

MC/26/0767

Date Received: 22 April 2026
Location: 49 Priestfield Road, Gillingham, Medway ME7 4RE
Proposal: Change of use of six bed house to six person HMO (C4); loft conversion with dormer with 1 rooflight to the rear and 3 roof light to the front.
Applicant Clarion Oak Holdings
Miguel Pereira
Agent Planning Geek
B Toomey
Elizabeth House
Enterprize Way
London
SE8 3PY
Ward: Watling
Case Officer: Amy Shardlow
Contact Number: 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 29 July 2026.

Recommendation - Refusal

- 1 The proposed development would result in the loss of a single-family dwellinghouse and its conversion to a House in Multiple Occupation (HMO) within an area where there is already a significant concentration of HMOs. The proposal would, therefore, contribute to an overconcentration of such uses, resulting in an overprovision of HMOs and an unacceptable imbalance in the local housing stock through the loss of family accommodation. The proposal is, therefore, contrary to Policy T8 of the Emerging Medway Local Plan 2003.
- 2 The application fails to address the impact of the proposal on the Special Protection Areas of the Thames Estuary and Marshes and the Medway Estuary and Marshes through either the submission of details to allow the undertaking of an Appropriate Assessment or via a contribution towards strategic mitigation measures. In the absence of such information or contribution, the proposal fails to comply with the requirement of the Conservation of Habitat and Species Regulations 2010 and is contrary to Policies S6 and BNE35 of the Medway Local Plan 2003 and paragraphs 193 and 194 of the National Planning Policy Framework 2024.

The reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report.

Proposal

This application seeks planning permission for the change of use of six bed house to six person House in Multiple Occupation (HMO) (C4) loft conversion with dormer with 1 rooflight to the rear and 3 roof light to the front.

The accommodation would provide the following:

- Ground Floor – 2no bedrooms each with an ensuite, communal area consisting of kitchen/dining area;
- First Floor – 3no bedrooms each with an ensuite;
- Second Floor – 1no bedroom with an ensuite.

Externally there is a communal garden area with refuse and cycle parking.

Relevant Planning History

MC/25/1399	Application for a Lawful Development Certificate (Proposed) change of use from C3 - Dwellinghouse to C4 - House in Multiple Occupation (6no. bedrooms / 6no. occupants) and rear dormer extension. Decision: Approval Decision Date: 03.09.2025
MC/26/0206	Application for a Lawful Development Certificate (existing) for a C3 (Dwellinghouse) to C4 small HMO as approved under MC/25/1399. Decision: Refusal Decision Date: 08.04.2026

Representations

The application has been advertised on site, and by individual neighbour notification to the owners and occupiers of neighbouring properties.

Five letters of objection and a Petition have been received raising objections on the following grounds;

- Impact on amenity of existing neighbours;
- Increased noise and disturbance from the proposed increase of residents;
- Inaccuracies in the submitted documents including, but limited to, a hedge being removed on site;
- Concerns in relation to security;
- Impact on parking and highways to the existing area;
- Cumulative impact of HMO's as there are already many on the street;
- Waste management concerns;

- Character of the area will be impacted and no longer residential in nature.

Party wall concerns have also been noted, however, this is a civil matter and not a planning consideration.

Kent Police commented on the application requesting they are consulted as Designing out Crime Officers (DOCO's) to address Crime Prevention Through Environmental Design (CPTED) and incorporate Secured by Design (SBD) as appropriate.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework December 2024 (NPPF) and are generally considered to conform. Where non-conformity exists, this is addressed in the Planning Appraisal section below.

The Emerging Local Plan has been submitted to the Inspectorate for examination. The policies within this version of the emerging plan have weight in the determination of planning (and associated) applications.

Planning Appraisal

Background

The application site is located within the Watling Ward, one of seven wards subject to an Article 4 Direction which removes permitted development rights for the change of use of a dwellinghouse (Use Class C3) to a small House in Multiple Occupation (Use Class C4). The Article 4 Direction came into force on 22 January 2026 and was subsequently confirmed on 5 May 2026.

The effect of the Article 4 Direction is to remove the permitted development rights previously available under Class L of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The Direction does not prohibit such changes of use, but instead brings them within planning control so that proposals can be assessed against the Development Plan and other material planning considerations.

In the present case, works have already been undertaken to facilitate occupation of the property as a six-bedroom HMO. These works include the formation of a rear dormer extension, which was confirmed as lawful through the grant of Certificate of Lawfulness reference MC/25/1399 on 3 September 2025.

Furthermore, an application for a Lawful Development Certificate (LDC) was submitted under reference MC/26/0206 seeking to establish that the use of the property as a Class C4 HMO had commenced prior to the Article 4 Direction taking effect. However, it was not considered that sufficient evidence had been provided to demonstrate that the use had lawfully commenced before 22 January 2026.

Consequently, the application was refused on 8 April 2026. As a result, planning permission is required for the continued use of the property as a House in Multiple Occupation.

Principle

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

The National Planning Policy Framework (NPPF) seeks to support sustainable development through Paragraph 11, whilst Paragraph 61 seeks to ensure that the planning system delivers a sufficient supply and variety of homes to meet identified housing needs.

