



Appeal Decision

Site visit made on 7 October 2026

by Andy Harwood CMS MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 October 2026

Appeal Ref: APP/Y1110/X/25/3372254

11 Abbots Road, Exeter EX4 7AN

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) (the Act) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Alex Moorhouse against the decision of Exeter City Council.
 - The application ref 24/1393/LED, dated 21 November 2024, was refused by notice dated 6 February 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 described as “Existing use as Small HMO (Use Class C4), limited to 3no. occupants.”
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the Council’s was well-founded.

Reasons

3. The modest 3 bedroom building is currently occupied by 3 people and had previously, before September 2022, been occupied by 2. There is no dispute that the before September 2022 the property was in use as a dwellinghouse within Schedule 1, Part C, Class C3 of the Use Classes Order¹ (UCO). That was the conclusion of the previous inspector who considered the previous appeal here which was also for a LDC for 3 residents².
4. The definition of Class C3 includes, amongst other things, “use as a dwellinghouse (whether or not as a sole or main residence) by (a) a single person or by people to be regarded as forming a single household”. The appellant is seeking to establish that by allowing a third occupant within the property, it has not involved a material change of use. Schedule 1, Part C, Class C4 relates to use of a dwellinghouse by not more than six residents as a House in Multiple Occupation (HMO). The appellant refers to a legal authority from North Devon³ which related to whether a C3 dwellinghouse remained as such when used for a children’s care-home which is not directly comparable although does emphasise how to consider the materiality of a change of use.
5. The 3 residents are occupying the property as 3 separate households rather than as a single household. They each have their own bedrooms and although there

¹ The Town and Country Planning (Use Classes) Order 1987 (as amended)

² APP/Y1110/X/23/3330550

³ North Devon District Council v First Secretary of State [2003] EWHC 157 Admin

are no locks on the doors, I would not expect them to have access to one another's private space. I have no evidence that the terms of the tenancy has affected how the occupants will live, day to day. They share the communal spaces including the bathroom as well as rooms and outdoor space at ground floor level.

6. A change from one use class to another, in this case C3 to C4, may indicate that the character of the use has changed in planning terms. However, that is not always the case. It is necessary to consider the facts about the differences and the degree of change that result in order to assess the significance in material planning terms within the meaning of s55 of the Act. Whilst planning merits are not relevant to consider in this appeal in terms of whether the change has been good or bad, the planning consequences and sensitivities are relevant to consider.
7. Normally, there is a permitted change of use from a Class C3 to a Class C4 HMO deemed by Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). However, in this area an Article 4 Direction⁴ (A4), introduced to prevent such permitted changes of use.
8. The internal layout of the building is a typical modest 3-bedroom family home. One of the bedrooms is a little small and that is not unusual in this type of dwelling in a family situation and the other 2 bedrooms are bigger. There is a small single bathroom with a WC and no other WCs in the building. The communal living room and dining rooms are open plan and there is a utility room on the ground floor and a small outside rear garden. Unlike the Gladstone Road appeal which has been referred to me⁵, there has been no need to change the internal accommodation to accommodate the additional resident.
9. Whilst the numerical increase has been a single additional occupant, the change is not solely one of inhabitants but one of household composition. The occupation has changed from two separate households to three separate households within a modest three-bedroom dwelling. This has the potential to alter both the internal functioning and external characteristics of the use.
10. Internally, the introduction of a third household necessarily increases the degree to which communal facilities are shared and reduces the exclusivity with which residents occupy the dwelling such as the kitchen, the modest bathroom with solitary WC and living areas. This will mainly affect the other residents. Although they have not made representations, in common sense terms they will have noticed and will continue to perceive the consequences of having to share with a further household.
11. Externally, the surrounding area is tight-knit with terraces of similar properties with short front gardens and on-street parking on both sides of the narrow road. The presence of an additional household within the dwelling results in more independent comings and goings. Different working and social patterns, increased visitor activity, greater demand for parking, storage and refuse facilities and a more intensive use of the property generally can all have noticeable effects. The appellant refers to the parking permit restrictions but that in itself may not alter car ownership. The day to day operation with competition of unrestricted spaces and

⁴ Article 4 Directions restricting permitted development of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

⁵ APP/Y1110/X/23/3316675

enforcement of parking limitations can lead to effects due to occupancy by an additional household living independently from the other occupants.

12. Whilst any particular change may be modest when viewed in isolation, the cumulative consequences of introducing a third household into a dwelling of this size is capable of resulting in a use whose character differs materially from that of the previous occupation. I have taken account of local residents' observations insofar as they assist in understanding the characteristics of the occupation that has occurred since 2022. However, my conclusion does not rest upon whether those effects are beneficial or harmful, but upon the altered pattern of occupation arising from the introduction of a third independent household.
13. I am being consistent with how the inspector in the Hoopern Street appeal⁶ considered that case for a proposed LDC. I have given more emphasis and weight in this case to what I saw at my site visit as well as evidence by correspondence from local residents explaining their experiences of living nearby. I am determining this appeal on the basis of what is proposed and the merits of the specific case. My consideration does not depend upon whether or not a Class C4 HMO could in future accommodate additional occupiers.

Conclusion

14. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of the "existing use as small HMO (Use Class C4), limited to 3no. occupants", was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in s195(3) of the 1990 Act as amended.

Andy Harwood

INSPECTOR

⁶ APP/Y1110/X/22/3293554