
Appeal Decision

Site visit made on 7 October 2025

by **P Brennan BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 October 2025

Appeal Ref: APP/T3725/W/25/3367387

6 Princes Court, Princes Street, Leamington Spa, CV32 4TY

- 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 Sandeep Panaich against the decision of Warwick District Council.
 - The application Ref is W/24/1637.
 - The development proposed is Change of use from a dwelling (Use Class C3) to a House in Multiple Occupation (HMO) (Use Class C4).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has amended the description of development from that seen on the application form. The description outlined in the heading above aligns with the Council's description and removes elements from the description which are superfluous.
3. The application form states that the development has been in use as a House in Multiple Occupation from September 2014. However, without the benefit of either planning permission or a certificate of lawfulness, I can only attach limited weight to the appellant's assertion that the use is already taking place.
4. The change of use of a dwelling house (Use Class C3) to a house in multiple occupation (HMO) for between 3 and 6 residents (Use Class C4) is "permitted development" under Part 3 Class L of Schedule 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015. However, Warwick District Council introduced an Article 4 Direction in April 2012 that requires planning permission to be obtained for such changes of use. The appeal site sits within the Article 4 Direction area. Consequently, there is no dispute between the parties that planning permission is required for the proposal.

Main Issue

5. The main issue is whether the development would result in an overconcentration of HMOs in the area that would have an effect on the living conditions of nearby residents with particular regard to noise and disturbance.

Reasons

6. The appeal property is a two-storey, three-bedroom dwelling that is part of a wider former public house redevelopment comprising of 3 new dwellings and 2 flats within the original building. The appeal property fronts Comyn Street. Parking

provision for the dwellings is provided to the rear of the properties in a small parking court accessed off Comyn Street. Numbers 2 and 3 Princes Court and 4 Comyn Street are in use as HMOs. The property is in a residential area within the Royal Leamington Spa Conservation Area (LSCA).

7. Policy H6 of the Warwick District Local Plan 2011-2029 (2017) (LP) identifies that planning permission will only be granted for houses in multiple occupation where it meets five criteria. These include, amongst other things, that the proportion of HMOs (including the proposal) should not exceed 10% of the total number of dwellings within a 100m radius and that the development does not result in a non-HMO dwelling being sandwiched between 2 HMOs.
8. The explanatory text to Policy H6 of the LP identifies that the Article 4 Direction was made to enable the council to control concentrations of small HMOs. The purpose of the policy is to prevent both unacceptable adverse impacts on amenity and to prevent exacerbating existing, or creating new, concentrations (paragraph 4.64 of the LP).
9. Policy H6 of the LP and its explanatory text make clear that the Council has had a persistent problem from HMOs. This is due to anti-social behaviour, amongst other issues, giving rise to noise and disturbance.
10. The Council's evidence shows that 9.6% of the properties within 100m of the appeal site are HMOs. With the inclusion of the appeal property this would increase to 10.1%. This assertion has not been challenged by the appellant who acknowledges that based on their calculation, the existing percentage is at 10.2% and with the inclusion of the appeal property, the 10% policy limitation would be further exceeded at 10.8%. Despite the slight variance in percentage calculations, it is not disputed that the 10% policy limitation would be breached.
11. Numbers 2 and 3 Princes Court are two HMOs. Whilst the location of the properties is similar to the appeal development, I am not aware of the percentage of HMO properties within 100m of the site at the time these consents were granted. As such, I cannot be certain that these previous schemes were determined in the same planning context to weigh in favour of the appeal development.
12. Criteria C of LP Policy H6 relates to the sandwiching of a non-HMO between two HMOs. As identified above, numbers 2 and 3 Princes Court are already in HMO use. Numbers 4 and 5 Princes Court are ground and first floor flats. Access to number 4 is from Princes Street, while access to number 5 is from Comyn Street, adjacent to the appeal property. The policy has no definition of 'sandwiching,' and this is therefore a matter of planning judgement. The appellant disputes that numbers 4 and 5 would be 'sandwiched' because each of the flats only has one wall that would abut an HMO.
13. Nonetheless, the building within which numbers 4 and 5 are located, is attached to both number 3 and number 6, both of which would be HMOs. Accordingly, the development at number 6 would result in numbers 4 and 5 Princes Court being 'sandwiched' in conflict with criteria C of LP Policy H6. This interpretation correlates with a recent appeal decision (APP/T3725/W/17/3175915) where the Inspector concluded that a property was sandwiched because the two immediately adjacent properties would both be HMOs, despite a side garden being located between the properties on one side.

14. Furthermore, number 4 Comyn Street, which is also in use as an HMO, is located to the rear of the appeal site. Whilst 4 Comyn Street and 6 Princes Court do not 'sandwich' number 2 Comyn Street, the property would effectively be surrounded by HMO properties as numbers 2 and 3 Princes Court, and their parking is provided to its rear.
15. No conflict to the remaining criteria of Policy H6 is identified by the parties, to which I see no reason to disagree. The development also provides adequate living conditions for the occupiers which is a requirement of LP Policy BE3. However, an absence of harm in these respects can only be considered as neutral factors in the planning balance.
16. The appellant identifies a need for further shared accommodation within the district due to the expansion of Warwick University. However, the need for such accommodation in the specific proposed location has not been illustrated. In any event, LP Policy H6 and the Article 4 Direction restrict an over-concentration of such accommodation and further HMOs/shared accommodation should be balanced against existing levels locally. The benefits to the economy from the use of the dwelling as an HMO would be neutral as it is already in residential use.
17. For the above reasons, on balance, the limitation on HMOs imposed by LP Policy H6 must prevail and a further HMO at this location would result in an overconcentration of HMOs in the area. This would harm the living conditions of nearby residents, in terms of noise and disturbance. Consequently, the development conflicts with Policy H6 of the LP, which seeks to protect residential living conditions.

Other Matters

18. The appeal property is located within the LSCA. Therefore, the statutory duty under Section 72(1) of the LBCA Act is applicable. The LSCA covers a substantial proportion of Leamington Spa and is split into character areas. The area in which the appeal site is located comprises of mid to late 19th Century buildings to the west of the town centre. The special interest and significance of this part of the LSCA is derived from the architectural richness and variety of its historic buildings. The appeal development would result in no external changes and a limited change to the character of the area, as such it would preserve the character and appearance of the LSCA.

Conclusion

19. For the reasons given above the appeal should be dismissed.

P Brennan

INSPECTOR