

PLANNING APPEAL STATEMENT

**11 Woodville Gardens
Ruislip**

**APPEAL AGAINST
LONDON BOROUGH OF
HILLINGDON TO REFUSE
PLANNING
APPLICATION FOR:**

**CHANGE OF USE FROM
DWELLINGHOUSE
(CLASS C3) TO SMALL
HOUSE IN MULTIPLE
OCCUPATION (CLASS
C4), INCLUDING
CONVERSION OF
GARAGE SPACE TO
HABITABLE SPACE AND
AMENDMENTS TO
FENESTRATION**

July 2026

**WRITTEN
REPRESENTATION
APPEAL**

AJM PLANNING

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1. INTRODUCTION

- 1.1 This statement has been prepared in support of a planning appeal against the London Borough of Hillingdon to refuse planning permission for an application proposing Change of use from dwellinghouse (Class C3) to small House in Multiple Occupation (Class C4), including conversion of garage space to habitable space and amendments to fenestration
- 1.2 The council validated the application on the 20th January 2026 giving it the reference 75895/APP/2026/164 and refused the planning application on the 8th June 2026 for the following 3 reasons.

Reason One

The proposed development would provide a substandard and unsatisfactory internal living environment for future occupiers by reason of the limited and inadequate communal accommodation proposed, including the absence of sufficient internal communal living or recreational space. The proposal would therefore fail to provide a comfortable, functional and fit-for-purpose living environment for future occupiers, contrary to Policies D3 and D6 of the London Plan (2021), and Policies DMH 5 and DMHB 16 of the Hillingdon Local Plan Part Two (2020).

Reason Two

The proposed change of use from a dwellinghouse (Use Class C3) to a four-bedroom House in Multiple Occupation (Use Class C4) would result in an over-intensive form of occupation that would materially increase levels of activity, comings and goings, noise and disturbance, to the detriment of the amenities of neighbouring occupiers and the established residential character of the area. The proposal would therefore be contrary to Policy EM8 of the Hillingdon Local Plan Part One (2012), Policies DMH 5, DMHB 11 and DMHD 1 of the Hillingdon Local Plan Part Two (2020), Policies D3 and D14 of the London Plan (2021), and paragraph 135(f) of the National Planning Policy Framework (2024).

Reason Three

The intensified nature of the proposed House in Multiple Occupation use, including the increased residential and servicing activity associated with occupation by multiple unrelated individuals, would be out of keeping with the established character of the area, which is predominantly characterised by single family occupation. The proposal would therefore be contrary to Policy BE1 of the Hillingdon Local Plan Part One (2012), Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan Part Two (2020), and Policies D3 and D4 of the London Plan (2021).

- 1.3 This Planning Appeal Statement and all accompanying evidence sets out why the decision should be overturned and why the Planning Inspector is kindly requested to grant planning permission.

2. SITE DESCRIPTION

- 2.1 The Delegated Report and submitted Planning, Design and Access Statement is considered to describe the site adequately. It is not considered necessary to repeat this issue.

3. PLANNING HISTORY

- 3.1 The circumstances surrounding the need for this application and now subsequent appeal are highlighted in the submitted Planning, Design and Access Statement. For clarity this application follows the Council imposing an immediate article 4 meaning its conversion to a Use Class C4 property is no longer possible under permitted development.
- 3.2 Work commenced on conversion on 25th November 2025 prior to the article 4 notice being made with immediate effect on the 10 December 2025. Works were not complete prior to the imposition of the Article 4.
- 3.3 Works were completed February 2026.

4. RELEVANT PLANNING POLICIES

- 4.1 A detailed list of policies has been set out within the Council's Delegated Report. The appellant does not disagree on the policies outlined. As part of the appeal, the Council will provide copies of the relevant policies.

5. APPEAL PROPOSAL

- 5.1 The Delegated Report is considered to cover the main elements of the proposal. It is not considered necessary to exhaustively repeat the description of the proposal, the Case Officer Report describes it in depth.

