
Appeal Decision

Site visit made on 16 September 2025

by **T Bennett BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 October 2025

Appeal Ref: APP/N5660/W/25/3366452

44 Lambert Road, Lambeth, London SW2 5BE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Goldjo 10 Ltd against the decision of the Council of the London Borough of Lambeth.
 - The application Ref is 24/03521/FUL.
 - The development proposed is change of use of the premise from a small HMO (Use Class C4) to a large house in multiple occupation (HMO) with 11 rooms (sui generis), including the provision of refuse and cycling facilities.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of the premise to a large house in multiple occupation (HMO) with 11 rooms (sui generis), including the provision of refuse and cycling facilities at 44 Lambert Road, Lambeth, London SW2 5BE in accordance with the terms of the application, Ref 24/03521/FUL, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Goldjo 10 Ltd against the Council of the London Borough of Lambeth. This application is the subject of a separate Decision.

Preliminary Matters

3. For conciseness, in the banner heading and formal decision I have removed reference to retrospective planning permission in the description of development as this does not describe an act of development.
4. Following the issuing of the decision notice, a previous appeal decision at the appeal site was issued¹. Whilst no comments have been made on that decision by the Council, I am satisfied that they have had the opportunity to comment on that decision.

Main Issues

5. The main issues are:
 - whether the principle of the development is acceptable with regard to its effect on housing supply; and

¹ Ref: APP/N5660/W/24/3354948

- whether the proposed development would support sustainable means of travel and mitigate its effects on the surrounding highway network.

Reasons

Housing

Loss of self-contained C3 housing

6. The previous appeal decision which was issued after the Councils determination of this application dealt with this main issue in some detail. In that appeal the proposal was for the use of the premises as a large HMO with 11 units, similar to this appeal. I have carefully considered the Inspectors report on that case. Given the similarity with this appeal, it is a significant material consideration.
7. Conflict has been cited with Policy H3 of the Lambeth Local Plan (2021) (LLP). This policy seeks to safeguard existing self-contained C3 housing. The appellant contends that the existing premises has already been in use as an 11-unit HMO since at least 2013 and so there would not be a loss of self-contained C3 housing.
8. As set out by the previous Inspector, it is not within the remit of an appeal made under section 78 of the Town and Country Planning Act 1990 to formally determine whether a particular use has already been established. It is open to the appellant to apply to have that matter determined under section 191 of the Act, and any such application would be unaffected by my determination of this appeal. I have considered the appellant's evidence relating to the previous use of the property so far as it is material to this appeal.
9. The Council consider that the property should be treated as a C3 dwellinghouse as there has been no formalisation in planning terms of any change of use of the property from a single dwellinghouse.
10. The appellant has submitted three statutory declarations from three tenants who state that the premises has been in use as an 11-unit HMO since 1 May 2013. I have no reason to dispute this information, and it aligns with the appellants contention that the property has been in this use since at least 2013. The Council also confirm that a site visit demonstrated that the appeal property was laid out as per the existing plans, this being 11 rooms with cooking facilities and shared bathrooms, aligning with a large HMO.
11. The Council also confirm that a HMO license for the property was issued allowing a maximum of 11 households and 13 persons to occupy the property from 31 January 2012 to 3 May 2016. An additional HMO license was also issued for the property by the Council on 24 July 2024, which expires on 25 January 2026, although no details have been supplied of this license. However, the granting of a HMO license does not negate the need to obtain planning permission for a larger HMO.
12. Moreover, the Inspector in the previous appeal at the site, noted that the appeal property is not subject to a Direction under Article 4 of the GPDO which would restrict changes of use from Use Class C3 to Use Class C4, nor has the Council indicated that it has any plans to introduce such a Direction. The Inspector consequently considered that under the provisions of Part 3, Class L of the GPDO the property could lawfully be used as a Class C4 "smaller" HMO. Therefore, even if the lawfulness of the current issue is not proven by way of a lawful development

certificate, it is a significant material consideration that the property can lawfully be used as a Class C4 HMO.

