
Appeal Decision

Site visit made on 12 August 2025

by **SE Hughes BA (Hons) PGDip MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 September 2025

Appeal Ref: APP/Y1110/W/25/3366435

44 Sandford Walk, Exeter, Devon EX1 2ES

- 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 Chenchen Zhang against the decision of Exeter City Council.
 - The application Ref is 25/0266/FUL.
 - The development proposed is for temporary change of use from C3 single dwellinghouse to C4 small HMO.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The change of use has already taken place and the appeal property is currently occupied by four people.

Main Issue

3. The main issues are:
 - the effect of the development upon the housing mix in the locality and the living conditions of neighbouring occupiers; and
 - whether there are any material considerations, including exceptional circumstances, which would outweigh any identified harm.

Reasons

Housing mix and living conditions

4. Policy H5(b) of the Exeter Local Plan First Review 1995-2011 (ELP) recognises the valuable contribution that houses in multiple occupation (HMOs) can make to the city's housing stock. However, it also identifies that the clustering of such premises can lead to problems such as overcrowding, noise and disturbance which can have a harmful effect on the occupiers of adjoining residential premises and the character of an area. Accordingly, Policy H5(b) of the ELP allows the conversion of residential properties to HMOs and student housing provided that the proposal does not create an over concentration of the use in one area which would change the character of the neighbourhood or create an imbalance in the local community.
5. The property is located within an area of the city which is subject to an Article 4 Direction removing permitted development rights for a change of use from a C3 dwelling to a C4 HMO. This is because the Council is of the view that the

concentration of student HMOs in this part of the city is already at unacceptably high levels.

6. The appeal development would add to the already high concentration of HMOs in the immediate area. Based on the evidence before me this would lead to harmful effects on the occupiers of adjoining properties due to increased levels of noise at unsocial hours and a greater demand for car parking. There may also be issues in relation to overflowing waste and recycling bins. Given that Sandford Walk is densely developed and it is partly pedestrianised with no private space to accommodate waste bins, these effects would be heightened.
7. Whilst I note that neighbours have not objected to the change of use, the lack of objection does not weigh in favour of or against the proposal. Accordingly, the proposal would conflict with Policy DG4(b) of the ELP which seeks to ensure that residents feel at ease within their homes and Policy H5(b).

Other Considerations

8. Further guidance regarding the interpretation of Policy H5(b) is provided in the Council's Houses in Multiple Occupancy Supplementary Planning Document (SPD), which was adopted in 2023. The SPD indicates that in certain exceptional circumstances an exception could be made to the policy.
9. The current occupiers have a tenancy agreement until the end of July 2026. Dismissing the appeal may result in the current occupiers having to vacate the property before the end of their tenancy. This may put the appellant at risk of legal action if the tenancy were to be terminated and the current tenants may need to secure alternative accommodation. Whilst alternative student accommodation may be difficult to come by, there is evidence before me that properties are still available¹. In light of this and as I have not been provided with substantive evidence to demonstrate severe personal hardship to either the appellant or the occupiers, I conclude that these do not amount to exceptional circumstances which outweigh the conflict with the development plan.
10. A temporary consent until July 2026 would enable the current occupiers to remain in the property. The Planning Practice Guidance states that a temporary permission may be appropriate in circumstances where a trial run is needed in order to assess the effect of the development on an area or where it is expected that the planning circumstances will change in a particular way at the end of that period. Neither of these circumstances apply in this case.
11. Dismissing the appeal would interfere with the tenants right to peaceful enjoyment of their possessions, and to a private and family life and home, under Article 1 of the First Protocol and Article 8 as set out under the Human Rights Act 1998. However, those are qualified rights; interference with them in this instance would accord with the law and be in pursuance of a well-established and legitimate aim: the protection of the character of the area and the living conditions of neighbouring occupiers and the prevention of imbalance in the local community. Accordingly, it is proportionate and necessary to refuse to grant planning permission. There will be no violation of the tenant's human rights. The protection of the public interest cannot be achieved by means that are less interfering with their rights.

¹ 18 available properties as at 23 May 2025

Conclusion

12. The appeal development is contrary to the development plan and there are no material considerations that outweigh this conflict. Consequently, with reference to Section 38(6) of the Planning and Compulsory Purchase Act 2004, the appeal is dismissed.

SE Hughes

INSPECTOR