6. THE COUNCIL'S DECISION AND PRINCIPLE OF DEVELOPMENT

- 6.1 A copy of the Council's decision notice is provided with this appeal submission.
- 6.2 Within Hillingdon the population continues to grow, housing demand remains acutely high as acknowledged in the Council's Local Plan. The Council like many others have publicly acknowledge a challenging financial environment for the Borough where regeneration and growth need to be delivered in a responsible and sustainable way.
- 6.3 To support safe, strong and cohesive communities and improve the quality of housing in Hillingdon, the Council is seeking to ensure that a range of choices is available, with a variety of sizes and types of accommodation to meet the aspirations of residents and increase access to affordable, good quality homes.
- 6.4 While this is respected, the reality is that the Council will have to and already is reliant upon small sites such as the submitted to provide housing needed desperately now and into the future. It is therefore imperative that sites like this are supported and approved without delay. The provision of HMO's while it is accepted that they are not always politically supported, provide a key form of accommodation for those that require such accommodation, while there is an acknowledged need for family units, this cannot be act the expense of those that need alternative forms.
- 6.5 In the case of this property, this HMO has been designed to accommodate those people with access needs i.e. wheelchairs, a specialist form of accommodation that is scarce within the borough.
- 6.6 The Council's assessment of Policy DMH 5 acknowledges that the proposal falls to be determined against the requirements of the policy following the introduction of the Borough-wide Article 4 Direction. However, the conclusions reached regarding the concentration of HMOs are unsupported by evidence and do not justify withholding planning permission.

- 6.7 Policy DMH 5 seeks to prevent harmful concentrations of Houses in Multiple Occupation by establishing clear numerical thresholds.
- 6.8 The Council expressly acknowledges that it is unable to determine whether either threshold has been exceeded. The Officer's report confirms that there are no planning permissions, lawful development certificates, HMO licences or other definitive records identifying the full extent of HMO occupation within either the surrounding neighbourhood or the relevant 100-metre assessment area.
- 6.9 Whilst neighbour representations allege the existence of HMOs elsewhere within Woodville Gardens, the Council accepts that these claims cannot be verified through objective evidence. The report therefore concludes that the Local Planning Authority "cannot conclusively verify the precise concentration of HMOs" and is unable to demonstrate whether the proposal would either exceed or comply with the thresholds contained within Policy DMH 5.
- 6.10 This is a significant concession. Planning decisions must be based upon evidence rather than speculation or unverified assumptions. Where a development plan policy contains measurable criteria, it is incumbent upon the Local Planning Authority to establish, through objective evidence, whether those criteria are or are not satisfied. An absence of evidence cannot reasonably be treated as evidence of conflict with policy.
- 6.11 The Council's reasoning effectively reverses the burden of proof by suggesting that, because the Authority cannot verify compliance, permission should not be granted. Such an approach is inconsistent with the plan-led system established by section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires decisions to be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 6.12 A proposal cannot properly be found contrary to a policy where the decision-maker accepts that there is insufficient evidence to demonstrate non-compliance.

- 6.13 Furthermore, the Article 4 Direction itself does not alter the policy tests contained within DMH 5. Its purpose is simply to require planning permission for changes of use that were previously permitted development. It does not create a presumption against HMOs, nor does it remove the requirement for the Local Planning Authority to demonstrate, on the balance of evidence, that a proposal conflicts with adopted planning policy.
- 6.14 The Council also recognises that many lawful small HMOs established before the Article 4 Direction may not appear on licensing registers or planning records. Whilst this may make data collection more challenging, it cannot justify refusing planning permission where the Authority has not undertaken sufficient evidence gathering to establish the relevant HMO concentration. Administrative uncertainty is not a planning harm and cannot reasonably be relied upon as a basis for withholding permission.
- 6.15 In the absence of objective evidence demonstrating that either the 20% neighbourhood threshold or the 15% street-length threshold would be exceeded, there is no evidential basis upon which to conclude that the proposal conflicts with Policy DMH 5.
- 6.16 Accordingly, the proposal should be assessed on the basis of the evidence available, which does not demonstrate any harmful concentration of HMOs or any conflict with the numerical requirements of the adopted policy. This element of the Council's assessment should therefore be afforded limited weight.

