

Section 62A Applications Team
The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Our ref: PR0002016

Date: 15th September 2025

Sent via e-mail

Dear Sir/Madam,

Town and Country Planning Act 1990

16 Elmgrove Road, Bristol BS16 2AX

Change of use from a dwellinghouse occupied by people to be regarded as forming a single household (Use Class C3a) to a small dwellinghouse in multiple occupation for 3-6 people (Use Class C4), including the erection of a cycle and refuse/recycling stores

I write on behalf of my client, MKJ Construction Ltd, to apply for the change of use from a dwellinghouse in the C3a use class to a small dwellinghouse in multiple occupation (Use Class C4), including the erection of cycle and refuse/recycling storage. The applicant has chosen to take the Section 62A route and submit the proposal directly to the Planning Inspectorate. Notice of this intention was given on the 19th August 2025. I can confirm that the development would not include CIL chargeable development if submitted to the LPA.

I attach the following documents as part of this application:

- Completed application and CIL forms;
- Drawing no. 2116-1 – site location plans, and existing and proposed site plans;
- Drawing no. 2116-4 – existing and proposed floor plans and elevations (NB – no internal or external alterations are proposed to the buildings);
- BNG exemption statement.

Site and planning history

The site comprises a mid-terraced property. There is a small forecourt enclosed by low railings, and a rear garden with access to an alleyway. There is an original two-storey outrigger to the rear, and a rear roof dormer was erected under Permitted Development Rights (PDR) in 2021. The site was occupied within the C3b use class, from 1st August 2022 to 1st August 2025, contracted out to a care provider. It is currently occupied by two unrelated tenants in the C3a Use Class.

An application for the change of use to a 5-bed HMO (ref: 21/01295/F) was refused in September 2021, and dismissed at appeal in September 2022 (ref: APP/Z0116/W/22/3292393). The proposal included the rear dormer that was constructed under PDR during the course of the application and appeal. The inspector was satisfied that adequate refuse and recycling storage could be provided, but dismissed the appeal on the grounds that the percentage of HMOs in the vicinity already exceeded 10%, and that the proposal would result in the sandwiching of two C3 dwellings between two HMOs, harming the mix and balance of housing in the area, contrary to the HMO SPD and DM2.

The appeal site lies to the north of Elmgrove Road, within the defined Settlement Boundary of Bristol and the Eastville ward. The area is predominantly residential, though the Fishponds Town Centre boundary commences 45 metres to the south.

The site is covered by the East Bristol Article 4 Direction restricting PDR changes of use from C3 to C4. There are no Tree Preservation Orders, and no other policy designations apply. The building is neither locally nor nationally listed. The site falls within Flood Zone 1.

There are bus stops within 140-210 metres walking distance on Fishponds Road, with up to 15 services per hour operating in each direction towards multiple destinations, including Bristol City Centre.

Proposal

My client proposes the change of use from a dwellinghouse occupied by people to be regarded as forming a single household, (Use Class C3a) to a small dwellinghouses in multiple occupation (Use Class C4) for 3-6 people. 5no. single-occupancy bedrooms are proposed, as per the existing layout. No internal or external alterations are proposed or required, given the current uses as a C3b dwelling, with four bedrooms at first floor level, and one within the roofspace. All bedrooms

(which range in size from 7.5sqm to 15.87sqm, with an average room size of 10.44sqm) would exceed the minimum 6.51sqm requirement for a single HMO bedroom.

A 14.5sqm lounge, and separate 25.2sqm kitchen/diner, are proposed, comfortably exceeding the 18sqm minimum total living space and 7sqm minimum kitchen size requirement. Two bathrooms are proposed at ground and first floor levels, with an en-suite bathroom for bedroom 5 on the second floor. The proposal would be in full compliance with HMO licensing requirements.

Refuse and recycling would continue to be stored within the paved area to the front of the house, but within the dedicate stores (providing storage for one set of containers), and a secure and covered cycle store for three bicycles would also be provided within this area.

Planning analysis

Housing mix

Policy BCS18 supports a neighbourhood with a mix of housing tenure, types and sizes to meet the changing needs and aspirations of its residents. The supporting text states that evidence provided in the Strategic Housing Market Assessment (SHMA) suggests that new developments should provide for more accommodation for smaller households. The SHMA was updated in February 2019 for the wider Bristol area. This states that single person households are expected to represent 40% of the overall household growth: an increase of 34,000 from 2016 to 2036. The proportion of single person households is therefore predicted to increase from 31.7% to 33.3%, whilst households with children are predicted to remain constant, at 26.2%. 'Other households' (which would include shared accommodation) are predicted to increase from 8.3% to 9.8%.

The 2019 SHMA states that, *"whilst there is projected to be an increase of 34,000 extra single person households, only 14,600 extra dwellings have one bedroom (5,000 market homes and 9,600 affordable homes). This reflects that many single person households will continue to occupy family housing in which they already live."* (para 2.20). It therefore follows that the provision of accommodation for single households (which HMO rooms provide) would potentially free up family housing, in addition to meeting an identified need. The SHMA predicts that the need for 1-bed accommodation will increase by 16.8% over the period, whilst the need for 3-bed houses will increase by a broadly similar figure (17.6%).

Further to the 2019 SHMA, the LPA published the "City of Bristol Local Housing Needs Assessment Report of Findings" (November 2023), as a background paper to the new Local Plan. This predicts

that, for the period 2020-2040, single person households will represent almost a third of the overall household growth (15,000, 32%), couples without dependent children will represent almost a further third of the growth (13,600, 29%), whilst families with dependent children will make up approximately one fifth of the overall household growth (9,000, 19%). Pertinent to the application, the need for HMO and student households (9,400, 20%) exceeds that for families with children.

In terms of rental property more broadly, Bristol City Council has publicly acknowledged that the city has a “rent crisis”¹, with over one-third of the population (134,000 people) currently renting privately in Bristol. As the Council itself notes, *“Over the last decade, private rents in Bristol have increased by 52%, while wages have only risen by 24%. On average, Bristol residents now need almost nine times their annual salary to buy a house. The spiralling costs mean housing is becoming increasingly unaffordable, pushing many further away from their place of work, family, and support networks.”*

There is no doubt that a shortage of supply of rental accommodation in the city has had an impact on rentals costs. A recent (October 2023) report by Unipol and HEPI² shows that average student rental costs in Bristol, at £9,200 per room for the 2023/24 period, are the highest outside London, and have increased by 9% from 2021/22. It is not outlandish to suggest that the Council's adoption of Article 4 Directions, removing Part 3, Class L PDR to create small houses in multiple accommodation, introduced to limit the spread of HMOs, has also contributed to rising rents, for both young people in employment and students. Restricting supply will naturally increase demand.

The Bristol City Council 'JSNA Health and Wellbeing Profile 2024/25' reported a near-trebling in the number of households in temporary accommodation from 2019/20 Q3 (573) to 2024/25 Q1 (1554).

In this context, the provision of an HMO would therefore help to meet an identified need for accommodation for single households. Conversely, a revision to a use as a C3a dwelling with five bedrooms would likely result in under-occupation, given average family-sizes.

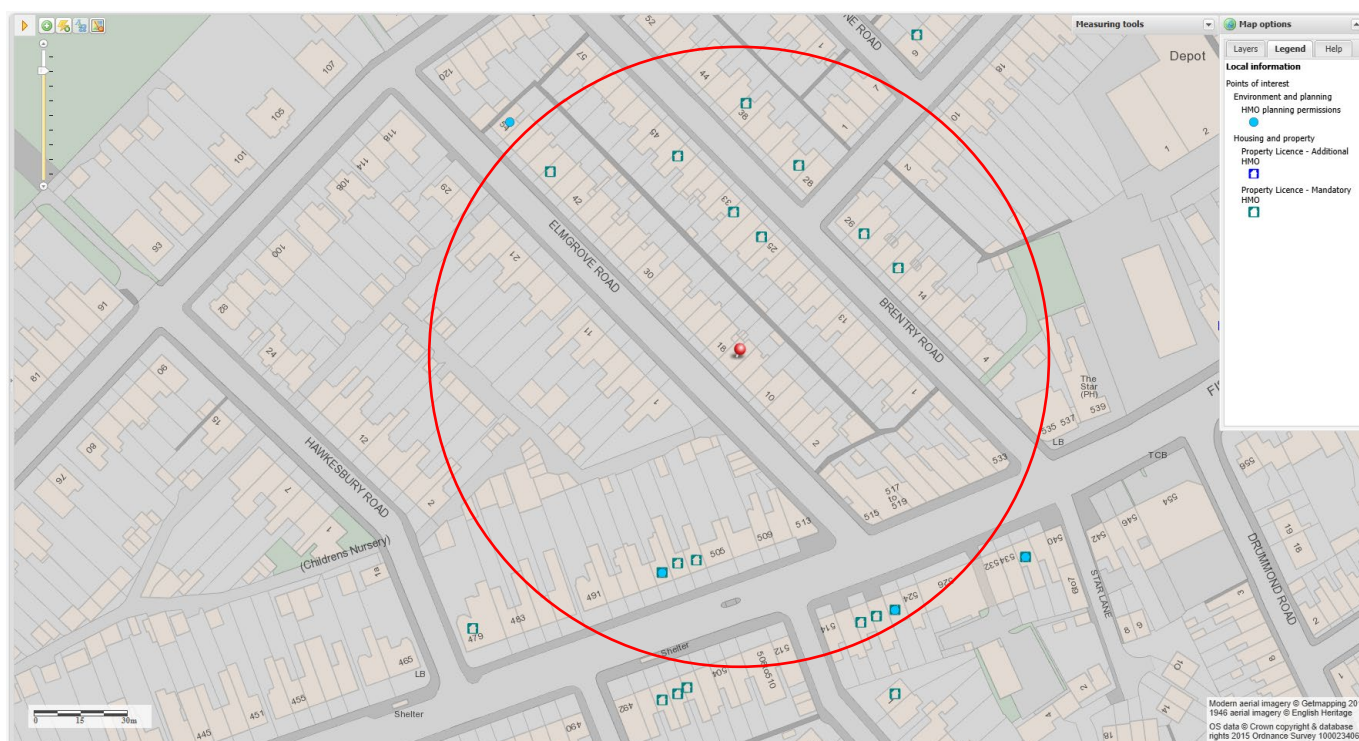
¹ <https://www.bristol.gov.uk/council-homes/tackling-the-rent-crisis>

² <https://www.hepi.ac.uk/2023/10/26/student-rents-now-swallow-up-virtually-all-of-the-of-the-average-maintenance-loan-as-market-reaches-crisis-point-in-affordability/>

"Managing the development of houses in multiple occupation" Supplementary Planning Document

The Council's 'Managing the development of houses in multiple occupation' Supplementary Planning Document identifies what constitutes a harmful concentration of HMOs. On a street level, this arises when a proposed dwelling is sandwiched between two HMOs. On a neighbourhood level, this arises when HMOs comprises 10% or more of the housing stock within a 100-metre radius. It was for this reason that the previous appeal was dismissed, though the situation locally has now changed, demonstrating that HMO provision is fluid, rather than fixed in aspic.

In respect of the neighbourhood, the Council does not provide a tool for calculating the number of HMOs within 100 metres of a site, and therefore applicants/appellants are required to manually calculate this figure. There are currently 14 HMOs within 100 metres out of 175 dwellings (accounting for flat conversions). This compares with a figure of 20 when the previous appeal was dismissed. The current proportion of HMOs therefore stands at 8%. If permission was granted at the application site, the proportion of HMOs would increase to 8.6%. As such, the 10% threshold would not be breached in any scenario.



Extract from Council's Pinpoint website (red circle indicates 100m radius).

In respect of sandwiching, the SPD states that sandwiching situations can occur, inter alia, when up to 3 dwellings in a street are located between two HMOs, or when there are HMOs both adjoining and to the rear of a (C3) dwelling. 22 Elmgrove Road is no longer a licensed HMO, and so the sandwiching situation which was previously identified is no longer occurring.

It is important to bear in mind that the SPD only states that sandwiching or a breach of the 10% threshold can have *the potential* to create harmful impacts. An extract from the SPD listing the potential harms that can arise is included below.

- **Reduced community engagement from residents** resulting from an increase in the transient population of an area;
- **Noise and disturbance** resulting from intensification of the residential use and/or the lifestyle of occupants;
- **Overlooking and loss of privacy** resulting from poorly considered internal layouts and intensification of use;
- **Detriment to visual amenity** resulting from poor waste management, poor property maintenance, accumulative external alterations to properties and use of frontage areas for off-street parking;
- **Reduced community services** resulting from a shift in the retail/business offer towards a narrower demographic;
- **Highway safety concerns** resulting from congested on-street parking and poor waste management.

The site has recently been used for a three-year period to house individuals receiving care. There is no evidence that the transient nature of this use resulted in detrimental impacts on the area, and the applicants are not aware of any noise complaints relating to the property during that time.

With regards to overlooking and loss of privacy, the change from a five-bed C3a dwelling to a five-bed HMO could not be considered an intensification, and no additional windows are proposed. The only additional development (in respect of visual amenity), would be the cycle and refuse/recycling stores, which are policy requirements to address any potential highway concerns, and would be partially screened by the front boundary wall. Given the absence of intensification, and the highly sustainable location, the proposal is unlikely to generate significantly more vehicle movements as a C4 dwelling than as a C3b dwelling (which it could lawfully move back to, and which would include visits by health care providers, support workers, social workers and family), and there is no evidence of a reduction in community services locally,

with the Town Centre continuing to more than adequately serve both HMO and non-HMO residents alike.

The SPD also identifies a Good Standard of Accommodation, and proposes to adopt the current standards for licensable HMO properties. Given that the Council did not object to the previous same plans on these grounds, they evidently comply with these requirements, as the proposed plans demonstrate.

In summary, none of the potential harms identified with HMOs are present in this particular instance, and there would be no conflict with the relevant local plan policy (DM2).

The principle of HMO accommodation in this location is therefore acceptable, subject to an analysis of neighbour impact, design and parking, which is included below.

Design

Policy BCS21 requires development to contribute to an area's character and identity, creating or reinforcing local distinctiveness.

Policy DM26 requires design to respond appropriately to the existing built environment, particularly in respect to predominant materials and architectural styles. DM27 requires quality landscape design which responds to the contextual character, whilst policy DM30 requires development to respect the setting of the host building and the general streetscene.

The proposal is for a change of use only, with the only physical alterations comprising the erection of cycle and refuse/recycling stores, within an area currently used for informal refuse storage, and partly screened by existing boundary wall from public view. As such, the proposal would not unduly impact on the character and appearance of the area.

Residential amenity

Policy DM2 seeks to ensure that the conversion of properties to HMOs results in adequate residential amenity, does not result in harm due to excessive noise and disturbance, any impact upon street parking, the character of the dwelling or through inadequate refuse or cycle storage.

The requirement for a mandatory HMO licence will help ensure that the property is well-managed, and that the amenity of neighbours is not prejudiced. Whilst a common concern with regards to HMO conversions is an increase in noise and disturbance, these issues, should they

arise, can be dealt with through environmental protection legislation, and it would be considered unreasonable to request an HMO management plan in respect of this planning application, or to condition the provision of any such plan, when this separate legislation would apply in any case. In conclusion, the proposal would not give rise to significant harm to neighbour amenity.

With regards to residential amenity, all the bedrooms would exceed the requirements for a single bedroom, and policy-compliant shared facilities (living room and kitchen) are proposed.

Parking, cycle and refuse/recycling storage

The Council's Waste Guidance states that for every three bedrooms (NB – the guidance does not state that this requirement should be rounded up) a refuse bin, two dry recycling boxes (44ltr & 55ltr), kitchen waste bin (29ltr) and cardboard sack (90ltrs) is required. Storage for 1 set of containers is once more proposed.

DM23 states that for both C4 and C3 dwellings, three bike storage spaces are required for properties with four or more bedrooms. Secure and covered cycle storage for 3no. bicycles is proposed within the front patio area.

DM23 states that the maximum number of spaces permitted for a C4 dwelling is 1.5 spaces (for properties with 3-6 bedrooms). This is in line with the supporting text to DM23, which states, "*The approach to the provision of parking aims to promote sustainable transport methods, such as walking, cycling and public transport, as encouraged by Core Strategy policy BCS10*" (para 2.23.7). The policy also states (in line with the NPPF), that development should not give rise to unacceptable traffic conditions.

It is unlikely that the use as a HMOs would generate any more vehicle movements than as similarly-sized C3 dwellings, or that the proposal would give rise to unacceptable traffic conditions, given the highly sustainable location.

Other issues

Biodiversity net gain

The Environment Act 2021 introduces the mandatory "biodiversity net gain" (BNG) requirement for new housing and commercial development in England, subject to any exemptions that may apply. The exemptions that apply to the BNG requirements are habitats below a 'de minimis' threshold of 25 metres squared; or five metres for linear habitats like hedgerows.

As the proposal is for a change of use only and the cycle store and refuse/recycling would be erected on an existing sealed surface. The proposal would be exempt from the BNG requirement. If the Inspector considers that the NPPF§187d requirement to provide net gains for biodiversity applies to the application site, then the provision of bird and/or bat boxes could be secured by condition.

Sustainable energy

The application is for a change of use only that involves no increase in floorspace or subdivision of units. As such it is exempt from the requirement for a sustainability and energy strategy, and the need to achieve a 20% reduction in carbon emissions, or to follow the heat hierarchy. The Policies BCS13-15 do not therefore apply in this instance.

CIL

As the proposal is for a change of use with no additional floorspace, the proposal would be exempt from CIL.

Conclusion

The HMO SPD was adopted not to prevent HMOs, but to ensure that they are not overconcentrated in particular neighbourhoods, and to direct them towards areas with lower concentrations. The current proposal would not result in any harm arising from any potential sandwiching, and the proportion of HMOs within 100 metres would remain far below 10%. As such, there can be no in-principle objection to the properties being used as small HMOs, and the overwhelming proportion of properties in the area would continue to provide family accommodation.

The Council recognises, in its Equalities Screening for the HMO SPD, that, *"It is possible that a reduction in the supply of HMOs at a local level may have a disproportionate impact on the groups who typically occupy this type accommodation - i.e. younger people (e.g. students), migrants and those on lower incomes. Impacts may include possible increases in rent and/or increases in commuting distances for work or studying."* Similarly, in respect of draft policy H6 (Houses in multiple occupation and other shared housing) of the new Local Plan, the Equality Impact Assessment lists the potential adverse effects of the policy as, *"Deprivation/Age (younger people): People including younger people on lower incomes in need of more affordable*

accommodation, such as HMOs/shared housing, may experience supply issues in areas where imbalance exists between this form of housing and other housing types."

As this letter details, rents have risen across the city since the introduction of the HMO SPD, and supply has shrunk, and whilst correlation does not necessarily equal causation, it is axiomatic that prices rise as supply falls. In this context, it is all the more important to approve HMOs in areas where the 10% threshold has not yet been reached. As such the proposal would meet the aims of both BCS18 and DM2.

In the context of the Council not having a 5YHLS, not meeting the 2024 Housing Delivery Test (the fourth consecutive year that this has happened) and paragraph 11d of the NPPF currently being engaged, the proposal offers: social benefits through the provision of housing suitable for single person households, whilst providing communal living which can combat the acknowledged health impacts of loneliness; economic benefits through increased spending in the locality; and environmental benefits through the more efficient use of land to provide increased accommodation (over the provision of new-build one-bedroom accommodation).

The proposal would provide a high standard of accommodation and represent a valuable addition to the housing stock in a highly sustainable location, with excellent sustainable transport links.

The fee will be paid directly to the Planning Inspectorate. If you have any further queries, then please do not hesitate to contact me.

Yours faithfully,

Stokes Morgan Planning Ltd



Appeal Decision

Site visit made on 19 July 2022

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd September 2022

Appeal Ref: APP/Z0116/W/22/3292393

16 Elmgrove Road, Fishponds, Bristol, BS16 2AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by MKJ Construction Ltd (Mr A Lee) against the decision of Bristol City Council.
 - The application Ref 21/01295/F, dated 04 March 2021, was refused by notice dated 24 September 2021.
 - The development proposed is the change of use to House in Multiple Occupation including alterations and loft conversion.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form incorrectly noted the agent as the company name instead of the MKJ Construction Ltd. This was clarified in correspondence and is the company name used on the Council's decision notice and on the appellant's appeal form.
3. At the time of my site visit, I saw that the development had been completed. I have dealt with the appeal on that basis.
4. The proposed change of use from a Class C3 dwelling to a Class C4 House in Multiple Occupation (HMO) with 6 or fewer occupants would, under normal circumstances, not require the benefit of planning permission, being permissible under the Town and Country Planning (General Permitted Development) (England) Order 2015. However, an Article 4 Direction to remove this entitlement in this area of Bristol took effect in June 2020 and remains in place.

Main Issues

5. The main issues are;
 - The effect of the development on the mix and balance of housing in the area; and
 - Whether adequate refuse and cycling storage is provided.

