



Appeal Decision

Site visit made on 2 December 2025

by K Mee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2025

Appeal Ref: APP/W2465/W/25/3373728

17 Vernon Street, Leicester LE3 5JQ

- 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 Mrs Kirandeep Athwal against the decision of Leicester City Council.
 - The application Ref is 20250908.
 - The development proposed is the change of use from C3 (c) to C4 (small HMO).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council raise concerns over the disparity between the on-site conditions and the plans submitted with the application. For clarity, I have assessed the appeal on the basis of the plans before me. These are clearly annotated to show a front lounge, rear living room and kitchen on the ground floor with two bedrooms and a bathroom on the first floor.
3. The Council have referred to Policies CS06 and CS08 of the Leicester City Local Development Framework Core Strategy (July 2014) (Core Strategy) within their reasons for refusal. However, the policy document includes two different titles for each of these policies, being 'Policy CS6' or 'CS Policy 6' and 'Policy CS8' or 'CS Policy 8'. For clarity, I have referred to these policies as CS6 and CS8.

Main Issues

4. The main issues are the effect of the development on:
 - The character of the area with particular regard to the mix and balance of housing; and
 - The living conditions of the occupiers of neighbouring residential properties with regard to noise and disturbance; and
 - Whether the proposed development would provide acceptable living conditions for future occupiers.

Reasons

Character, Mix and Balance

5. The appeal property is a two-storey mid-terrace in an area of high-density terrace rows. An Article 4 Direction is in place in this area which removes permitted development rights relating to the change of use from Use Class C3 dwellinghouse

to Use Class C4 small house in multiple occupation (HMO) such that planning permission is required for these types of changes in use. I note that the Article 4 Direction does not appear to define this class further, with regard to subcategory C3 (a), (b) or (c), such that it applies to all of those uses falling within Use Class C3 dwellinghouses.

6. The appellant states the current use of the property falls within use class C3 (c) being rented out under one contract to the Home Office as accommodation for 4 asylum seekers who, whilst being non-related, live together as one community and household. No evidence to substantiate this assertion has been submitted. This follows the granting of a Certificate of Lawfulness in April 2024 for the proposed use of the property from Use Class C3 (a) to Use Class C3 (b). The appellant further contends that there is no material difference (in this case) between Use Class C3 (c) and Use Class C4 in terms of local plan policy.
7. However, this application is made under section 78 of the Town and Country Planning Act 1990 (the Act) and it is not ordinarily the role of such appeals to examine the lawful use of land or buildings or to establish whether a material change of use has occurred. Indeed, it is open to the appellant to apply to have such matters determined under sections 191 or 192 of the Act. Any such matter would be unaffected by my determination of this matter. Therefore, the appeal before me seeks a change of use from a dwellinghouse (falling within Use Class C3) to a small HMO (Use Class C4) and I have assessed the appeal on this basis.
8. The Review of Article 4 Directions relating to Conversion of Houses (Class C3) to Class C4 Small Houses in Multiple Occupation (November 2021) (the Review) confirms the appeal site lies within an area whereby HMO's accounted for 12.89% of the total housing stock. The Review identifies those areas with a concentration of HMO's over 10% as being appropriate for intervention, based on the strongly associated problems for the community at around this level of concentration.
9. The development would add to the concentration of HMO's in the locality and result in the loss of a dwellinghouse which would appeal to household types other than those which would wish to occupy a HMO. The development would contribute to limiting the type of properties available in the area and therefore assist in restricting the diversity of the local population.
10. My attention has been drawn by the appellant to the Council's priority of retaining larger houses appropriate for family use, as identified within Policy CS8 of the Core Strategy, whereas the appeal property only has two-bedrooms. Based on the Local Housing Needs Assessment (LHNA), the Review identifies that there is a need to retain family housing overall, with approximately 27% of the total housing need being for two-bedroom dwellings.
11. For the above reasons, I conclude that the development would be harmful to the character of the area with specific regard to its impact on the mix and balance of housing. Consequently, I find that the proposal would conflict with Policies CS6 and CS8 of the Core Strategy and saved Policy PS10 of the City of Leicester Local Plan 1996-2016 (Local Plan) which, amongst other things, seek to ensure that conversions do not have an adverse impact on the character of the area or the maintenance of mixed communities, result in local over concentration and that the ability of an area to assimilate development is taken into account.

Living Conditions – neighbouring occupiers

12. The proposed use as a small HMO would result in future occupiers living independently, rather than as a single household. This is likely to result in a more intensive level of activity with increased comings and goings arising from different living patterns. The proximity with neighbours, given the density of terraced housing in this area and position of the front door, would potentially result in a greater chance of noise detrimentally affecting and disrupting neighbouring occupiers.
13. Accordingly, I find that with regards to the living conditions of neighbouring occupiers, the proposal would conflict with saved Policy PS10 of the Local Plan. Amongst other things, this requires the effect on existing residents resulting from noise to be considered when determining applications. It would also be contrary to paragraph 135 of the National Planning Policy Framework (the Framework) which seeks to promote health and well-being with a high standard of amenity for existing users.

Living Conditions – future occupiers

14. The proposal before me demonstrates that all living spaces and bedrooms would have adequate levels of privacy, light and outlook with sufficient internal and external communal amenity space provided for future occupiers as a small HMO.
15. I therefore find that the development would provide acceptable living conditions for future occupiers. As such, it would comply with Policy PS10 of the Local Plan and paragraph 135 of the Framework.

Other Matters

16. The appellant asserts that the adoption of a blanket Article 4 Direction by the Council is unreasonable. However, this matter is not within my remit to consider and is not therefore determinative in my decision making.

Conclusion

17. For the reasons given above, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations that indicate that the development should be determined otherwise than in accordance with it. Therefore, the appeal should be dismissed.

K Mee

INSPECTOR