

Planning committee summary of appeal decisions

PLANNING COMMITTEE

DATE OF COMMITTEE

APPEAL DECISIONS

The following decisions have been made by the Planning Inspectorate on appeals arising from decisions of the City Council:-

Appeal Site: (Address)	62 Glen Park Avenue, Mutley.
Appeal Proposal: (Description)	Appeal against enforcement notice alleging unauthorised change of use from a single dwelling to a C4 class House in Multiple Occupation (3-6 persons sharing).
Appeal Category:	
Appeal Type:	Informal Hearing
Award of Costs:	Costs applications submitted by both sides, but none awarded.
Decision Code:	Appeal Allowed Appeal Synopsis: This mid-terraced two- storey property is in use as a C4 House in Multiple Occupation. The sole issue at stake in this appeal being whether this use commenced before 14 September 2012, when the Article 4 HMO Direction came into effect in Plymouth, which would make the current use lawful. The outcome of the appeal hinged entirely around this point. The Planning Inspector heard evidence from both sides, and Planning Officers argued that the owner of the property had failed to demonstrate that the use had been lawfully initiated prior to the introduction of the Article 4 HMO Direction. The Planning Inspector, however, concluded that on the balance of probability, the appellant was able to show that the use of the property as a C4 HMO had commenced sufficiently prior to the key date to be considered to be lawful, and the appeal has therefore been allowed.
Appeal Conditions	None given the nature of the appeal, and the fact that the grounds of appeal revolved around the timing of the change of use of the property.