Reasons

Mix and Balance of Housing

6. The appeal site is a mid-terrace, two-storey property located in a predominantly residential area. It is served by a small front garden and a modest rear garden. The appeal property appears to have undergone a recent renovation, with evidence of new windows and doors, rendering and rear garden landscaping. Internally works to facilitate the development had been completed.
7. Policy DM2 of the Site Allocations and Development Management Policies (2014) (SADMP) establishes that HMOs will not be permitted where, amongst other things, they would create or contribute to a harmful concentration of such uses within a locality. The Council's supplementary planning document Managing the Development of Houses in Multiple Occupation (2020) (SPD) advises that more than 10% HMOs in any neighbourhood is considered a likely tipping point, beyond which negative impacts to residential amenity and character are likely to be experienced and housing choice and community cohesion start to weaken.
8. The Council and the appellant are in dispute with regards to the number of HMOs within the 100-metre radius. The Council consider that 13.92% of dwellings are HMOs. The appellant has drawn a different figure of 11.4%, however this is still above the threshold identified in the SPD. Whilst the appellants figure is only a marginal increase above the 10% threshold, it would nevertheless reduce the choice of family homes in the area, exacerbate the existing conditions and undermine the objectives of SADMP Policy DM2 and the SPD.
9. Additionally, the SPD states that existing residential properties being sandwiched by HMOs are unlikely to be consistent with policy. The SPD provides examples of sandwiching scenarios, with one example being up to three single residential properties in a street located between two single HMO properties. No 22 Elmgrove is an existing HMO property and the conversion of No 16 to an HMO would sandwich No's 18 and 20 between them.
10. There may be greater demand for accommodation for students and younger adults in this specific area of the city. There may also be a greater shortfall of housing for this demographic, compared to family housing. However, the Council's planning policies and guidance are specifically concerned with addressing any imbalance in communities and housing mix, as well as the avoidance of harmful concentrations of HMOs.
11. The appellant has sought to demonstrate that there is no shortage of family housing in the area by providing details of properties for sale and rent near the appeal site. Whilst this demonstrates that family housing exists in the area, it does not demonstrate that sufficient levels of such housing has been provided.
12. When compared to the standards applied by the Council, the proposed development would exacerbate an existing overconcentration of HMOs in the area. As a result, the proposed change of use would have an adverse effect on the mix and balance of housing in the area. The development therefore conflicts with Policy DM2 of the SADMP, and the guidance contained within the SPD, which seek, amongst other things, to ensure that developments create sustainable, balanced, and mixed communities and prevent harmful concentrations of HMOs.

Cycle and Refuse Store

13. Policy DM2 of the SADMP sets out that the intensification of existing HMOs will not be permitted where it would harm residential amenity or the character of the locality as a result of inadequate storage for recycling/refuse or cycles. Appendix 2 of the SADMP sets out that 3 cycle parking spaces per four or more bedroom dwellings including HMOs should be provided.
14. The appellant has indicated that cycle storage would be provided within the rear garden and that access would be via a rear lane. Refuse and recycling storage would be located in the front garden. A block plan has been provided by the appellant demonstrating that there is sufficient space for cycle storage and refuse. I have had regard to the Council's submission that they consider a suitably worded condition could overcome their reasons for refusal.
15. During my site visit I noted that there was sufficient space in both the front and rear gardens to accommodate cycle and refuse storage. Whilst some detailed information had not been provided with the submission, this could be conditioned, were I minded to allow the appeal. However, as I am dismissing the appeal on other issues, I have not pursued this matter further.
16. For the reasons set out above I consider that the development would make adequate provision for cycle and refuse storage. Accordingly, I find no conflict with Policies DM2 and DM32 of the SADMP.

Other Matters

17. The Council has confirmed that it is unable to demonstrate a five-year supply of deliverable housing sites. Paragraph 11d of the Framework is therefore engaged, while Policies BSC18 and DM2 relating to the provision of housing are considered out of date. However, I have still attributed some weight to the policies due to their general consistency with the aims of the Framework. The appeal scheme whilst allowing potentially more occupiers to share a property would not involve the supply of any additional new dwellings. The minor alterations to the property would also not entail significant construction work. The socio-economic benefits of the proposal are therefore limited. I consider that the aforementioned adverse effects of the development, would significantly and demonstrably outweigh the benefits of the appeal scheme.
18. Both parties refer to recent appeal decisions. However, I have not been provided with full details of those case and, as such, I can attach little weight to the Inspector's findings. In any event, I am required to reach conclusions based on the individual circumstances of this appeal.

Conclusion

19. For the reasons set out above, I conclude the appeal should be dismissed.

Tamsin Law

INSPECTOR