



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/25/3364577

72 Wilford Grove, Nottingham NG2 2DU

- 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 P D Gohil against the decision of Nottingham City Council.
 - The application Ref is 24/01752/PFUL3.
 - The development is described as change of use from residential dwelling C3 to HMO C4.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was accompanied by existing and proposed drawings, and based on the application form its use as a House in Multiple Occupation ('HMO') has not started. However, the appellant's statement says that it has operated safely as an HMO for the past 3 years, in accordance with an HMO licence, which has recently expired.
3. Given the property's history, and as I understand that it was occupied by tenants until very recently, I have considered the appeal on the basis of the retention of the existing Class C4 HMO use¹, as depicted on drawing no 102. As the HMO licencing regime is separate from the planning process, I have also dealt with the appeal on its planning merits.

Main Issues

4. The main issues are:
 - whether or not the development has resulted 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 development on neighbouring occupiers' living conditions, with particular regard to noise and disturbance; and whether the occupants of the host property experience appropriate living conditions, with particular regard to internal communal space.

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

Reasons

Family housing and balanced communities

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 and mixed communities. It states that within Nottingham City there should be an emphasis on providing family housing, including larger family homes. 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 HMOs.
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 HO6 part 2 a) and Appendix 6 state that, so as not to undermine local objectives to create or maintain sustainable, inclusive and mixed communities, the proportion of households in the local Output Area which are either student accommodation or HMOs should not exceed 10%.
7. 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.
8. 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.
9. 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.
10. Whilst the host property is currently used as an HMO, I have no evidence before me that that is its lawful use. Based on drawing no 102 it has five bedrooms, which are spread over all three floors, with a shared kitchen/breakfast room at ground floor. However, having regard to the Council's delegated report ('DR'), it appears to me that the internal layout and configuration could be relatively easily changed, to enable it to be re-occupied as a Class C3 dwellinghouse, possibly with bedrooms only in the upper floors.
11. The property includes a small rear outdoor amenity space, and it is located on a reasonably quiet street, in a primarily residential area, close to amenities including the Meadows Children's Centre, Greenfields Community School and a health centre. For all these reasons, and notwithstanding the absence of off-street parking, having regard to LAPP Policy HO2 part f), there is no persuasive evidence that the property is no longer suitable for family accommodation.

12. I do not doubt that there is a general demand for HMO accommodation in Nottingham, or given its history, that this property's layout is suitable for such a use. However, having regard to LAPP Policy HO2 part c) I have no detailed evidence before me of local housing needs such as to demonstrate that its use as an HMO is more appropriate compared to its use as a family dwelling.
13. Turning to LAPP Policy HO6 part 2 a) the appellant maintains that, whilst there are HMOs in this area, there is no evidence that their concentration is at, or beyond, the Council's 10% threshold.
14. However, according to the DR, 10.9% of the households in this Output Area consist of HMOs or student properties, and that increases to 12.7% with this development. I have been provided with a reasonably up-to-date summary of Council Tax data (December 2024), in support of those figures. I have no cogent reason to doubt that data, and I therefore conclude that the 10% threshold in this local area has been breached.
15. The DR references a Government report² which found that high concentrations of HMOs in an area can result in adverse impacts including imbalanced and unsustainable communities, with consequent pressures on local services and facilities. It states that the Council's experience is consistent with those findings.
16. Having regard to paragraphs 4.56 to 4.58 of the LAPP I have no reason to doubt that HMOs are often occupied by younger age groups, many of whom share similar lifestyle characteristics, and who typically do not have a long-term stake in the community. High concentrations of such uses can therefore have a distorting effect on neighbourhoods and the services they provide. Given the high concentration of HMOs in this local area, I share the Council's conclusions regarding this development's harmful impact on this community.
17. Summing up on this issue, I have not been provided with robust evidence that this property is unsuitable for family occupation or, in the context of the particular need for family accommodation in Nottingham, convincing evidence of a local need for HMOs sufficient to outweigh the presumption against its change of use. Additionally, the scheme has resulted in an over-concentration of HMOs in this local area. Consequently, it undermines the planning objective of ensuring balanced, sustainable and appropriately mixed communities, and it thereby conflicts with LAPP Policies HO1, HO2 and HO6; and ACS Policy 8.
18. Finally, although paragraph 61 of the National Planning Policy Framework 2024 ('Framework') sets out that the needs of groups with specific housing requirements should be addressed, it continues that the overall aim should be to meet an area's identified housing need, including an appropriate mix of housing types for the local community. For the above reasons, the development also conflicts with that approach.

