



Appeal Decision

Site visit made on 21 October 2025

by Chris Couper BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 November 2025

Appeal Ref: APP/P4605/W/25/3371164

31 Mason Road, Birmingham B24 9EH

- 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 Miss Sian Butler against the decision of Birmingham City Council.
 - The application Ref is 2024/06878/PA.
 - The development is described as 'change of use from a C3 to C4'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The scheme involves the change of use of the host property from Class C3 (dwellinghouses) of the Town and Country Planning (Use Classes) Order 1987 (as amended) to Class C4 (Houses in Multiple Occupation ('HMO')). On the application form it is stated that the use has not already started, but in her appeal statement the appellant claims that the property has been occupied as an HMO since 2008. The thrust of her case is that, as that date was before the Council introduced its city-wide Article 4 Direction, the change of use benefitted from permitted development rights, and planning permission is not required. She has submitted tenancy agreements dated 2008 and 2019 in support of her position.
3. However, should the appellant wish to obtain a decision on whether or not the existing use as an HMO is lawful for planning purposes, there is a mechanism to do so under section 191 of the Town and Country Planning Act 1990 (as amended). As this appeal is made under section 78 of the Act against a refusal to grant planning permission, I have dealt with it on its planning merits.
4. Having regard to the appellant's statement, in my decision I refer to the HMO use as existing, but without prejudice to any future determination as to its lawfulness.

Main Issue

5. The main issue is whether the change of use has resulted in the loss of a dwellinghouse suitable for family occupation, and its effect on the creation and maintenance of balanced communities.

Reasons

6. Collectively, and in broad terms, Policies PG3, TP27 and TP30 of the Birmingham Development Plan 2017 ('BDP') support the creation of sustainable neighbourhoods, with a wide choice of housing to ensure balanced communities for

- all incomes and ages. Paragraphs 61 and 63 of the National Planning Policy Framework ('Framework') take a broadly similar approach.
7. Policy DM11 of the Development Management in Birmingham DPD 2021 ('DMB') recognises the important contribution that HMOs make to housing choice. However, it also notes that concentrations of HMOs can have adverse consequences including a loss of community cohesion, and that it can result in the loss of much needed family housing.
 8. In this case, having regard to the criteria at DMB Policy DM11 Part 1 a) to c), and to paragraph 7.3 and 7.4 of the Council's officer report, notwithstanding representations by interested parties, I have no cogent evidence that the use of this property as an HMO has resulted in an over concentration of HMOs either on this part of Mason Road or within the local area.
 9. However, having regard to Part 1 d) of DMB Policy DM11, the Council maintains that the development has resulted in the loss of a family dwelling for which there is an evidenced shortage within the city, and which is required given the important contribution that such accommodation makes to other Council objectives.
 10. Given its internal layout and dimensions, its large rear garden, and its location in a residential area, I do not doubt that the host property would be suitable for use as family accommodation. Whilst I have limited information before me regarding the need for family housing in the City, paragraph 4.24 of the Birmingham Houses in Multiple Occupation Supplementary Planning Document 2022 ('SPD') refers to a demand for 3 or more bedroom homes for family households. With that in mind, its paragraph 4.25 sets out that proposals comprising the conversion of a Class C3 use to an HMO must demonstrate, with appropriate marketing, that there is a lack of demand for single family use of the property based on local housing circumstances.
 11. In this case, no such marketing information has been submitted, and anecdotally, representations from interested parties point to a strong local demand for family housing. Thus, whilst the evidence before me is limited, I am not satisfied that the loss of this dwelling, which is suitable as family accommodation, is outweighed by the need for HMO accommodation. I therefore conclude that the change of use has had an adverse impact on the maintenance of balanced communities, and that the development conflicts with BDP Policies PG3, TP27 and TP30; DMB Policy DM11 Part 1 d); and with the stance in the SPD.
 12. It also conflicts with paragraphs 61 and 63 of the Framework which aim to meet an area's identified housing needs, including an appropriate mix of house types for the local community.
 13. For these reasons, and having regard to all other matters raised, including representations by interested parties, the appeal is dismissed.

Chris Couper

INSPECTOR