7. RESPONSE TO REASON FOR REFUSAL

- 7.1 The Council's conclusion that the proposal would result in an over-intensive form of occupation causing unacceptable harm to neighbouring residential amenity is not supported by the evidence and is based upon assumptions regarding the nature of HMO occupation rather than the specific characteristics of the proposed development.
- 7.2 Whilst Policy DMH 5 of the Hillingdon Local Plan recognises that some Houses in Multiple Occupation have the potential to give rise to increased levels of activity, the policy does not establish a presumption that all HMOs are inherently harmful. Each proposal must instead be assessed on its individual merits, taking account of the scale of the accommodation proposed, the likely pattern of occupation and whether any material planning harm would actually arise.
- 7.3 The proposal comprises a four-bedroom HMO occupied by a maximum of four residents. This level of occupation is entirely comparable to that of a typical family dwelling, where four or more occupants would commonly reside. The proposal therefore does not introduce an increase in the number of occupants beyond what could reasonably occur under the existing lawful use as a Class C3 dwellinghouse.
- 7.4 The Council's assessment relies heavily on the proposition that unrelated occupants inevitably generate materially greater levels of activity than a single household. This is a broad generalisation which is unsupported by any site-specific evidence. There is no empirical evidence before the Inspector demonstrating that four unrelated occupants of this particular property would generate materially greater levels of noise, vehicle movements, servicing activity or disturbance than four related occupants living as a family.
- 7.5 In this case, the proposed accommodation is specifically intended to meet the needs of residents requiring supported or adapted accommodation. The nature of the occupation is such that the property will not function as a high-

turnover or transient HMO. The occupants are expected to maintain stable residency, with managed occupation and a level of daily activity that is comparable to, and in many respects likely to be lower than, that of a conventional family dwelling. Consequently, the intensification of occupation relied upon by the Council simply does not arise in this instance.

- 7.6 The Council further suggests that each occupier would maintain separate daily routines, visitors and deliveries, leading to materially increased comings and goings. However, this assertion is speculative. Modern family households frequently comprise adults with differing working hours, education commitments, social activities and independent lifestyles, resulting in varied daily movements that are entirely comparable to those associated with four unrelated occupants. The planning system cannot reasonably distinguish between occupants solely on the basis of their relationship to one another where the overall level of occupation remains comparable.
- 7.7 Similarly, the concerns regarding increased servicing activity, refuse generation and vehicular movements are unsupported by objective evidence. A four-person household, whether occupied by related or unrelated individuals, produces similar levels of domestic waste and requires similar servicing arrangements. No evidence has been presented to demonstrate that the proposal would generate refuse or servicing demands beyond those ordinarily associated with a dwelling of this size.
- 7.8 The Council also places reliance upon appeal decisions relating to 131 York Avenue and 47 Hanover Circle. Those decisions concerned materially different proposals involving larger-scale HMOs where the Inspectors considered the cumulative impacts arising from a significantly greater intensity of occupation. In the case of York Avenue the proposal was for an 9/10-person HMO and Hanover Circle was for an 8-person HMO. The circumstances of those appeals are therefore distinguishable from the present case, the reliance on applications that are entirely different only highlights the Council's desperate attempt to try and substantiate this reason for refusal.