Living conditions

19. As the occupants of an HMO typically lead independent lifestyles, that use could generate additional comings and goings compared to a property's use as a Class C3 dwellinghouse. That said, even if there were six residents in this property, that total is not significantly different compared to the number that may occupy it as a

² Evidence Gathering: Housing in Multiple Occupation and possible planning responses – Final Report (2008)

- Class C3 dwellinghouse. Although this is a mid-terrace property with party walls, I have no persuasive evidence that those movements, the shared use of communal spaces, or the turnover of residents, has given rise to a significantly greater, or a harmful, impact on adjacent occupiers due to noise and disturbance.
20. Given the site's good accessibility to public transport, with a bus stop approximately 30 metres away, and its proximity to services and amenities, including those in Bridgeway Local Centre, which is just a 3 minute walk away, the HMO's occupants do not necessarily require a car. For that reason, and as a Class C4 HMO could be occupied by no more than six residents, I am not persuaded that the development inconveniences local residents by adding significantly to parking pressures.
 21. I also have no cogent evidence that the property's use as a Class C4 HMO generates a significantly greater quantity of waste compared to its use as a Class C3 dwellinghouse, or that it results in poor property upkeep and maintenance.
 22. For these reasons, I am satisfied that the property's reasonable use as a Class C4 HMO does not give rise to a harmfully adverse impact on adjacent occupiers' living conditions. The absence of objections from local residents, despite its occupation as an HMO for 3 years, supports my findings on this matter.
 23. Turning to living conditions within the property, drawing no 102 depicts a shared kitchen/breakfast space at ground floor, which is accessed from a corridor, and which has an external door leading to the rear amenity area. At 14sqm that space is fairly small, and slightly below the 17sqm that the Council says is required by its licencing team for a five person HMO.
 24. However, it is served by a rear facing window, and it provides a sufficiently sized, naturally lit, area for the occupants to prepare and cook food. Whilst there is little space here for dining, the bedrooms all have front or rear facing windows, and they are reasonably proportioned. As well as space for a bed, there is sufficient area within them for somewhere to sit. The property has also apparently operated in accordance with the Council's HMO licensing requirements. On balance, the development has not therefore resulted in poor living conditions for the occupants.
 25. On this issue, the scheme does not 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; and which require development to ensure satisfactory levels of amenity for the occupiers, having regard to matters including convenient and efficient room layouts which are functional and fit for purpose.

Other matters

26. The property falls within the Old Meadows Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that, in respect of development affecting conservation areas, special attention shall be paid to the desirability of preserving or enhancing their character or appearance.
27. I have not been provided with a description of the Old Meadows Conservation Area, or details of the special architectural or historic interest it possesses. However, neither the Council's decision, nor its DR, allege that its significance would be harmed.

28. For my part, I note that there have been no changes to the building's external appearance as a result of the development, and the effect of the use on the area's architectural and historic interest is very limited. Having regard to the requirements of the Act, and having applied great weight to the conservation of this designated heritage asset in accordance with the Framework, I conclude that its character and appearance has been preserved.

Planning Balance and Conclusion

29. I have found that the scheme has not had a harmfully adverse impact on adjacent occupiers' living conditions, and that it provides satisfactory living conditions for its occupants. However, it has not been robustly demonstrated that this property is not 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 such as to outweigh the presumption against its loss.
30. For this reason, and as, on the basis of the evidence before me, there is an over-concentration of HMOs in this local area, the development undermines planning objectives of ensuring balanced, sustainable and appropriately mixed communities.
31. Suggested planning conditions regarding an occupancy cap, a management plan, monitoring of refuse arrangements, and the prevention of further alterations without approval, would not address the harm that I have found.
32. The scheme conflicts with the development plan when considered as a whole, and having regard to all other matters raised, the appeal is therefore dismissed.

Chris Couper

INSPECTOR