of development and the approved plans are necessary in the interests of planning certainty and clarity. An additional condition, as requested by the Council, is necessary to clarify and control the changes of use allowed, with a reasonable 10 year limit. I have amended the Council's suggested wording to reflect the specific circumstances of this case. To be clear, the statutory biodiversity net gain condition does not apply to this proposal as it would affect less than 25 square metres of habitat.
15. I find that the proposal accords with the development plan, taken as a whole. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.

Les Greenwood

INSPECTOR