



Appeal Decision

Site visit made on 21 July 2025

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 August 2025

Appeal Ref: APP/G5180/W/25/3363004

Robert Whyte House, Oldfield Road, Bickley, Bromley BR1 2LF

- 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 Mark Ackroyd of Dot Dot Dot Property against the decision of the Council of the London Borough of Bromley.
 - The application reference is DC/23/03581/FULL2.
 - The development proposed is described as the change of use from Use Class C2 to short-term residential accommodation for up to 24 no. Property Guardians with no internal or external alterations (Sui Generis) (Retrospective).
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from Use Class C2 to short-term residential accommodation for up to 24 no. Property Guardians with no internal or external alterations (Sui Generis) (Retrospective) at Robert Whyte House, Oldfield Road, Bickley, Bromley BR1 2LF in accordance with the terms of the application reference DC/23/03581/FULL2 subject to the conditions set out in the schedule to this decision.

Procedural matters

2. The appellant has described the proposal as in the above heading, which is taken from the application form lodged with the Council. The Council has, however, referred to the development as a change from Use Class C2 sheltered housing (35 rooms) to a House of Multiple Occupancy (HMO) Sui Generis Use for short-term residential occupation by Property Guardians (up to 22 rooms) for a temporary period of 3 years. From my inspection of the plans and the submitted written material, I consider that the Council's description more fully reflects the development sought. I have assessed the appeal on that basis.
3. The appeal property is in use as a HMO, as sought. Planning permission is therefore sought retrospectively.

Main Issues

4. The main issues are the effect of the development on specialist accommodation for older people and on highway safety with regard to vehicle parking.

Reasons

5. Robert Whyte House (RWH) is a mainly 2-storey detached building within a predominantly residential area that includes flats and houses. Until 2019, RWH provided sheltered housing for older people. Following the outcome of a fire risk

assessment, the building was deemed unsuitable to accommodate vulnerable people and the residents of RWH were rehoused elsewhere. Since April 2021, RWH has been in use as a HMO and occupied by Property Guardians that help to safeguard the building from damage that might otherwise occur if the property were to be left vacant.

6. Planning permission is now sought to regularise the use of RWH as a HMO for a period of 3-years, with 22 bedrooms available for occupation by up to 24 unrelated people. Longer term, the owner of RWH has plans to refurbish or redevelop the property in a way that provides accommodation for older people.

Specialist accommodation

7. If planning permission were to be granted, RWH would not be available to provide specialist accommodation for older people, albeit on a temporary basis. The appeal scheme, therefore, falls within the scope of Policy 11 of the Bromley Local Plan (BLP). This policy states that the loss of sites currently providing specialist accommodation will be resisted unless it can be demonstrated that either there is no demand for the existing accommodation and no demand for sites from alternative providers; or that an equal or greater replacement provision of improved specialist accommodation has been offered in an alternative appropriate location.
8. No evidence has been presented to demonstrate that either of these criteria has been met. To the contrary, the owner of RWH, Keniston Housing Association, say that there is a pressing need for accommodation of this type that will only increase in coming years. On that basis, the development is at odds with BLP Policy 11. Nevertheless, the appellant has put forward a cogent case that the loss of specialist accommodation for older people is, in this case, justified.
9. Firstly, the use of RWH for sheltered housing has ceased. I have no reason to doubt that the use of the property for this purpose will not re-commence until it is deemed safe to accommodate vulnerable people. That outcome is only likely to occur if the building is refurbished or the site redeveloped in a way that the finished property meets relevant fire regulations. Until that time, RWH is highly unlikely to contribute to the supply of sheltered housing.
10. Secondly, Policy H3 of The London Plan (TLP) encourages the temporary use of sites for housing to make efficient use of land that is awaiting longer-term development. These proposals, which are referred to as a meanwhile use, would apply to the appeal scheme. Meanwhile housing would enable residential use of the building that would otherwise be vacant while longer term plans are drawn up. That opportunity would be denied if the appeal were to be dismissed and the building vacated. A condition could be imposed to ensure that the lawful use of the property reverts to sheltered housing after the temporary planning permission expires. There would be no change to the established land use of the site and BLP Policy 11 would still need to be addressed in any future proposal for the site.
11. Ceasing the use of RWH as sheltered housing and rehousing the former occupiers elsewhere may have reduced the overall amount of such accommodation in the local area. However, that outcome would have arisen irrespective the HMO use due to the condition of the building and the findings of a fire risk assessment.
12. On the first main issue, I conclude that the loss of specialist accommodation for older people in this case has been justified. As such, the development does not

undermine a main purpose of BLP Policy 11, or that of TLP Policies H12 and H13, which is to support the delivery and retention of specialist older persons housing.

