



Appeal Decision

Site visit made on 9 February 2026

by **P Terceiro BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2nd March 2026

Appeal Ref: APP/C3810/C/25/3360505

27 North Ham Road, Littlehampton, West Sussex BN17 7AS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (the Act).
- The appeal is made by Mr Reinhardt Slabbert (Patagonia Properties Ltd) against an enforcement notice issued by Arun District Council.
- The notice was issued on 15 January 2025.
- The breach of planning control as alleged in the notice is without planning permission and within the last ten (10) years, the material change of use of the Land from a dwellinghouse to a house in multiple occupation (HMO), contrary to the Article 4 direction (ref. 3/61/24).
- The requirements of the notice are to cease the use of the Land as a Class 4 HMO including any associated integral operational development.
- The period for compliance with the requirement is: 6 months.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary Decision: The appeal is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.

Application for Costs

1. An application for costs was made by Arun District Council against Mr Reinhardt Slabbert (Patagonia Properties Ltd). This application is the subject of a separate decision.

Preliminary Matter

2. The requirements of the notice refer to “Class 4 HMO”. However, that appears to be a typographical error that should refer to Class C4 of the Town and Country Planning (Use Classes) Order 1987. Reference to the use class in this context is unnecessary, so I will use my powers under section 176(1) of the Act to correct this error in the notice by deleting that reference to the use class.

Main Issues

3. The main issues are the effect of the development on:
 - the character and appearance of the area; and
 - parking provision.

Reasons

Character and appearance

4. The appeal site is a two-storey end of terrace property with a shallow frontage. It is located on North Ham Road, which is typically characterised by rows of terraces.

5. The site lies within River Ward, where C3 dwellings are subject to an Article 4 direction that removed permitted development rights for a change to C4 uses, with the purpose of limiting harmful concentrations of Houses in Multiple Occupation (HMOs) in the Ward. This is to protect the character and appearance of the area and to ensure an adequate balance between the different types of housing. The Council set out that HMOs within River Ward equate to around 9% of the overall housing stock in the Ward.
6. The appellant undertook an analysis of the existing licensed HMOs in the locality in support of their case. The analysis identified some nine HMOs within a 200m radius around the appeal site, which increased to 10 as a result of the development. The appeal scheme therefore results in approximately 2.5% of HMOs within the 200m radius. This indicates a small amount of this type of accommodation in the analysed area.
7. The Council provided limited comments in response to the appellant's evidence but advised that work pertaining to the Additional HMO Licencing Scheme (the Scheme) has identified a further HMO within North Ham Road. Even so, the number of HMOs remains relatively low in the context of North Ham Road as a whole.
8. While it may be that further HMOs are identified as the Scheme continues to be implemented, currently the work is ongoing, and the Council has not supplied any specific figures related to HMOs in the locality of the appeal site.
9. Interested parties have commented that there are several existing properties that have already been converted to multiple occupancy within the vicinity of the appeal site, some of which may not have a licence. However, the evidence before me in this regard is largely anecdotal and can only be attributed little weight.
10. Consequently, on the evidence before me, I find that the development does not result in an overconcentration of HMOs in this location. The prevalent character of the area therefore remains one of family housing, and the development does not erode the balance between different types of housing. The development remains similar in outward appearance to the dwellings along North Ham Road, and hence indistinguishable from other forms of tenure in this specific location.
11. The development results in the loss of a 4-bedroom dwelling, for which the Council says there is a general shortage. However, the Council also sets out that there is a demand for HMOs, and the development assists in meeting housing need among those on a low income. In any event, allowing the development does not preclude the property from reverting to a Class C3 dwelling in the future.
12. Thus, the development has an acceptable effect on the character and appearance of the area. It meets the aims of Policy HSP4 of the Arun Local Plan 2011-2031 (2018) (ALP), which sets out that proposals for HMOs will be favourably considered where they contribute to the creation of sustainable, inclusive and mixed communities and, amongst other things, do not adversely affect the character of the area.

Parking provision

13. ALP Policy TSP1 requires development to provide appropriate levels of parking in line with West Sussex County Council guidance. However, I have not been

directed to any specific vehicle or cycle parking standards that are applicable to HMOs. ALP Policy TDM1 seeks to reduce the need to travel by car, and Policy HSP4 states that HMOs should not contribute to the generation of excessive parking demands.

14. The appeal property does not have off-street parking, similar to many other properties along North Ham Road. However, the property is at a convenient walking distance from some local shops and facilities as well as from links to public transport services, which likely reduces reliance on a private car. Further, the provision of adequate cycle storage can be secured by planning condition.
15. There is anecdotal evidence of parking stress in the area, but this is not supported by robust evidence and, if inconsiderate parking practices were to arise, they would be subject to normal policing and controls within the highway.
16. Considering the above, and the modest scale of the HMO, I find it unlikely that the development generates excessive parking demands, that could not be accommodated within the adjacent roads.
17. Thus, the development has an acceptable effect in terms of parking provision, in accordance with ALP Policies TSP1, TDM1 and HSP4. Amongst other things, these policies seek to promote sustainable travel.

Other Matters

18. Comments from interested parties also refer to anti-social behaviour and storage of a motorbike relating to the property. However, these matters are covered by legislation outside of the planning system, so would not be reasons to withhold planning permission. Further, there is no compelling evidence before me to suggest that the HMO is giving rise to undue levels of noise and disturbance.
19. The planning system is concerned with the public interest. The effect of the development on neighbouring house values is a matter of private interest.

Conditions

20. I have considered the suggested conditions in light of the National Planning Policy Framework and the Planning Practice Guidance. In the interests of precision and clarity I have undertaken some rationalisation and rewording of the conditions suggested.
21. A condition securing the submission of details pertaining to cycle storage is necessary in the interests of reducing the need to travel by car. There is a strict timetable for compliance because permission is being granted retrospectively, and it is not possible to use a negatively worded condition to secure approval and implementation of the cycle storage before the development takes place. Should the requirements of the condition not be met in line with the strict timetable, the planning permission falls away.
22. Suggested conditions 2 and 3 relate to energy efficiency measures and biodiversity net gain. However, I have not been directed to any local policies that support these conditions, and therefore I cannot be certain that they are necessary to make the development acceptable in planning terms. As such, I have not imposed these conditions.

Conclusion

23. For the reasons set out above, I conclude that on balance the development accords with the development plan. The appeal on ground (a) therefore succeeds.

Formal Decision

24. It is directed that the enforcement notice is corrected by the deletion of the words “Class 4” in section 5. What You Are Required To Do. Subject to the correction, the appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the material change of use of the Land from a dwellinghouse to a house in multiple occupation at 27 North Ham Road, Littlehampton, West Sussex BN17 7AS and subject to the following condition:

Unless within three months of the date of this decision a scheme for the covered and secure cycle parking, is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within two months of the local planning authority’s approval, the use of the site as an HMO shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within eight months of the date of this decision, the use of the site as an HMO shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained for its designated purpose.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

P Terceiro

INSPECTOR