

**REPORT TO: PLANNING COMMITTEE**  
**Date of Meeting: 27<sup>th</sup> March 2023**  
**Report of: City Development Strategic Lead**  
**Title: Appeals Report**

**Is this a Key Decision? No**

**Is this an Executive or Council Function? No**

**1. What is the report about?**

- 1.1 The report provides Members with information on latest decisions received and new appeals since the last report.

**2. Recommendation:**

- 2.1 Members are asked to note the report.

**3. Appeal Decisions**

- 3.1 [22/0045/LED](#) – **13 Devonshire Place** - *Change of use from House in Multiple Occupation for 6 residents, to House in Multiple Occupation for 7 residents.*

Appeal was allowed with conditions.

The Council concluded the change from a 6 bedroom HMO, to 7 bedroom HMO was not considered lawful. The Council considered the additional resident would result in an intensified use of the property, and change the property so it would become a different character, and would constitute a material change of use. As this was an application for existing use, the Council consulted neighbours seeking factual information, and 21 responses were received.

The Inspector considered whether an additional person was a material change of use. If the change of use between uses is not material, then it is not development within the meaning of s55(1). For a material change of use to have occurred, there must be some significant difference in the character of the activities from what has gone on previously, as a matter of fact and degree.

The applicant declared the property had been occupied by 7 tenants since the 20/21 academic year, and the Inspector gave substantial weight to the declaration. The property had been occupied by 7 students for some time prior to the date of the certificate application and was an important factor in the Inspector's consideration. The use of the property had allowed an opportunity for any actual effect on the character of the property and the area to be assessed. While the Inspector acknowledge the correspondence from neighbours, the comments were considered generic, rather than specific to the increase by a single student and how this has led, and would continue to lead, to a change in the character of the property or area that would amount to a material change of use. The Inspector stated the Council did not explain how the increase in the number of occupants of the property by one would lead to a change in the character of the property or area that would be material.

The Inspector concluded on the balance of probability, the Appellant's case to be precise and unambiguous and that this demonstrates that a material change of use has not resulted from the presence of an additional person at No 13.

#### **4. New Appeals**

- 4.1 [21/0020/OUT](#) – **Land Off Pendragon Road** – *Outline planning application for a residential development of up to 100 dwellings and associated infrastructure (All matters reserved except access) - Revised plans and additional information received.*
- 4.2 [22/1400/LED](#) – **6 Gladstone Road** - *Existing use of upper floor flat as small HMO (Use Class C4), limited to three occupants.*

Ian Collinson

**Director of City Development**

Local Government (Access to Information) Act 1985 (as amended)

Background papers used in compiling the report:

Letters, application files and appeal documents referred to in report are available for inspection from: City Development, Civic Centre, Paris Street, Exeter

Contact for enquiries: Democratic Services (Committees) - Tel: 01392 265275