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## Appeal Decision

Site visit made on 16 September 2025

by **P Burley BA (Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 September 2025

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### Appeal Ref: APP/J0350/W/25/3369021

### 140 Langley Road, Slough SL3 7TG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Amrit Aggarwal against Slough Borough Council.
- The application Ref is P/00679/014.
- The application sought planning permission for Demolition of existing 4-bedroom dwelling (use class C3) and construction of 2 semi-detached, 5-bedroom dwellings (use class C3) with associated private amenity space and 3no. off street parking spaces each, without complying with a condition attached to planning permission Ref P/00679/010, dated 23 March 2023.
- The condition in dispute is No 8 which states that: The dwellings hereby permitted shall not be sub-divided or used in multiple occupation without the prior written approval of the Local Planning Authority.
- The reason given for the condition is: To ensure that the site is developed in accordance with the submitted application and to ensure that the proposed development does not prejudice the amenity of the area, which may occur if the property is sub-divided or used in multiple occupation in accordance with the provisions of Policy H20 of The Adopted Local Plan for Slough 2004.

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### Decision

1. The appeal is allowed and planning permission Ref P/00679/010 for the demolition of existing 4-bedroom dwelling (use class C3) and construction of 2 semi-detached, 5-bedroom dwellings (use class C3) with associated private amenity space and 3no. off street parking spaces each, granted on 23 March 2023 by Slough Borough Council, is varied by deleting condition 8 and substituting the following condition:
  - 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification), the dwellings hereby permitted shall not be used for any use within Class C4 of The Town and Country Planning (Use Classes) Order 1987 (as amended) or such other legislation as may subsequently supersede it.

### Background and Main Issue

2. This appeal has been made pursuant to section 78 of the Town and Country Planning Act 1990 (the Act) which provides the right to appeal where an application for planning permission is granted subject to conditions. The appellant wishes to vary Condition 8 of planning permission P/00679/010 to remove the words 'or used in multiple occupation'. Section 79 of the Act provides that I may allow or dismiss

such an appeal, or reverse or vary any part of the decision of the local planning authority, and I have considered the appeal on that basis.

3. The Council did not determine the appeal application. However, it has indicated that had it been able to issue a decision, it would have refused to grant planning permission to minimise the impact from use of the dwellings as houses in multiple occupation (HMO) upon the amenity of the area and to allow it to assess the impact of the use of the dwellings as HMOs. Therefore, the main issue is whether the condition is reasonable and necessary in the interests of the living conditions of existing occupiers of nearby dwellinghouses.

## **Reasons**

4. In situations where changes of use have not been restricted, The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) permits the change of use between a Class C3 dwellinghouse and a Class C4 HMO without having to make an application for planning permission.
5. With reference to paragraph 55 of the National Planning Policy Framework (the Framework), the appellant has argued that planning conditions restricting permitted development rights should only be used in exceptional circumstances and that Condition 8 does not meet the 'exceptional circumstances' test. However, the Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so – it does not require the demonstration of exceptional circumstances. In addition, the Planning Practice Guidance states that conditions restricting the future use of permitted development rights or changes of use may not pass the tests of reasonableness or necessity.
6. A Class C4 HMO can accommodate between 3 and 6 unrelated individuals. Thus, the exercise of permitted development rights could allow for the change of both dwellings to HMOs and result in the occupation of the appeal site by up to 12 unrelated individuals.
7. The Council has explained that the condition was imposed to prevent a more intensified level of activity than would be experienced if the site comprised two single family dwellinghouses, and to prevent the related noise and disturbance caused by an intensification of use resulting from multiple, unrelated occupants, impacting upon neighbours and the character of the area.
8. Levels of activity would vary according to the number of individuals, and it is possible that small HMOs could have impacts that are similar to or lesser than 2 single-family dwellings. However, if this appeal were to succeed it would allow for occupation of the approved dwellinghouses by up to 12 unrelated people. Even though this might not result in any material harm to the character or appearance of the area or conflict with policies relating to design, housing types, sustainability, and the environment as has been noted by the appellant, it could nevertheless result in materially-different impacts when compared with single dwellings, for example in terms of comings and goings, the number of vehicles associated with the properties and the availability of parking.
9. Although the appellant has said that the Council has not provided technical evidence such as parking surveys, noise assessments, or local HMO saturation

data to support its position, the appellant has also not provided any such evidence to support its argument that the condition is not necessary.

10. Furthermore, the absence of a similar condition on a previous planning permission for this site does not necessarily suggest inconsistency in decision-making; each application must be considered on its own merits and having regard to the policy that is in force and relevant material considerations at the time that the decision is made. Similarly, whilst the Council has referred to other appeal decisions in the borough relating to similar conditions, I have based this decision on the particular circumstances of the appeal site.
11. The existence of Condition 8 does not indicate that harm would arise from the use of the properties as small HMOs. Rather, it would enable full consideration to be given, by way of a planning application with accompanying supporting evidence, to the effects of a change of use on the living conditions of occupiers of other dwellinghouses nearby in order to avoid unacceptable harm being caused. Such an application would also provide an opportunity for other considerations, such as wider housing delivery and national housing need, to be taken into account and to balance any harms against benefits. Therefore, I consider a restriction on the ability to occupy the dwellings as HMOs to be justified and necessary. It would not prevent use of the site as 2 single dwellings as was originally applied for and, therefore, I do not consider the condition to be unreasonable.
12. The condition is clearly relevant to planning and relevant to the development permitted, and I see no reason why it would not be enforceable. However, The PPG advises that the scope of conditions restricting the future use of permitted development rights or changes of use needs to be precisely defined, by reference to the relevant provisions of the GPDO so that it is clear which rights have been limited or withdrawn. Therefore, I consider that reference to the GPDO should be made within the condition, along with reference to the use class for small HMOs (Class C4) to ensure it is sufficiently precise. The inclusion of 'without the prior written approval of the Local Planning Authority' within the condition is also ambiguous and insufficiently precise as to what is required, and I have therefore omitted it.
13. Condition 8 also seeks to prevent the sub-division of the dwellinghouses. However, according to section 55 of the Act, sub-division would be a material change of use which would require planning permission. Therefore, this part of the condition serves no useful planning purpose and is not necessary and, accordingly, I have removed it.
14. Therefore, I find that a restriction on the change of use of the existing dwellinghouses to HMOs would be reasonable and necessary in this case. It would enable proper consideration to be given to the effects of a change of use on the living conditions of the existing occupiers of nearby dwellinghouses in order to avoid unacceptable harm being caused. These objectives are supported by Core Policy 8 of The Slough Local Development Framework Core Strategy 2006-2026 (2008) and Policies H12 and H20 of The Local Plan for Slough (2004) which together say that development, including the use of a property as an HMO, should respect the amenities of adjoining occupiers, and should not have a detrimental impact upon the character and amenity of residential units included within the Residential Area of Exceptional Character within which the appeal site is located.

## **Conclusion**

15. For the reasons given above, I find that a condition to restrict permitted development rights for use of the dwellings as HMOs is necessary and reasonable, but that the condition should be varied as set out in the formal decision.

*P Burley*

INSPECTOR