



Appeal Decision

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 January 2026

Appeal Ref: APP/Z0116/X/25/3372277

510 Gloucester Road, Horfield, Bristol BS7 8UF

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Miss Kimberley Farhaniazdeh against the decision of Bristol City Council.
 - The application ref 25/10630/CE, dated 10 February 2025, was refused by notice dated 17 April 2025.
 - The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 (as amended).
 - The use for which a certificate of lawful use or development is sought is C4 – Houses in multiple occupation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. It has not been necessary to visit the site. This is because all the required information is included with the application and appeal documents, and a decision can be reached on the submitted information. The views of both parties were sought regarding this approach, and no objections were received.

Main Issue

3. The change of use from a dwellinghouse falling within Use Class C3 to a House in Multiple Occupation (HMO) falling within Use Class C4 is ordinarily permitted development, pursuant to Class L of Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015. However, the appeal site lies within an area that is subject to an Article 4 Direction which removes this permitted change of use and therefore such a change requires the specific grant of planning permission.
4. It therefore follows that in this case, the main issue is whether or not the appellant has proved on the balance of probabilities, that use of the building as an HMO falling within Use Class C4, began on or before 10 February 2015, and continued without significant interruption for ten years after the date of the change.

Reasons

5. The burden of proof falls to the appellant to establish that the use of the property as an HMO commenced at least 10 years before the date of the application on 10 February 2025 and continued without any significant interruption thereafter. The appropriate standard for testing the evidence is on the balance of probabilities.
6. In support of the application, the appellant has submitted copies of HMO licences from 2014, 2019 and 2024, each valid for a period of five years. There is also a

copy of correspondence with a Housing Officer of the Council which states that the property has been licenced since 2006. While this information is noted, it does not demonstrate what the actual occupation of the property has been. The application is not supported by any information to show that the property has been occupied as a HMO, only that it is licenced as such. There is no evidence from any previous or current occupiers, no copies of tenancy agreements, or any other supporting information to show that the property has been occupied as is alleged.

7. While it is open to the appellant to make a further application to the Council with additional evidence, considering the scant information that has been submitted with the appeal, the appellant has not at this time demonstrated, on the balance of probabilities, that the property has been in use as an HMO for a period in excess of 10 years.

Conclusion

8. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development for C4 – Houses in multiple occupation is well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act (as amended).

Martin Allen

INSPECTOR