



Appeal Decision

Site visit made on 6 January 2026

by **Paul Martinson BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 January 2026

Appeal Ref: APP/C2741/W/25/3372892

8 Derwent Avenue, York YO10 3SS

- 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 Miranda Lam of York City Properties 2 Ltd against the decision of City of York Council.
 - The application Ref is 25/00193/FUL.
 - The development proposed is Change of use from single dwelling (use class C3) to House in Multiple Occupation (use class C4).
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would comply with the Council's development strategy with regard to the distribution of Houses in Multiple Occupation (HMOs).

Reasons

3. Policy H8 of the City of York Local Plan (2025) (the LP) forms the Council's development strategy with regard to the distribution of HMOs. The Policy has been included in the LP on the basis of evidence indicating a need to control the number of HMOs in an area, which are typically occupied by students, to ensure communities do not become imbalanced.
4. Policy H8 thus seeks to manage the supply of HMOs to avoid high concentrations in an area. As such, it sets out that applications for a change of use to an HMO are only permitted where: it is in a neighbourhood where less than 20% are known to be HMOs; and, where, less than 10% of properties within 100 metres of street length of the application property are known to be HMOs.
5. The evidence provided by the Council indicates that within 100 metres of the appeal property, 3 of the 11 properties are HMOs, which equates to 27.27%. This rises to 36.36% when the appeal property is included.
6. Although the appellant questions the accuracy of the copy of HMO licences on the Council's website, the Council's data with regard to HMOs is not solely based on licences. Policy H8 sets out that this is based on council tax records, and records of planning permission, in addition to licensing records, and those that are otherwise known to the Council to be HMOs. There is no evidence before me that would lead me to doubt the figures provided by the Council.

7. Whilst only guidance, the City of York Council Draft Supplementary Planning Document Controlling the Concentration of Houses in Multiple Occupation (2014) (the SPD) recognises the effects of high concentrations of HMOs with regard to matters such as 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 the playing of music, particularly at night.
8. The 10% and 20% thresholds set out in Policy H8 of the LP were determined through consultation with communities having regard to minimising the issues set out in the SPD. These thresholds are considered by the Policy to be the point at which a local community can shift from being balanced to unbalanced. The street level figure is considerably in excess of the 10% threshold at present and would only increase further still were I to allow the appeal. This indicates that the immediate area already suffers an imbalance and to permit further HMOs would unacceptably compound that imbalance.
9. On the basis of the above, the proposal would conflict with the Council's development strategy with regard to the distribution of HMOs and would conflict with Policy H8 of the LP in that regard.
10. The failure to conform with the development strategy of maintaining balanced communities would conflict with paragraph 135 of the National Planning Policy Framework (the Framework). This seeks to ensure planning decisions create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Other Matters

11. The appellant questions the inclusion of reference to the above paragraph of the Framework in the Council's decision notice, which the Council cites '*in respect of achieving well-designed places*'. Whilst the phrase 'well-designed' is not included in paragraph 135, I am satisfied that it is a reasonable, albeit brief, summary of those matters encompassed within it.

Conclusion

12. The proposal is in direct conflict with the Council's development strategy with regard to the distribution of HMOs. This represents a conflict with the development plan. There are no material considerations that indicate a decision should be taken other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR