



Appeal Decision

Site visit made on 10 March 2026

by **Martin Allen BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 March 2026

Appeal Ref: APP/Z0116/X/25/3375870

4A Nugent Hill, Cotham, Bristol BS6 5TD

- 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 Mr Benjamin Seldon against the decision of Bristol City Council.
 - The application ref 25/11527/CE, dated 1 April 2025, was refused by notice dated 16 May 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.

Main Issue

2. 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.
3. 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 1 April 2015, and continued without significant interruption for ten years after the date of the change.

Reasons

4. 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 1 April 2025 and continued without any significant interruption thereafter. The appropriate standard for testing the evidence is on the balance of probabilities.
5. The application was originally supported by a location plan showing the location of the site, as well as two letters. The Delegated Report states that one was a Schedule of Works letter, while the other was a Planning Permission letter. The Schedule of Works letter, dated 14 March 2024, confirms that items detailed in a previously issued schedule of works had been completed, with a reminder of the need to comply with licence conditions and if occupied as an HMO the need to comply with regulations. This letter offers no evidence in respect of the occupation

of the property. The Planning Permission letter refers to a letter from the letting company, which states that the property has been let as an HMO since 14 January 2012. It was on the basis of this information that the Council determined that insufficient evidence had been submitted to demonstrate that the property had been in continuous use as an HMO for a period of at least 10 years.

6. Subsequent to the refusal to grant a certificate by the Council, and with the appeal, the appellant has submitted additional information. This comprises:
- Copies of tenancy agreements for 2018, 2019, 2020, 2023 and 2025
 - Letters from the letting company outlining intended occupiers for the property for 2014 and 2024 (no completed tenancy agreements have been included)
 - Letter from letting company dated 11 January 2012 thanking the appellants for letting the property with the company, referring to a copy of contract and a check-in report and accompanying photographs (copies of which have not been included).

There is reference within the appeal form to an HMO licence from the Council, however this has not been provided.

7. The tenancy agreements cover four of the ten years over the relevant period (the tenancy agreement for 2025 being dated 17 April, beyond the date of the application). While two further years are mentioned in letters, there are no actual tenancy agreements for these years and no indication that they were completed. As such, the documentary evidence covers less than half of the relevant time period required. I note the letter from the letting company stating that the property has been let since January 2012, yet there are no further details provided such as length or frequency of lettings. Moreover, this letter fails to establish that lettings have covered a continuous period since January 2012.
8. While it is open to the appellant to submit a further application to the Council with additional evidence, I find the evidence before me is not sufficiently precise and unambiguous to demonstrate that, on the balance of probabilities, the use of the appeal property materially changed to an HMO 10 years prior to 1 April 2025 and the use then continued for at least 10 years thereafter, without significant interruption.

Conclusion

9. 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 was 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