

Report of the Head of Planning and City Regeneration

Planning Committee – 6 June 2019

APPEAL DECISION

1.0 Purpose of the Report

- 1.1 The purpose of this report is to provide members with information of an appeal decision the Council has recently received on 23rd May 2019 in connection with a scheme relating to a proposal for a House in Multiple Occupation ('HMO'). The decision is an important one as it is the first decision the Council has received from the Planning Inspectorate in connection with the Council's new policy on HMO's – Policy H 9 (as set out in the Local Development Plan Adopted in February 2019) and details the Planning Inspector's approach to applying the Policy.

Appeal Decision

- 1.2 The Council, under Delegated Powers granted to the Head of Planning and City Regeneration refused an application for planning permission for a 6 bedroom 6 person HMO at 214 St Helens Avenue, Brynmill on 24th January 2019. The reason for refusal was as follows:

The proposed change of use of the dwelling to a HMO, by virtue of the existing high concentration of HMO properties in the local area, would result in a 47% concentration of HMOs within a 50m radius of the dwelling and therefore contrary to the 25% threshold contained within Policy H9 of the Emerging Swansea Local Development Plan. Accordingly the HMO would be to the detriment of the social cohesion of the surrounding area through an over-intensification that would lead to an unbalanced and unsustainable community contrary to the provisions of Policy HC5 of the Swansea Unitary Development Plan (2008), Policies PS2 and H9 of the emerging Swansea Local Development Plan and the National Policy aims set out in the Planning Policy Wales (Edition 10, December 2018) of creating sustainable and inclusive mixed communities.

- 1.3 The refusal was made in light of the Local Development Plan, which at the time of decision was well advanced with the inspectors report then awaited. In the decision the inspector makes reference to the conflict of the proposal with the newly adopted policy H 9 explaining that "*it would fundamentally undermine the Council's objectives to foster balanced and cohesive communities*". Specific reference in the decision is made to previous approvals for HMOs, however, the policy context for those decisions was seen as being 'materially different' in the sense that former schemes were approved on the basis of the Unitary Development Plan which did not adopt a threshold approach.

1.4 The inspectors report, which sets out the material considerations and assessment is appended.

2.0 Recommendation

2.1 The appeal decision be noted.

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