
Appeal Decision

Site visit made on 15 December 2025

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 February 2026

Appeal Ref: Appeal Ref: APP/W2465/W/25/3371120

4-10 Macdonald Road, Leicester LE4 5HD

- 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 Shiva Shakti Foods against the decision of Leicester City Council.
 - The application Ref is 20250490.
 - The development proposed is described as demolition of bathroom and lobby at rear; change of use of dwelling house to shop at ground floor (use class e) and flat at first floor (1x1 bed) (class c3) at number 4 -10; installation of new shop front; construction of part single storey extension at rear; alteration.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site address numbers in the banner heading are taken from the Council's decision notice rather than the planning application, as they more accurately reflect the appeal site location.
3. The Council's reason for refusal refers to Policy Ho09 in the emerging Leicester Local Plan (the emerging LP). The Council has confirmed the emerging LP is at Main Modifications consultation stage and that no modifications are proposed to Policy Ho09. Given the advanced stage of the emerging LP and based on the information before me, I give significant weight to Policy Ho09.
4. The Government is currently in the process of consulting on proposed amendments to the National Planning Policy Framework (the Framework). The draft revised Framework could be subject to significant amendments following the conclusion of the consultation and therefore it has little weight in my assessment of the current appeal. Instead, the extant version of the Framework has been considered.

Main Issues

5. The main issues are the effect of the proposed development on:
 - housing mix and character of the area; and
 - flooding

Reasons

Housing Mix and Character

6. The appeal property, for which a change of use is sought, is a two-storey, mid-terrace, three-bedroom dwelling. The section of the street in which it sits is bookended by commercial premises. The remainder of the row is predominantly residential. The adjacent grocery store forms part of the appeal site and occupies one end of the terrace, with a commercial property at the opposite end. Opposite the appeal site are several commercial premises and a large car park, with further commercial uses along Belgrave Road as part of the Belgrave Road District Centre. Given this variety of uses, the area has a mixed commercial and residential character.
7. Leicester City Core Strategy (CS) Policy CS06 sets out the Council's housing strategy. Policy CS06 goes on to state that careful consideration will be given to conversions to ensure there is no adverse impact on the character of the area or the maintenance of mixed communities. The conversion of existing large houses will be resisted where it would still be appropriate for family use and meets an identified demand. CS Policy CS08 requires all new housing to accord with Policy CS06 and identifies the Council's priority in Inner Areas is to retain good-quality existing housing for which there is demand.
8. City of Leicester Local Plan (LP) saved Policy H07 permits the conversion of existing buildings to self-contained flats provided the proposal is satisfactory in respect of a number of criteria. This includes consideration of the loss of family accommodation and the effect on the character of the surrounding area. LP Policy PS10 requires, among other things, the ability of the area to assimilate the development.
9. Emerging LP Policy Ho09 sets out that planning permission will not be granted for the conversion of 2 or 3 bedroom houses into flats. Its supporting text explains that the Council's aim is to retain good quality existing family housing, informed by the Leicester Local Housing Needs Assessment 2022 (LHNA) and any subsequent updates to the evidence base.
10. The appellant has raised concerns regarding the application of emerging Policy Ho09. However, the proposal would result in the loss of a dwelling capable of family occupation, which, in my judgement, falls within the scope of the policy. While the scheme also introduces commercial floorspace, a residential flat would nonetheless be created alongside the loss of family housing. In these circumstances, I am satisfied that Policy Ho09 is directly relevant and should be afforded significant weight in the determination of the appeal.
11. The LHNA identifies a significant need for three-bedroom homes. As the appeal property is capable of occupation by a family, its loss would undermine the mix and balance of housing in an area where there is an identified need for this type of accommodation.
12. The Council has also raised concerns regarding the appearance and function of the property following conversion. The extended shop frontage and associated activities, including servicing and deliveries, would further encroach into the residential section of the terrace and would increase the proportion of commercial uses within the row. However, given the number of commercial premises in the immediate vicinity, including at the ends of terrace rows and further along the street, this change would not in itself cause material harm to the character of the

area. Matters relating to servicing, storage and deliveries could be controlled through appropriately worded planning conditions.

13. Similarly, no substantive evidence has been provided to demonstrate that matters relating to refuse storage, plant and equipment could not be satisfactorily addressed through planning conditions, having regard to the modest scale of the scheme. Nevertheless, the further loss of a family dwelling in an area of high identified demand would result in harm to the mix and balance of housing and would undermine the Council's housing strategy.
14. Consequently, the proposal would conflict with Saved Policies H07 and PS10 of the LP, CS Policies CS06 and CS08 and emerging Policy Ho09 of the emerging LP, the aims of which are set out above.

Flooding

15. The Council identify the appeal site as being at Medium to High risk from fluvial flooding and Low to Medium risk to pluvial flooding. The appeal is also located within a surface water hotspot and a Critical Drainage area. The appellant has not disputed these matters.
16. The Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). The Framework also states that development should only be allowed in areas at risk of flooding if certain matters can be demonstrated, including that development is appropriately flood resistant and resilient, that any residual risk can be safely managed and that safe access and escape routes are included where appropriate as part of an agreed emergency plan.
17. Planning Practice Guidance (PPG) advises that even if a development's vulnerability is not increasing, change of use can often present an opportunity to improve the flood resilience of existing development.
18. Flood risk vulnerability classifications are set out in Annex 3 of the Framework; buildings used for dwelling houses fall into the "more vulnerable" category, while buildings used for a variety of commercial purposes including shops are classified as "less vulnerable". However, this does not remove the requirement for appropriate mitigation measures to reduce the effects of flood water, as required by Policy CS02 of the CS.
19. Although the appellant has submitted a flood risk assessment, the information provided is limited. There is no clear strategy for safe access and egress in the event of flooding beyond reference to first-floor windows. Furthermore, the reference to 'various methods' to decrease flooding lacks sufficient detail to demonstrate how flood resilience would be achieved in practice.
20. On the basis of the evidence before me, I cannot be satisfied that the proposed development would improve the flood resilience of the site or that appropriate mitigation measures would adequately reduce flood risk. Nor has it been demonstrated that such matters could be satisfactorily addressed through the imposition of planning conditions.
21. For the reasons above, it has not been demonstrated that the proposal would be safe for its lifetime, having regard to flood risk, or that it would reduce the effects of

flood water. The proposal therefore conflicts with Policy CS02 of the CS and with the aims of the Framework in respect of flood risk.

Other Matters

22. Whilst the apparent lack of engagement from the Council has caused frustration, these matters are between the main parties and do not affect my consideration of the main issues. Any concerns relating to conduct are best addressed through direct engagement with the Council.
23. The proposal would bring economic benefits through the construction process and the spend of future occupiers of the flat and the shop users. Given the scale of the proposed development, these benefits would be modest and would not outweigh the harms I have identified.
24. My attention has been brought to application ref: 20250859. As this was a prior approval application subject to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) it is materially different to the appeal scheme. In any event, I have determined the appeal on its own merits.

Conclusion

25. For the reasons given above, the proposal would conflict with the development plan as a whole and material considerations, do not indicate a decision should be made other than in accordance with it. Accordingly, the appeal is dismissed.

A Hickey

INSPECTOR