

**TOWN AND COUNTRY PLANNING ACT 1990 SECTION 78 APPEAL AT
62 ALEXANDRA ROAD WREXHAM**

COUNCIL'S STATEMENT OF CASE

PLANNING REF: P/2016/0754

PINS REF: 3160172

1.0 THE SITE

- 1.1 The appeal property is a semi-detached property located on Alexandra Road approximately half a mile from Wrexham town centre.

2.0 PROPOSAL

- 2.1 The appellant is proposing to change the use of the property from Class C3 dwellinghouse to a Class C4 House in Multiple Occupation.

3.0 LOCAL PLANNING CONTEXT

- 3.1 The relevant development plan is the Wrexham Unitary Development Plan adopted 14 February 2005.
- 3.2 The policy directly relevant to this appeal is:
- H4 Subdivision of Dwellings
- 3.3 The above policy is supplemented by Local Planning Guidance Note 5: Conversion of Dwellings to Houses in Multiple Occupation.

4.0 THE COUNCIL'S CASE

- 4.1 Policy H4, part d) seeks to prevent an over-concentration of Houses in Multiple Occupation (HMO) to the detriment of crime levels, the social fabric of the area and the amenity of existing residents.
- 4.2 There are currently 316 HMOs in the County Borough. Most are located in Wrexham town particularly in residential areas close to the town centre. The appeal site is located within Offa ward. There are 81 HMOs in the ward, which is around a quarter of all existing HMOs in the County Borough. Just under 7% of properties in the ward are currently in use as HMOs.
- 4.3 The tables below lists the number of HMOs in Alexandra Road and adjoining streets. **Please note this table includes a correction to the one included in the Report of the Head of Environment and Planning of 3rd October 2016 which omitted 2 existing HMOs on Princess Street in error:**

Existing situation:

Street	No. of houses	No. of HMOs	HMOs as a %
Alexandra Road	59	8	14%
Bersham Road	41	4	10%
Empress Road	42	2	5%
Princess Street	55	3	2%
Victoria Road	61	10	16%
Total	258	27	10.5%

Number of HMOs if appeal is allowed

Street	No. of houses	No. of HMOs	HMOs as a %
Alexandra Road	59	9	15%
Bersham Road	41	4	10%
Empress Road	42	2	5%
Princess Street	55	3	2%
Victoria Road	61	10	16%
Total	258	28	11% (10.8%)

- 4.4 There are 8 HMOs on Alexandra Road and a further 19 HMOs on the streets adjoining Alexandra Road (Bersham Road, Empress Road, Princess Street and Victoria Road), meaning there are 27 HMOs in the vicinity of the appeal site. This equates to 10% of the all dwellings in vicinity of the site in use as HMOs and 14% of all dwellings in Alexandra Road in use as HMOs. This will increase to 11% and 15% respectively if the appeal proposals are allowed.
- 4.5 The Council is of the opinion that there is already an over concentration of HMOs in the immediate vicinity of the site as well as the wider locality – i.e. Offa ward.
- 4.6 Many HMOs, because of the nature of the tenants they house, cannot be integrated into close residential neighbourhoods and impact unacceptably upon neighbouring occupiers.
- 4.7 The immediate area has witnessed a huge increase in the number of problem HMOs, with frequent incidents of anti-social behaviour, noise, disturbance and drug issues. These frequently extend through the night causing considerable upset and disturbance to local residents.
- 4.8 The huge increase in the number of HMOs has, over a relatively short period of time, been responsible for a significant and unacceptable change to the nature of the area to the extent that many residents now feel uneasy about living in the neighbourhoods where they and their families have been settled and safe. Many are now selling up and leaving after many enjoyable decades in the locality and the integrity of the local community is in severe decline as a result.
- 4.9 The Council is concerned that if further HMOs are permitted in the locality it will exacerbate the issues discussed above.

5.0 OTHER MATTERS

- 5.1 Following the refusal of planning permission, the local planning authority was contacted by the appellant who questioned whether planning permission was required for change of use because the property had been let out as a HMO previously. It is unclear how many tenants normally occupied the property at any one time; however this does not assist the appellant.
- 5.2 The appellants have not argued or demonstrated that the property had been used to accommodate more than 6 tenants and therefore benefited from a lawful 'sui generis' use. Even if he were to do so, the lawful use of the property would fall outside of the scope of the C4 use class and therefore planning permission would still be required for change of use.
- 5.3 If the property had been occupied in a manner that would currently constitute a Class C4 and had been occupied continuously as such prior to the new use class being introduced in February 2016, then the Council would not have expected planning permission to be obtained. However the property was **unoccupied** when the new C4 use class was introduced and appears to have been so since sometime in 2015 (see appendix 1). Given the break in occupancy and the likelihood that the previous occupation of the property fell within Class C3 prior to February 2016, it is the Council's contention that the current lawful use of the property falls within Class C3. As such planning permission for change of use is required.

6.0 CONCLUSION

- 6.1 The proposed development would result in an over concentration of HMO's within the immediate locality to the detriment of the social fabric of the area and the amenity of existing residents. To allow the development would be contrary to policy H4 (d) of the adopted Wrexham Unitary Development Plan and Local Planning Guidance Note No 5, Conversion of dwellings to houses in multiple occupation. The Council therefore respectfully requests the appeal be dismissed.

A APPENDICIES

- A.1 Appendix 1: Correspondence exchanged between the case officer and appellant.