



Appeal Decision

Site visit made on 6 December 2011

by **Clive Tokley MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3 January 2012

Appeal Ref: **APP/J0350/A/11/2161018**

Nursery Cottage, High Street, Colnbrook, Slough, SL3 0LX.

- 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 Mr Manmeet Jabble against the decision of Slough Borough Council.
 - The application Ref P/10768/001, dated 7 January 2011, was refused by notice dated 1 April 2011.
 - The development proposed is a change of use from a house in multiple occupation to a guest house.
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Decision

1. The appeal is dismissed.

Main Issues

- 2 The main issues are the effect of the proposal on the supply of potential family accommodation and its effect on the living conditions of nearby residents.

Reasons

Supply of potential family accommodation

3. Nursery Cottage was originally a single dwellinghouse and lies within a predominantly residential area comprising dwellings and purpose built flats. An enforcement notice issued in 1999 alleging use as a house in multiple occupation (HMO) was upheld on appeal in February 2000 (ref T/APP/J0350/C/99/1026062) and this required a cessation of the use of the premises as an HMO within a period of 4 months. There is no disagreement between the parties that the enforcement notice remains extant. Further the Council does not dispute the appellant's indication that if the notice was to be complied with the use of the dwelling could then be lawfully changed (as "permitted development") to Class C4 - Houses in Multiple Occupation (3-6 Occupants) of the Town and Country Planning Use Classes Order 1978 (as amended) (UCO).
 4. At the time of my site visit the building had been configured along the lines of the proposed layout and appeared to be either in use or ready for use as a guest house within Class C1 (Hotels) of the UCO. There is no outward evidence of such a use but residents and the Council have submitted internet advertisements clearly identifying the property as providing newly-opened bed
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and breakfast accommodation advertising a room rate and a reservation hot line number.

5. Saved policy H24 of the Local Plan for Slough 2004 (LP) relates specifically to the conversion of houses to guesthouses and sets out criteria against which proposals will be determined. The preamble to that policy draws attention to a shortage of large family houses in Slough and indicates that the loss of this type of accommodation would increase pressures on the Borough's housing stock. This concern is reflected in Criterion a) of the Policy which indicates that houses for conversion should either not be in use for normal single family use or be incapable of such use. The thrust of this concern is restated in The Slough Local Development Framework Core Strategy 2006 – 2026 (Adopted 2008) (CS) which indicates a need to address the shortage of family housing and indicates in Core Policy 4 that there should be no loss of family houses as a result of flat conversions, changes of use or redevelopment.
6. The appellant argues that Policy H24 should be regarded as an exception to the general presumption within Core Policy 4. However the CS Policy post dates the LP Policy and both policies and their preambles stress the Council's concern about the loss of family dwellings. Both parties comment on the ease or otherwise of converting the building back to a single dwelling but this is not a determinative factor in whether the proposed change of use would be acceptable.
7. The Development Plan policies indicate a continuing and pressing need for family dwellings and although the current amenity space at the appeal property does not meet the Council's 1990 guidelines for new family houses I consider that the appeal property is both capable of and suitable for use as a family dwelling. The appellant refers to the fact that there is no Article 4 Direction here to prevent the change from a family dwelling to an HMO but that is the case for the vast majority of single family dwellings. The fall back use indicated by the appellant is a matter for him but in my view the provisions within the UCO and "permitted development" regime do not reduce the weight that should be attached to the development plan policies that seek to safeguard family houses from change of use or conversion.
8. The appellant indicates that there is a demand for guest house accommodation in the area of Heathrow Airport; however I have seen no evidence of a quantified need for more accommodation of this type or any other evidence to indicate that the aim of the Core Strategy as regards family housing should be overturned. On this issue I conclude that the proposal would conflict with Policy H24 of the LP and Policy 4 of the CS by reducing the potential for the provision of family accommodation.

Living Conditions

9. I am conscious of the appellant's indication that guests may be using Heathrow airport and in my view this would increase the likelihood of disturbance for nearby residents in the evenings and early mornings as guests arrive and depart. Whilst not a reason for refusal I consider that this aspect of the use of the premises as a guest house would be likely to be harmful to the living conditions of immediate neighbours which would conflict with criterion f) of LP Policy H24.

Conclusion

10. Having taken account of all matters I conclude that the proposal would result in the loss of a potential family dwelling in conflict with the Development Plan and would be likely to result in increased noise and disturbance for nearby residents thereby harming their living conditions. I have concluded that the appeal should be dismissed.

Clive Tokley

INSPECTOR