



Appeal Decision

Site visit made on 15 July 2025

by Chris Couper BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 July 2025

Appeal Ref: APP/Q3060/W/25/3364262

35A Piccadilly, Nottingham NG6 9FG

- 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 Barry Nicholas Dery against the decision of Nottingham City Council.
 - The application Ref is 25/00008/PFUL3.
 - The proposed development is described as change of use from a 4 bedroom C3 (dwelling) to a 5 bedroom C4 (House of multiple occupancy).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the description of the proposal in my banner from the application form, but I have not included references to the property's history, and to works which are not proposed, as these are not acts of development, and I have addressed them in my reasoning below.

Main Issues

3. The main issues are:
 - Whether the scheme would result in the loss of a dwellinghouse suitable for family occupation, and its effect on the creation and maintenance of balanced communities; and
 - The effect of the proposal on neighbouring occupiers' living conditions, with particular regard to noise and disturbance.

Reasons

Family housing and balanced communities

4. Paragraphs 61 and 63 of the National Planning Policy Framework 2024 ('Framework') require that a sufficient range of homes are provided to meet current and future needs; and that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.
5. Amongst other things, Policy 8 of the Aligned Core Strategies Part 1 Local Plan (2014) ('ACS') seeks to ensure a mix of housing tenures, types and sizes in order to create sustainable, inclusive, mixed communities. It states that within Nottingham City there should be an emphasis on providing family housing, including larger family houses. It continues that the appropriate mix of housing will

- be informed by factors including local evidence of housing need and demand, and the need to redress the housing mix in areas with a concentration of student households and Houses in Multiple Occupation ('HMO').
6. Policy HO6 of the Nottingham Land and Planning Policies Local Plan Part 2 (2020) ('LAPP') recognises the important contribution that HMOs make to meeting the city's accommodation needs, but states that planning permission for them will only be granted where it does not conflict with LAPP Policies HO1 and HO2. LAPP Policy HO1 says that, outside of the city centre, the Council will encourage development of sites for family housing, including larger family homes, as opposed to other forms of residential accommodation.
 7. LAPP Policy HO2 encourages the provision of sustainable, inclusive and mixed communities, with a presumption against the loss of dwellinghouses (Use Class C3) for family occupation unless certain exceptions apply. These include at part c) where local evidence of housing need and demand indicates that an alternative mix of housing is appropriate; or at part f) if it is demonstrated that the property is no longer suitable for family occupation, in which case replacement with a new Class C3 dwelling will be the preferred approach.
 8. The justification to LAPP Policy HO2 states that if an applicant considers that part f) applies, a robust justification will be required with factors considered including the location, compatibility with neighbouring uses, outdoor amenity space, car parking, outlook and the adaptability of the internal layout.
 9. The host is currently occupied as a Use Class C3 dwellinghouse. The submitted drawings depict that it has four bedrooms spread over the ground and second floors, with kitchen/dining/living accommodation at first floor. They also show that no changes to the internal layout, or to the external appearance of the building, would be required to facilitate its change of use to a Use Class C4 HMO.
 10. The property has an outlook over a reasonably spacious, private, and enclosed rear garden, where the occupants can sit outside and where children could play. The site is also close to primary schools and a nursery. At around 15.9sqm I agree with the appellant that the integral garage is large enough for a vehicle. There is also on-road parking along Piccadilly, which is subject to a 20mph limit.
 11. Thus, although the current room configuration with a bedroom and shower room at ground floor is unusual, I see no cogent reason why the property and its layout, including the combined kitchen/dining space, would deter family occupants. As pointed out by the Council, the building's bedrooms and its gross internal floor area also exceed the DCLG minimum standards for a 4 bedroom 6 person house¹.
 12. For these reasons, notwithstanding the property's use as an HMO until 2016, having regard to LAPP Policy HO2 part f), it has not been robustly demonstrated that it is no longer suitable for use as family accommodation.
 13. I do not doubt that there is a general demand for HMO accommodation in Nottingham, or that this property's layout is suitable for such a use. Having regard to the methodology at Appendix 6 of the LAPP, I have no reason to disagree with both principal parties that, as there are currently no HMOs in this Output Area, the

¹ DCLG Technical housing standards – nationally described space standard 2015

scheme would not result in a significant local concentration or cluster of HMOs. In that regard, it would contribute to the local housing mix.

