



Appeal Decision

Site visit made on 9 December 2025

by A Phillips MPlan BA CertHE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 January 2026

Appeal Ref: APP/R3515/W/25/3373120

Maritime House 19A St. Helens Street, Ipswich, Suffolk IP4 1HE

- 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 Courtney Bryan against the decision of Ipswich Borough Council.
 - The application Ref is IP/25/00224/FUL.
 - The development proposed is change of use of 3x C3 dwellings to 3x C4 HMOs
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During my site visit it appears as if the flats are already being used as Houses in Multiple Occupancy (HMOs), Use Class C4. However, applying for development retrospectively should not weigh for or against the proposal. Therefore, this does not affect my decision on this appeal.

Main Issues

3. The main issues are:
 - The effect of the proposed change of use on the housing stock, specifically need for small family homes.
 - Whether the proposal would lead to an over-concentration of HMOs.
 - Whether the proposed development would provide acceptable private amenity space.

Reasons

Housing stock

4. The site consists of three flats, each having three bedrooms. Both parties accept that the gross internal floor area of each flat is approximately 77 square metres.
5. Policy DM19 of the Ipswich Borough Council Local Plan Core Strategy and Policies Document Plan Document Review March 2022 (Local Plan) seeks to control when houses are converted into flats or HMOs. The supporting text of the policy details that the reasoning behind this policy is to ensure a variety of housing stock and in particular family homes. The appellant states that this policy is not applicable due to the busy town centre location, the lack of outdoor amenity space and two flats being on the upper floors.

6. While I accept that flats, specifically those that do not benefit from private outdoor amenity space, are less likely to be used by families it does not mean that no family would want to live here. In addition, there is no requirement for the definition of a family to include children.
7. The appellant has raised that there is a lack of storage space within the flats for a family, though I found that each flat has several storage spaces. However, I do accept that the 1st floor and 2nd floor flat would pose a challenge with parents with infants to get pushchairs etc up and down the stairs.
8. I have also noted that policy DM19 of the Local Plan is not specifically relevant in this case. The specific wording of the policy seeks to control when houses are converted to flats or HMOs, which is also backed up by the supporting text. The fact remains in this case that the proposal is converting flats into HMOs and on this basis, I consider the Council to have overstretched the meaning of this policy.
9. On this issue, I conclude that the proposal does not lead to an unacceptable loss of houses into HMOs. The proposal complies with policy DM19 of the Local Plan that seeks to control when houses are converted into flats or HMOs.

Concentration of HMOs

10. The proposal seeks to convert 3 flats that form the ground floor, first floor and second floor. All the flats are accessed via a shared stairwell.
11. I have also noted and given significant weight that the Council has used an Article 4 Direction to remove permitted development rights to allow C3 Use Class dwellings to be converted into C4 Use Class.
12. While it is noted that the wording in policy DM20 of the Local plan uses the terminology of 'more than two HMOs side by side' as one of the definitions of an over concentration of HMOs. I have noted and given limited weight to the appellant's point that the flats are not side by side, as they are on top of each other. This is not an unreasonable interpretation of the policy; however, my reading of this policy is that it is making it clear that it is seeking to define over concentration as two HMOs being adjacent to one another. In effect, I cannot see any material difference in HMOs being vertically stacked to horizontally placed.
13. The Council argument is that this over concentration of HMOs would further add to the increased concentration of HMOs in the wider town that overall harms residential amenity via anti-social behaviour and/or crime. The Council also states that it accepts that noise pollution from the HMOs did not form a reason for refusal, as the properties meet noise attenuation standards.
14. I have noted the appellant's detailed comments regarding anti-social behaviour in the area, as well as the different ways these units could be managed to control the behaviour of occupants. Therefore, I do not find there to be adverse impact directly to the amenity of the immediate vicinity. However, I also find that the Council has been clear on its attempt to prevent a general over concentration of HMOs through both policy DM20 of the Local Plan and the Article 4 direction.
15. On this issue I conclude that the proposal would provide an unacceptable concentration of HMOs in the area. On this basis, the proposal does not comply with policy DM20 of the Local Plan that seeks to prevent the cumulative adding of an area already subject to an over-concentration of HMOs.

16. I do not find conflict with policy DM19 of the Local Plan, due to this policy relating to the conversion of houses into either flats or HMOs.

Private amenity space

17. The site and the three flats do not currently benefit from any private amenity space. The outdoor space is nearly entirely defined by four parking spaces, bin storage and space for bike racks. There is public open space of Christchurch Park within walking distance from the site.
18. While I have noted the requirement of private space within policy DM7 of the Local Plan and that high quality outdoor private amenity space is required, the existing flats do not currently benefit from any private outdoor amenity space.
19. While I grant limited weight to the proximity to Christchurch Park, this is a public space and would not provide any outdoor private amenity space for future occupiers of the HMOs. However, while I also note the Council is performing its public duty to improve on the current situation, the fact remains that the proposal maintains the status quo that these flats don't benefit from private outdoor amenity space. Therefore, the proposal does not lead to any material harm.
20. I therefore conclude on this issue that there is no material reason to refuse the application, as no harm has been identified that would not equally be true for the authorised use. On this basis, while I accept there is conflict with policies DM7, DM19 and DM20 of the Local Plan that all seek to provide outdoor amenity space, there is no additional harm than the current situation presents.

Other Matters

21. I have considered the appeal under the duties contained in the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). The site from the evidence provided to me is near a conservation area, as well as two Grade II Listed Buildings of Regent Theatre and the former County Hall. The character of the immediate area is defined by the mix of flats and businesses/retail. Both the Regent Theatre and former County Hall are significant buildings that positively add to the character and appearance of the local area. Given that the proposal is for a change in the type of residential use, there is not considered to be any harm to the significance of the designated heritage assets. Therefore, there is no conflict with the Act or Chapter 16 of the National Planning Policy Framework.
22. The Council in its appeal form has stated that the proposal would have no impact on SSSI or an internationally designated site. However, the delegated report makes clear that a contribution is required towards the Recreational Disturbance and Mitigation Strategy (RAMS). If the appeal was to be allowed, it would be necessary to consider this matter within an appropriate assessment.

Conclusion

23. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.

A Phillips

INSPECTOR