- 7.9 The current proposal is limited to four residents within an existing dwelling and does not involve the substantially greater levels of occupancy or activity considered in those decisions. Appeal decisions must be considered in the context of their own facts and do not establish a principle that every small HMO will necessarily result in unacceptable residential amenity impacts.
- 7.10 The physical form of the development is also of significance. The proposal involves only minor external alterations, with no extensions, no increase in built form, no intensification of outdoor amenity space, and no changes that would increase overlooking, overshadowing or loss of privacy. The Council's concerns therefore rest solely upon assumptions regarding occupancy rather than any demonstrable physical impact.
- 7.11 The proposal would remain residential in character and would continue to operate in a manner comparable to a conventional dwellinghouse. There is no persuasive evidence that neighbouring occupiers would experience levels of noise, disturbance or activity materially exceeding those associated with the lawful C3 use of the property.
- 7.12 Accordingly, the proposal complies with the objectives of Policy DMHB 11, Policy DMH 5, Policy EM8, Policy D14 of the London Plan, Policy D3 of the London Plan, Policy DMHD 1 of the Hillingdon Local Plan and paragraph 135(f) of the National Planning Policy Framework, all of which require actual and demonstrable harm to residential amenity rather than assumptions based solely upon the occupancy status of future residents.
- 7.13 For these reasons, the Council has failed to demonstrate that the proposal would result in unacceptable impacts upon neighbouring residential amenity, and this reason for refusal should therefore be afforded limited weight.

Housing Mix

- 7.14 Residents of HMOs are often seeking accommodation that differs fundamentally from self-contained flats. HMOs provide lower-cost accommodation, shorter tenancy options and shared living arrangements that

are particularly suited to young professionals, key workers, students and individuals on lower incomes. They therefore meet the needs of a different section of the housing market rather than simply duplicating existing housing stock.

- 7.15 Furthermore, this proposal does not involve the loss of an existing family dwelling. At any point in time, the proposal can be ‘unconverted’ without planning permission and a single dwelling house would once again be created.

Internal Living Environment

- 7.16 The Council concludes that the proposal would provide a substandard internal living environment on the basis that the property would contain a shared kitchen but no separate communal lounge or dining room. It is respectfully submitted that this conclusion is unsupported by adopted planning policy and gives undue weight to a design preference rather than an identified policy requirement.
- 7.17 Policies D3 and D6 of the London Plan seek to secure high quality residential accommodation that is functional, comfortable and fit for purpose. Similarly, Policies DMHB 16 and DMH 5 of the Hillingdon Local Plan require development to provide satisfactory living conditions for future occupiers. None of these policies require a small House in Multiple Occupation occupied by four residents to include a separate communal lounge in addition to a shared kitchen.
- 7.18 The Council accepts that each of the proposed bedrooms exceeds the minimum internal space standards prescribed by Policy D6 of the London Plan. Each bedroom benefits from good levels of natural light, satisfactory outlook and the provision of a private en-suite bathroom, ensuring a high degree of privacy and personal amenity for future occupiers. These are significant factors in assessing the quality of the accommodation and should be afforded substantial weight.

- 7.19 The proposal also includes a communal kitchen that is specifically designed to accommodate the shared needs of four residents. It provides space for food preparation, dining and day-to-day interaction in a manner entirely consistent with the operation of many small HMOs throughout London. The Council has provided no quantitative assessment or evidence demonstrating that the kitchen fails to meet any adopted space standard or that it would be incapable of accommodating four occupants.
- 7.20 The assertion that the kitchen would become "overly constrained" during concurrent use is speculative and unsupported by objective evidence. As with any residential property, occupants naturally use communal facilities at different times throughout the day according to individual work patterns, lifestyles and routines. There is no evidential basis for concluding that simultaneous use would routinely occur to such an extent that the accommodation would become unacceptable.
- 7.21 Furthermore, the Council's suggestion that the absence of a separate lounge would prevent adequate opportunities for social interaction or recreation is not supported by planning policy. The planning system does not prescribe how residents should choose to use communal space within their home, nor does it require a particular model of social interaction. Future occupants would have access to generous private bedrooms, each capable of accommodating seating, study and leisure activities in addition to sleeping, alongside the shared kitchen and extensive rear garden.
- 7.22 Importantly, the proposal is intended to provide accommodation for residents with particular accessibility and support needs rather than transient or highly intensive occupation. The accommodation has therefore been designed to maximise private living space while providing an appropriate communal kitchen. This reflects the intended pattern of occupation and ensures that the property functions effectively for its intended residents.
- 7.23 The Council has not identified any breach of nationally prescribed space standards, any deficiency in daylight, outlook, privacy, ventilation or

accessibility, nor any conflict with adopted HMO standards relating to room sizes. The sole criticism is the absence of an additional communal room, a requirement which is not contained within either the London Plan or the Hillingdon Local Plan.

