



Appeal Decision

Site visit made on 30 September 2025

by **N Bowden BA(Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 October 2025

Appeal Ref: APP/B0230/W/25/3369991

220 Biscot Road, Luton LU3 1AY

- 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 J Shahid against the decision of Luton Borough Council.
 - The application Ref is 25/00274/COU.
 - The development proposed is Conversion and change of use from an 8 bedroom dwelling house (Class C3) to a 7 person HMO Multiple Occupation - (Sui Generis) - Retrospective.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - 1) the effect of the proposed development on housing mix, and
 - 2) whether the development would provide acceptable living conditions for the occupiers in terms of the amount of internal space.

Reasons

Housing mix

3. The pre-existing property has an established lawful use as a 4+ bedroom dwelling. Whilst the application form suggests this would be as an eight-bedroom dwelling it seems to me to be unlikely that a single dwelling would be used with this level of intensity. Regardless, it is clear that it would be suitable for family accommodation.
4. Policy LLP15 of the Luton Local Plan 2017 (LLP) explains at criterion C that redevelopment of existing houses to other uses will be permitted provided that replacement dwellings are provided on or off site or there is an overriding need for other uses which provides benefits to the community which outweighs the loss of housing. In this instance, the provision of a new House in Multiple Occupation (HMO) would represent a residential function, albeit that this is a sui generis use due to the number occupants. Policy LLP15 further sets out that development should achieve a mix of different housing types and tenures informed by the latest housing market assessments and local circumstances.
5. The Council's most recent Strategic Housing Land Availability Assessment (SHLAA) identifies a need for large 4+ bedroom homes and that this need is presently not being met. This is no doubt linked to the Council's inability to provide

a five year supply of deliverable housing land. It estimates this to be between 3.36 and 4.32 years.

6. The appellant has nominated that there is an equivalent demand for HMO style accommodation and this is evidenced here due to the property being occupied. However, this is only applicable to this site and whilst I have no reason to dispute the appellant's conclusions, this argument can only be applicable to this site whereas the Council's assessment relates to a Borough wide assessment. This leads me to conclude that there is limited evidence to suggest a shortage of HMO accommodation that would outweigh, or demonstrate an overriding need for HMOs, by comparison to the evidenced shortage of family sized dwellings.
7. Both parties have made reference to recent decisions by other Planning Inspectors, and these decisions have reached differing conclusions. The cited cases at 58 Kenilworth Road¹ and 59 Stanford Road² do not deal with the issue of housing mix and, moreover, pre-date the current version of the LLP. I have therefore set these aside in relation to this particular issue.
8. The proposal at 107 Tennyson Road³ was allowed at appeal but I note that that Inspector found that "the replacement of 1 family home with a HMO would have no meaningful effect on the mix of dwelling types in the borough when considered as a whole." Here, however, the Council has firmly indicated that there is a dearth of family housing in the Borough and this is exacerbated by the shortage of buildable vacant land within the Borough boundaries. There is additional pressure here due to moderately smaller dwellings benefitting from deemed planning permission (commonly known as "permitted development") changes to HMOs with not more than six residents. Therefore, I find that the loss of the family accommodation would be meaningful.
9. This was reflected in the more recent appeal decision which has been put forward by the Council at 186 Dunstable Road⁴ where the Inspector highlighted that "the loss of [a] three-bedroom dwelling would remain significant" and this was despite the benefits of providing accommodation for unrelated adults seeking affordable living arrangements. In this instance, the loss of family housing would be more pronounced as this is a 4+ bedroom home and therefore easily within the realms of larger family accommodation that the Council would have difficulty in securing a replacement for.
10. I am mindful of the appellant's fallback position, that a difference in a single occupant would render the proposal permitted development. But this is not what permission is sought for. Indeed, I am conscious that this proposal leaves one of the top floor rooms as storage and a previous proposal sought permission for use of the property as an 8 bedroom HMO.
11. I accept there is no conflict with policy LLP17 of the LLP in this regard. However, the proposal does not accord with policy LLP15 in that there is a loss of a large family dwelling house that would meet the identified need within the Luton Housing Market Area.

¹ APP/B0230/W/17/3190715

² APP/B0230/W/15/3051136

³ APP/B0230/W/22/3305813

⁴ APP/B0230/W/24/3339848

Living conditions

12. Policy LLP17 of the LLP sets out that the sub-division of an existing building to create new HMOs will be permitted subject to various provisos. These include that the accommodation conforms with adopted licensing and amenity standards as well as design requirements as set out in policy LLP25 of the LLP.
13. The appellant's statement refers to the Council's HMO standards document, although a copy of this has not been submitted with the appeal, it is not disputed as being relevant and is, as noted, referred to in policy LLP17. According to the appellant, this document sets out a minimum size standard of 6.51 square metres for rooms to be used for sleeping. All of the rooms shown on the plans are in excess of this size and this includes the disputed bedroom 6 which has a floorspace of 6.76 square metres.
14. This is below the standards set out in the Nationally Described Space Standard, notwithstanding that this document relates to independent dwellings and not HMOs. Whilst I agree with the views of the Council, that the proposed bedroom 6 does result in a room of a very small size, I must also have regard to the reference in policy LLP17 which explicitly refers to the Council's HMO licensing standards. Accordingly, I am unable to find conflict with policy LLP17 of the LLP and the proposal thus accords with the development plan in this regard.

Conclusion

15. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

N Bowden

INSPECTOR