14. However, given the particular flexibility and affordability that HMOs typically provide, I am not persuaded by the appellant's argument that the scheme would safeguard family housing by ensuring that the five occupants would be in a single property instead of in five separate houses. With reference to streetcheck.co.uk he states that there is a demand for family housing in this local area, particularly for rental options, and that this proposal could thereby address a need for economic rental accommodation. However, the proposal is for an HMO, which is a different type of accommodation compared to a family home.
15. He continues that the site's location close to employment hubs, such as the City Hospital, and its good connections by public transport to the city centre, including its universities, would make it attractive as affordable, flexible housing for medical staff, other professionals, and students.
16. That may be so, but those locational characteristics are not unique to this area, as they could apply to many parts of Nottingham; and based on the development plan, including paragraphs 3.8.4 to 3.8.6 of the ACS, and paragraphs 4.8 to 4.9 of the LAPP, the greatest need in the city is for family accommodation. Those characteristics do not therefore amount to persuasive evidence of a local need for HMO accommodation in this area sufficient to outweigh the significant need for family housing throughout the city, and the presumption against its loss.
17. In reaching my conclusion, I have had regard to the appeal decisions at Appendices C to E of the appellant's statement. However, two of those are in another local authority area, with a different development plan and different housing needs. Consequently, I cannot make any meaningful comparisons between them and this scheme.
18. Turning to the decision at 30 Thurgarton Street², I have not been provided with the evidence that was submitted of local needs for alternative forms of housing in that local area, but unlike my conclusion here that Inspector considered that the draw of that dwelling for families was likely to be reduced by the limited external space and by the absence of off-street parking.
19. Summing up, I have not been provided with robust evidence that this property is no longer suitable for family occupation or, in the context of the particular need for family accommodation in Nottingham, convincing evidence of a local need for HMOs such as to outweigh the presumption against its loss. The scheme would therefore conflict with LAPP Policies HO1, HO2 and HO6; ACS Policy 8; and with the stance at Framework paragraphs 61 and 63.

Living conditions

20. The appellant states that the HMO would have five occupants, although the Council observes that this could be increased to six without the need for planning permission. Whether five or six, it would be broadly comparable to the number of residents who may typically occupy a four bedroom Use Class C3 dwellinghouse.

² Ref: APP/Q3060/W/20/3264644

21. However, as the occupants of an HMO would typically lead independent lifestyles, the proposed use could generate additional comings and goings compared to its use as a Class C3 dwellinghouse.
22. That said, although this is a mid-terrace property with party walls, I have no persuasive evidence that those movements, the use of the shared spaces, or the turnover of residents, would give rise to a significantly greater, or a harmful, impact on adjacent occupiers due to noise and disturbance. Similarly, there is no evidence to demonstrate that the use would result in poor property upkeep or maintenance. A Property Management Plan, which could be required by a planning condition, and HMO licencing requirements, could help mitigate such concerns.
23. Given the site's good accessibility to employment opportunities, universities, services and public transport, the occupants of the HMO would not necessarily require a car, and a bike store would be provided to encourage alternative modes of transport. In comparison to the use as a Class C3 dwellinghouse, the scheme would not therefore add significantly to parking pressures on Piccadilly and surrounding roads.
24. Finally, given my conclusion regarding the broadly similar number of occupants compared to a Class C3 use, I am not persuaded that the scheme would generate significantly more waste. I observed that there is space at ground floor, and between the building and the pavement, where bins could be stored.
25. For these reasons, reasonable use of the property as a Class C4 HMO would not give rise to a harmfully adverse impact on adjacent occupiers' living conditions. On this issue, the scheme would not therefore conflict with those parts of ACS Policy 10 and LAPP Policies DE1, HO6 and IN2, which require proposals to consider the impact on nearby residents, with reference to matters such as privacy, odour, noise and nuisance.

Other considerations

26. I have found that, as a result of the proposal, the number of occupants in the building would not change significantly compared to its use as a Class C3 dwellinghouse. The claimed environmental benefits arising from making an effective use of land, and economic benefits to local businesses, would therefore be very modest.

Planning Balance and Conclusion

27. Whilst the scheme would not have a harmfully adverse impact on adjacent occupiers' living conditions, it has not been robustly demonstrated that this property is no longer suitable for family occupation or, in the context of the general need for family accommodation in Nottingham, convincing evidence of a local need for HMOs sufficient to outweigh the presumption against its loss.
28. The scheme's benefits would be very modest, and it would conflict with the development plan when considered as a whole. Having regard to all other matters raised, including concerns from a local resident, the appeal is therefore dismissed.

Chris Couper

INSPECTOR