



Appeal Decision

Site visit made on 19 December 2025

by **Chris Couper BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 January 2026

Appeal Ref: APP/P4605/W/25/3374644

420 New John Steet West, Birmingham B19 3PD

- 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 Goldfinch Global Estates Limited against the decision of Birmingham City Council.
 - The application Ref is 2025/02124/PA.
 - The proposed development is described as a change of use from a dwellinghouse (Use Class C3) to a 3 bed HMO (Use Class C4).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the amended description of the proposal from Part E of the planning appeal form, which is consistent with the description on the Council's decision notice. Notwithstanding Part F of that form, it is clear that the appeal follows the refusal of planning permission, and I have dealt with it on that basis.

Main Issue

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

Reasons

4. In general terms, Policies PG3 and TP35 of the Birmingham Development Plan 2017 ('BDP') support the creation of sustainable neighbourhoods, making the best use of existing buildings and the stock of dwellings, and preventing the loss of housing which is in good condition to other uses.
5. Paragraphs 61 and 63 of the National Planning Policy Framework ('Framework') set out that the overall aim of the government's housing objectives is to meet an area's identified housing need, including an appropriate mix of housing types for the local community, and that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.
6. Policy DM11 of the Development Management in Birmingham DPD 2021 ('DMB') recognises the important contribution that houses in multiple occupation ('HMO') make to housing choice. However, it also notes that over concentrations of HMOs

can have adverse consequences including a loss of community cohesion, and that HMOs can result in the loss of much needed family housing with three or more bedrooms.

7. The site comprises a three bedroom end of terrace house, which is located on the northern side of New John Street West. Although I understand that a neighbouring property is occupied as an HMO, having regard to the criteria at DMB Policy DM11 Part 1 paragraphs a) to c), and to paragraph 7.4 of the Council's officer report, notwithstanding an objection from a local resident, I have no cogent evidence that the proposal would result in an over concentration of HMOs either on this part of the road, or within the local area.
8. However, by reference to DMB Policy DM11 Part 1 paragraph d), the Council maintains that the scheme would result 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 Council objectives.
9. In support of its stance, it references the Birmingham Housing and Economic Development Needs Assessment 2022 ('BNA') which identifies that the proportion of households with dependent children in Birmingham is higher than the regional and national averages. It also says that Table 8.26 of the BNA sets out that 35% of market housing required in the central Birmingham sub-area should have three bedrooms, although I note that the figure is higher in other sub-areas.
10. 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 from family households throughout the city, and continues that where there are particular shortages of family accommodation the Council will be sensitive to such needs when considering proposals for HMOs. With that in mind, its paragraph 4.25 sets out that proposals involving the conversion of a Class C3 dwelling to an HMO must demonstrate that there is an established lack of demand for single family use of the property, based on the local housing market circumstances at the time, with evidence submitted that it has been openly marketed at a city wide level at a reasonable purchase or rental price for a period of at least six months.
11. The appellant has provided extracts from Zoopla at Appendix 3 of the appeal statement, which indicate that the property has been listed at various times since 2012. However, I have no details of how long it was listed for, its sale or rental price, what interest it attracted, or the reasons why a sale or rental was not completed. Consequently, that information does not adequately demonstrate a lack of demand for this property's use as a Class C3 dwellinghouse.
12. Although I have no doubt that there is general demand for good quality shared accommodation for key workers, young professionals, and students attending local universities, neither the screenshot from SpareRoom at Appendix 4, nor the Rightmove/Zoopla data concerning the lower average rental price for HMO rooms compared to flats, amounts to evidence of a particular need in this area for HMOs such as to outweigh the need for Class C3 dwellings. Additionally, whilst the 2021 census data at Appendix 6 shows that this Ward has one of the highest concentrations of single person households in Birmingham, it also shows that it has a significant percentage of households with dependent children. Consequently, although that data provides some existing demographic context, it does not demonstrate a lack of demand for accommodation suitable for families.

13. Although there are commercial uses in the locality, this dwelling, which benefits from a short rear garden, is set back from the busy and noisy main carriageway behind a large forecourt and pavements, in an area where the immediate context is primarily residential. Thus, although it had a single occupant for over 10 years before being let short term since October 2024 through Airbnb, I do not consider that it would provide unsuitable living conditions for family occupants.
14. Finally, I have no persuasive evidence that the use of the property as an HMO, even if it were to be well-managed with carefully vetted tenants, would result in lower levels of antisocial behaviour and a safer neighbourhood compared to its use as a Class C3 dwelling.
15. Thus, based on the available evidence, I am not satisfied that the property is not suitable for use as family accommodation, or that the provision of an HMO would outweigh the harm caused as a result of the loss of a Class C3 dwelling. A temporary permission to allow the Council to assess the operation of the HMO, as suggested by the appellant, would not address the main issue in the appeal. The proposal would have an adverse impact on the maintenance of balanced communities, and it would therefore conflict with BDP Policies PG3 and TP35, DMB Policy DM11 Part 1 paragraph d), paragraphs 61 and 63 of the Framework, and with the advice in the SPD.
16. Having regard to all other matters raised, including representations by interested parties, the appeal is therefore dismissed.

Chris Couper

INSPECTOR