13. Whilst it is not within the scope of this appeal to formally determine the lawful existing use of the property, from all that I have seen and read; I am satisfied that the property has been in use as a HMO. This is the same conclusion as the previous Inspector, albeit the previous Inspector considered the site could be treated specifically as a smaller C4 HMO.
14. In conclusion, for the reasons above and considering the properties current use as a HMO, the proposal would not result in a loss of self-contained C3 housing and there would be no conflict with Policy H3 of the LLP.

Provision of new HMO accommodation

15. Part A of Policy H9 of the LLP only supports HMOs subject to them satisfying a list of criteria. The Council are satisfied the proposal would meet all the criteria except for i.) which requires that the accommodation does not result in the loss of housing suitable for occupation by families as defined in Local Plan policy H6, and ii) would meet an identified local need.
16. Part A of Policy H6 of the LLP seeks to protect dwellings suitable for occupation by families of less than 130sqm (as originally constructed) from conversion into flats. The Council confirm the property is greater than 130sqm, therefore part A is not engaged. Part B of Policy H6 relates only to self-contained units; therefore, it is also not applicable in this case. As Policy H6 would not be engaged, the supporting text of this policy at paragraph 5.39 does not apply. Given there would be no conflict with Policy H6 of the LLP I consider that the proposal would not result in the loss of housing suitable for occupation by families.
17. In relation to meeting an identified need, the supporting text to Policy H9 requires that reference is made to sources including the Lambeth Strategic Housing Market Assessment 2017 (SHMA), the Lambeth Housing Strategy and associated Lambeth strategies for individual client groups; and to Lambeth's strategy for commissioning accommodation to meet the needs of specific client groups in the borough. The appellant has not made reference to any of these sources. Consequently, I am not persuaded that the proposal would meet a specific local need as required by Policy H9(ii). As such, there would be conflict with Policy H9 in this regard.

Overall conclusion on this main issue

18. I have concluded that the development would not lead to the loss of a self-contained C3 dwelling, finding no conflict with Policy H3 of the LLP. However, the appellant has failed to demonstrate that the proposed sui generis HMO would meet an identified local need, conflicting with Policy H9 of the LLP.
19. If the Council is of the view that the property should be treated as a C3 dwellinghouse, there would be conflict with Policy H3 of the LLP. But, the fallback position, which was outlined by the previous Inspector, that the property could lawfully be used as a C4 HMO without needing planning permission is a significant material consideration, one which would overcome and outweigh any conflict with Policy H3.

20. The present use and potential lawful use of the property as a HMO is also relevant to the conflict at part A ii) of Policy H9. Although no evidence has been provided that the proposal is meeting an identified local need, it would be making a contribution to meeting the general housing need. Moreover, there is nothing before me to indicate that it would result in an over-concentration of such uses or that it would harm the mix, balance and well-being of the community, with the Council raising no issues in this regard. The HMO is also in an accessible location with no concerns raised regarding the standard of accommodation. I find that these factors cumulatively would overcome and outweigh the conflict with part A (ii) of Policy H9.
21. Policy H8 of the London Plan (2021) has been cited on the decision notice in relation to this issue. This policy relates to loss of existing housing and seeks to ensure that replacement housing is at existing or higher densities with at least the equivalent level of overall floorspace. There is no explanation in the officer report of this Policy or why any conflict arises. I have therefore not found it determinative in this case.

