

Agenda item:

Decision maker: Planning Committee

Subject: Planning appeal decision relating to 34 Playfair Road

Report by: Claire Upton-Brown, City Development Manager

Ward affected: St Thomas

Key decision (over £250k):

1. Purpose of report

To advise the Committee of the outcome of the appeal, which was allowed.

2. Recommendations

That the report is noted.

3. Background

The planning application to which this appeal relates sought permission for a change of use from dwelling house (within Class C3) to purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwelling house). The application was refused under delegated powers on the basis that the proportion of HMO's in the area is over 40% and therefore the proposed change of use was contrary to Policy PCS20 and the associated HMO Supplementary Planning Document.

The Inspector accepted that the property was a 'trapped' house being surrounded by HMOs which had made it difficult to sell at a reasonable price. The Inspector considered that the marketing evidence submitted by the Appellant were such a material consideration that it outweighed the harm associated with the conflict with Policy PCS20.

The appeal was allowed and planning permission granted for the flexible use.

The view taken by the Inspector in this appeal opposes that taken by a different Inspector considering a comparable appeal relating to a property in Margate Road in 2013 (APP/Z1775/A/12/2180908). In dismissing that appeal the Inspector took the view that where the proportion of HMOs was almost 50% meant that " the community is already substantially imbalanced and allowing the appeal would worsen this situation" and "concluded that the proposal would fail

to support a mixed and balanced community given the number of existing HMOs in the locality. As a result the aims of development plan policy PCS20 as well as the Council's SPD would be seriously undermined".

It is clear that in these two comparable appeals two different Inspectors have come to two opposing views although both recognised the value of Policy PCS20 and its aim to support 'a mixed and balanced community' as set out in Paragraph 50 of the National Planning Policy Framework.

In allowing the Playfair Road appeal the Inspector came to a particular conclusion with which officers and some Members do not agree, it is not considered that decision is so fundamentally flawed to justify the resources associated with challenging it. It is the opinion of officers the view taken by the Inspector in the Margate Road appeal is the correct one and which supports the aims and objectives of Policy PCS20 and the HMO SPD.

Officers conclusion on this matter is that the appeal decision is considered as a one-off and that the view of that particular Inspector be set to one side when considering future planning applications of a comparable nature.

4. Reasons for recommendations

For information to the Planning Committee

5. Equality impact assessment (EIA)

None.

6. Legal Services' comments

The report is for information only.

7. Head of finance's comments

The report is for information only.

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Signed by:

Appendices:

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Planning application file 13/01147/FUL	Planning Services
Inspector's decision APP/Z1775/A/14/2220226	Planning Services
Planning application file 12/00526/FUL	Planning Services
Inspector's decision APP/Z1775/A/12/2180908	Planning Services