Highway safety

13. RWH is served by off-road parking spaces, which are unallocated and shared with the occupiers of other flats close to the site. Unrestricted on-street parking is also available along Southwood Close and other nearby streets. No change is sought to these arrangements. The appellant's Parking Demand and Availability Survey, which supplemented by a Parking Stress Survey, concludes that there is sufficient capacity for vehicle parking to accommodate the demand from the HMO.
14. Nevertheless, the Council and others are concerned that the development has and would continue to cause or exacerbate local traffic congestion and on-street parking problems. The submitted evidence shows that vehicle parking takes place along parts of Oldfield Road, Aycliffe Close and Blackbrook Lane, which reduces their effective width for vehicles to safely pass each other, including buses. These problems appear to be most pronounced close to the entrance to Bromley High School especially at drop off and pick up times.
15. By hindering the movement of road and footway users, on-street vehicle parking can and clearly does pose obvious safety hazards. However, having carefully considered the evidence presented by the Council and interested parties I am not convinced that these problems are either caused by or made significantly worse as a direct result of the use of RWH as a HMO. I also note that the Council's Highways Department raises no objection.
16. On the second main issue, I therefore conclude that the development does not prejudice highway safety. Accordingly, it does not conflict with BLP Policy 32 or TLP Policy T4, which aim to ensure that development considers parking arrangements and does not increase road danger.

Other matters

17. The Council cannot demonstrate a 5-year land supply of deliverable housing sites. As such, paragraph 11d) of the National Planning Policy Framework (the Framework) should be applied, which states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
18. In this case, the proposal would boost the supply of housing, albeit for smaller units and over a short, temporary period. The supporting text to TLP Policy H3 explains that meanwhile housing can contribute to meeting housing targets. I understand that the accommodation is available at a discounted market rate and so it is more affordable to some occupiers. Occupation of RWH reduces the risk of damage and avoids the incongruous presence of security fences and boards if the property were left vacant. There would also be some economic benefit through spending by its occupiers than if the building was empty. There is no evidence that the use of the building as a HMO, as proposed, does not meet relevant fire regulations or has led or would lead to anti-social behaviour.
19. If the development were to be permitted, RWH would not be available to provide specialist accommodation for older people in the short term. In that context,

objectors refer to the high demand for sheltered housing in the local area, with which the appellant fully agrees. However, RWH is not currently suitable to provide sheltered housing given the inability to meet relevant fire regulations and the vulnerability of older people. That position is unlikely to change until refurbishment or redevelopment plans for RWH come to fruition. Taking into account all these points, I consider that the adverse impacts of the development do not significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework when taken as a whole.

Conditions

20. The proposal has been assessed as a single HMO with up to 24 occupiers for a time-period of 3-years. Several different HMOs within the same building, a different occupancy level within it, or a longer time frame for the use may have consequences for the host building, its occupiers or the local area that differ to those of the appeal scheme. Conditions are, therefore, imposed to clarify that the planning permission is for a single unit; to specify the maximum occupancy level of the HMO; and to limit the duration of the planning permission to 3-years.
21. It is also necessary to require the development to be in accordance with the approved plans for certainty. A condition to this effect is, therefore, imposed. As these plans show the size of the bedrooms within the building, it is unnecessary to specify that the HMO will comprise 1-person bedsits, as suggested by the Council.
22. The Council has put forward a condition to require details relating to the management and occupancy of the HMO. Although the reason given for the condition is to ensure a satisfactory standard of accommodation, few details have been provided to explain the rationale. As such, I cannot be certain that details requested are reasonable and necessary to make the development acceptable. This condition has not, therefore, been imposed.

Conclusion

23. Overall, there are no material considerations that indicate the development should be determined other than in accordance with the development plan, when read as a whole. For the reasons set out above, I therefore conclude that the appeal should be allowed.

Gary Deane

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Refs 138-01 Revision P2, 138-02 Revision P3 and 138-03 Revision P3.
- 2) The development hereby permitted shall operate as one unit only and shall have a maximum occupancy of twenty-four persons.
- 3) The use hereby permitted shall be for a limited period only, expiring no later than 3 calendar years from the date of this decision. On or before that date, the use of the property as a House in Multiple Occupation shall cease, and the property shall revert to its previous use as sheltered housing (Use Class C2).