Sustainable travel

22. Policy T1 of the LLP seeks to maximise trips made by sustainable modes of transport and reduce dependency on the private car. Policy T6 of the LLP outlines that development should be permit free where development has a public transport accessibility level (PTAL) score of 4-6 and/or where the development falls within an existing or planned controlled parking zone (CPZ). The appeal site is within a PTAL area of 4 and within a CPZ. The development should therefore be made car permit-free in line with Policy T6 of the LLP. This policy also seeks the provision of car-club membership.
23. Policy T3 of the LLP relates to cycling and seeks appropriate, secure and covered cycle parking facilities in accordance with the minimum standards set out in Policy T5 of the London Plan (2021) and Policy Q13 of the LLP. The submitted plans show the provision of 11 cycle parking spaces of which details of the storage could be secured via an appropriately worded condition. Criterion H of Policy T3 also requires that all residents in new residential developments are provided with a minimum of three years free membership to a Cycle Hire scheme.
24. A signed and dated Unilateral Undertaking (the UU) pursuant to section 106 of the Town and Country Planning Act 1990 (as amended) has been submitted with the appeal. This includes obligations to restrict the occupiers of the new residential units from holding a resident's parking permit; to provide for car club and cycle hire membership and a financial contribution towards a cycle hangar. I have taken the UU into account in my determination of the appeal. While the Council has not commented on the UU, I am satisfied that it has been provided with the opportunity to do so through the appeal process.
25. Whilst the Council refused the scheme, in part, because of a lack of financial contribution to provide a cycle hangar, given that sufficient on-site cycle parking can be accommodated, I do not consider that an on-street cycle hangar is necessary and thus there is no requirement for such a financial contribution to be made. However, on the basis of the evidence before me, I find that the transport obligations securing permit free parking, car club membership and cycle hire membership are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and

kind to the development. In this regard, the UU meets the tests set out in paragraph 57 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations 2010.

26. The Council also require a £500 monitoring fee, payable prior to completion of a legal agreement. However, very little information has been given as to how this money would be used and I am not clear what would be monitored. Moreover, the UU is not a legal agreement between the parties. Given these factors, I do not find that the monitoring fee would be necessary and as such would not meet the tests set out in paragraph 57 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations 2010.
27. In conclusion, on this main issue, the proposal would promote sustainable means of travel and mitigate any harmful transport effects that may arise. There is thus no conflict with Policies T1 and T3 of the LLP.

Conditions

28. I have considered the conditions suggested by the Council having regard to the tests in the Framework and the advice in the Planning Practice Guidance (the PPG). Where necessary I have made changes to the wording of conditions in the interests of precision and clarity.
29. In addition to the standard time limit condition, a condition requiring the development to be carried out in accordance with approved plans is needed in the interests of proper planning and for the avoidance of doubt.
30. To ensure that the development provides opportunities for sustainable transport modes, a condition is necessary to ensure that the development provides secure cycle parking provision.
31. In the interests of safeguarding the living conditions of surrounding neighbours and future occupiers, a condition is necessary to ensure the suitable provision for the storage and collection of refuse.

Planning Balance and Conclusion

32. The proposed development would result in conflict with Policy H9 of the LLP. For the reasons I have set out above, the extent and impact of this conflict would be very limited. The proposal would support sustainable means of travel and mitigate its effects on the surrounding network. No other harms arising from the development have been identified. I therefore consider that the material considerations indicate that a decision should be made other than in accordance with the development plan. The appeal is therefore allowed.

T Bennett

INSPECTOR

Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: E00; PE01; PE02; PE03; PE04; PE05; PE06; P01; P02;P03; P04; P05; P06; P07; P08; E01; E02; E03; E04; E05; E06;E07; E08 and E09.
- 3) Notwithstanding details shown on the approved drawings, prior to the occupation of the units hereby approved, details of the provision to be made for cycle parking spaces shall be submitted to and approved in writing by the local planning authority. The cycle parking shall thereafter be implemented in accordance with the approved details before the use hereby permitted commences and shall thereafter be retained solely for its designated use.
- 4) Notwithstanding details shown on the approved drawings, prior to the occupation of the units hereby approved, details of waste and recycling storage shall be submitted to and approved in writing by the local planning authority. The waste and recycling storage shall be provided in accordance with the approved details prior to the occupation of the relevant part of development hereby permitted and shall thereafter be retained solely for its designated use. The waste and recycling storage areas/facilities should comply with the Waste & Recycling Storage and Collection Requirements Technical Specification for Architects & Designers 2023 and the Refuse & Recycling Storage Design Guide 2022, unless it is demonstrated in the submissions that such provision is inappropriate for this specific development.

****End of Conditions****