
Appeal Decision

Site visit made on 3 December 2025

by T Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2025

Appeal Ref: APP/C2741/W/25/3374206

32 Wolviston Avenue, York YO10 3DD

- 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 Ms Paula Brown (Perfect Home for You Ltd) against the decision of City of York Council.
 - The application Ref is 24/02267/FUL.
 - The development proposed is change of use from 'a dwelling house' (Use class C3) to a 'House in Multiple Occupation' (use class C4).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the development strategy of the City with regard to the distribution of houses in multiple occupation (HMO's).

Procedural Matters

3. The appeal relates to a change of use from a dwellinghouse to HMO. The evidence suggests that the change of use has already taken place. The property falls within an area which is under an Article 4 Direction where permitted development rights for the change of use have been removed.

Reasons

4. The evidence indicates that the City Council seeks an approach to the distribution of HMO's across the City which has the aim of ensuring that communities do not become imbalanced.
5. The evidence indicates that within 100m (street length) of the appeal property there are currently 11 HMO's out of 38 properties. This represents a percentage of 28.95% of properties within 100m (street length) in use as HMO's. The percentage is 31.58% with the appeal property included.
6. Amongst other things, Policy H8 of the City of York Council Local Plan (2025) (LP) states that applications for the change of use from a dwelling house to a HMO will only be permitted where less than 10% of the properties within 100 metres of street length either side of the application property are exempt from paying council tax because they are entirely occupied by full time students recorded on the Councils database as a licensed HMO, benefit from C4/Sui Generis HMO planning permission or are known to the Council to be HMO's. The figure at neighbourhood level is 20%.

7. Whilst noting the status of the SPD¹ it does recognise the impacts large concentrations of HMO's can have with regard to amongst other matters, increased levels of crime and the fear of crime, changes in the nature of street activity, street character and natural surveillance by neighbours and the community outside of term times, standards of property maintenance and repair, littering and accumulation of rubbish, noise between dwellings at all times and especially music at night.
8. Policy H8 of the LP indicates that the 10% and 20% thresholds have been arrived at by consultation where communities can tip from being balanced to unbalanced.
9. The controls relate to both neighbourhood level and street level. The street level figure is already well in excess of the 10%, therefore this indicates that the immediate area already suffers an imbalance and to permit further HMO's would unacceptably compound that imbalance.
10. The change of use is therefore in conflict with Policy H8 of the LP and is in direct conflict with the development strategy for the area. That is a matter to be afforded substantial weight.

Other Matters

11. Even in the event that the use was generating increased demand for car parking, there is little within the evidence to explain how this would have an adverse impact on visual amenity. Further, there is also little to explain how the change of use compromises safety at the site. Whilst I appreciate that parking spaces within the boundary of the property are arranged one in front of another, I noted that the property has a well sized drive which could comfortably host two cars. It also benefits from a garage which is likely to be able to support another car parking space.
12. Therefore, with regard to this particular property on this particular street, increased parking pressure as a result of the change of use is not a concern. There is no conflict with policies D1 or T1 of the Local Plan with regard to this particular matter, nor the Framework².
13. I accept that the proposal offers comfortable accommodation and is well located for the University and employment hubs and would offer social benefits to the occupants in that respect. There would also be some economic and environmental benefits of the proposal. However, the proposal relates to only a single HMO and these benefits are afforded limited weight.
14. I also note that the relevant HMO thresholds are not exceeded at a neighbourhood level, and the percentage including the appeal property would be 13.68%. However, Policy H8 takes a dual approach and also aims for balance at street level too and I afford this point limited weight. Adding a condition limiting occupation to three residents would make no difference to my conclusion on the main issue.

¹ City of York Council Supplementary Planning Document – DRAFT – Controlling the Concentration of Houses in Multiple Occupation – July 2014.

² National Planning Policy Framework 2024.

Planning Balance and Conclusion

15. For the reasons given above, the proposal is in direct conflict with the development strategy for the City in terms of its management of the distribution of HMO's. There is nothing, including the provisions of the Framework to indicate that a decision should be made otherwise than in accordance with the development plan with which the proposal conflicts. The appeal should therefore be dismissed.

T Burnham

INSPECTOR