- 7.24 In the absence of any adopted policy requiring a separate communal lounge, the Council's conclusion effectively introduces an additional development management requirement that has not been subject to examination or adoption. Such an approach is inconsistent with the plan-led system and should therefore attract limited weight.

External Amenity Space

- 7.25 The Council acknowledges that the proposal fully complies with Policy DMHB 18 and Policy DMHD 1 by retaining a rear garden substantially exceeding the Council's minimum requirement of 100 square metres for a four-bedroom property.
- 7.26 The generous private rear garden provides future occupiers with a high-quality outdoor amenity area suitable for sitting, recreation and informal social interaction. This external space forms an important component of the overall living environment and contributes positively to residents' wellbeing.
- 7.27 Having accepted that the proposal fully complies with the Council's external amenity standards, the Council nevertheless concludes that this does not outweigh the perceived shortcomings of the internal accommodation. However, this conclusion is predicated upon the unsupported assumption that a separate communal lounge is required.
- 7.28 When considered as a whole, the proposal provides:
- Bedrooms that exceed the minimum standards required by Policy D6 of the London Plan.
 - Good levels of natural light and outlook throughout the accommodation.

- Private en-suite bathroom facilities for every resident.
- A functional shared kitchen serving four occupants.
- A substantial private rear garden significantly exceeding adopted amenity standards.
- A layout specifically designed to meet the needs of its intended residents.

7.29 Taken together, these features demonstrate that the proposal would provide a comfortable, functional and fit-for-purpose living environment fully consistent with the objectives of Policies D3 and D6 of the London Plan and Policies DMHB 16 and DMH 5 of the Hillingdon Local Plan.

7.30 The Council has failed to demonstrate, through objective evidence or adopted policy, that future occupiers would experience unacceptable living conditions. Accordingly, this reason for refusal is not substantiated and should be afforded limited weight by the Inspector.

Misinterpretation of the Purpose of the Article 4 Direction

7.31 The officer appears to place reliance upon the introduction of the borough-wide Article 4 Direction as evidence that HMOs are inherently harmful to residential areas.

7.32 This interpretation is incorrect.

7.33 An Article 4 Direction does not establish a presumption against HMOs, nor does it indicate that every HMO is harmful. Its purpose is simply to remove permitted development rights so that planning applications can be assessed on their individual planning merits.

7.34 Each proposal must therefore be considered against the development plan and material planning considerations. The existence of the Article 4 Direction cannot itself constitute evidence that this particular proposal causes unacceptable harm.

- 7.35 In its approach to this scheme, the Council appears to take the view that HMO's are inherently bad, and must be refused. That is not the role of an Article 4. Each site should be assessed on its own merits.

8. **CONCLUSION**

- 8.1 The appeal proposal represents the continued use of an established and well-managed House in Multiple Occupation that has successfully provided much-needed accommodation for many years.
- 8.2 The case for providing accommodation for those with particular access needs is compelling, the property meets an identifiable local housing need, complies with the Council's HMO licensing standards, does not result in the loss of family housing, and causes no demonstrable harm to the character of the area or the amenity of neighbouring residents.
- 8.3 When assessed against the National Planning Policy Framework, the London Plan and the Barnet Local Plan, the proposal constitutes sustainable development and the planning balance weighs clearly in favour of approval.
- 8.4 Accordingly, the Inspector is respectfully requested to allow the appeal and grant planning permission.