Policy H7 of the Local Plan supports permitting HMO's subject to the following criteria:

- (i) the property is in an area with a predominantly mixed-use or commercial character;
- (ii) and the property is located where increased traffic, and activity would not be detrimental to local amenity; and
- (iii) either the property is detached, and the proposal would not adversely affect the amenity of the occupiers of nearby properties;
- (iv) or where the property is not detached, relevant nearby or adjoining properties are in multiple occupation or a non-residential use; and
- (v) for changes of use, the property is too large to reasonably expect its occupation by a single household.

Policy H7 pre-dates the introduction of Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015; where the change of use from a Class C3 dwellinghouse to a Class C4 small HMO was established as permitted development irrespective of location. In this respect, Class L of the GDPO effectively represented a shift in national policy thinking and a recognition that small HMOs were a legitimate and mainstream form of accommodation.

Greater weight is, therefore, afforded to Policy T8 of the Emerging Medway Local Plan, which specifically seeks to manage the distribution of HMOs across Medway and prevent harmful concentrations of such accommodation. The policy recognises that HMOs can contribute to housing choice; however, it also seeks to ensure that new HMOs do not contribute to an overprovision of such uses within an area or result in the loss of family accommodation, particularly where there is already a high concentration of HMOs.

In assessing the proposal, regard has been given to the concentration of existing HMOs within the surrounding area. From the HMO register it is noted that numbers; 2, 44, 83, 85 and 10 are all registered as HMOs. In addition to this Linden Road and Gordon Road both neighbouring roads have an additional seven HMOs located on them.

Watling Ward comprises of 65 HMOs across the ward and more specifically, Priestfield Road has approximately 73 residential properties which then means that HMOs would equate to 6.8% of the housing stock in the ward and If permission were granted for a further HMO, the figure would increase to 8.2%.

The evidence indicates that there is already a significant presence of HMOs locally and, as such, the proposal would further increase the proportion of shared accommodation at the expense of the existing family housing stock. The proposal would, therefore, contribute to an overconcentration of HMOs (and non-family accommodation) and result in the loss of a dwelling capable of accommodating a single household.

While HMOs can provide an important form of accommodation, it is considered that, in this instance, the benefits of the proposal are outweighed by the cumulative impact on the balance of housing provision within the area. The development would conflict with the objectives of Policy T8 of the Emerging Medway Local Plan, which seeks to prevent overprovision of HMOs and safeguard family accommodation. Consequently, the principle of the development is considered unacceptable.

Design

Policy BNE1 of the Local Plan states that the design of development should be appropriate in relation to the character, appearance and functioning of the built and natural environment and satisfactory in terms of scale, mass, proportion, details, and materials. Paragraphs 131 and 135 of the NPPF emphasises the importance of good design and Policy BNE1 of the Local Plan states that development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area.

External works including the dormer have already been completed as per the Lawful Development Certificate and minor external alterations are mainly for larger windows and alterations to facilitate, however, internal works are proposed in order to provide a higher level of amenity for occupants. This has been confirmed by photos from the agent. As a result, no objection is raised in relation to these works in regard to Policies BNE1 of the Local Plan and paragraph 131 and 135 of the NPPF.

Amenity

There are two main amenity considerations, firstly the impact of the proposed dwelling on neighbours and secondly the living conditions which would be created for potential occupants of the development itself. Policy BNE2 of the Local Plan and Paragraph 135f of the NPPF relates to the protection of these amenities. This is supported by Policies H7 of the Local Plan and T8 of the emerging Plan.

Neighbouring Residential Amenity

The proposal seeks to convert the property into a six-bedroom HMO.

The existing property has already had the work undertaken to convert to a 6-bedroom HMO under the LDC, however, the use was not proven to be implemented

in time to be lawful. This proposal, however, makes alterations to the internal layout to provide a larger communal area and alterations to the existing bedrooms to allow for a better layout.

Prior to the conversion, the property appeared to be a 3-bedroom property with one double bedroom meaning it would allow for 4 occupants and as such it is not considered that the increase of 2 persons living at the property, would cause such a demonstrable increased harm through disturbance to justify a refusal of planning consent. Such a view is substantiated by recent appeal decisions against similar HMOs elsewhere in the borough.

Future Occupants

The proposed bedrooms have been considered against the Technical Housing Standards – Nationally Described Space Standard 2015 with the requirement for the provision of a single bedroom to measure a minimum of 2.15m in width and support a floor area of 7.5m². All of the proposed bedrooms would meet or exceed these requirements.

All bedrooms would be served with an adequate degree of natural light and afforded suitable outlook. The remaining communal space comprises of a combined 18m² communal living/dining room located on the ground-floor. These would be shared amongst a total of six individuals. The kitchen area is considered suitable as a general functional space for cooking and washing of clothes and allowing for additional space for the proposed number of residents. There is also a rear garden area.

In order to ensure that the internal amenity standards of future occupants are not compromised, or that the dwelling becomes overly camped, a condition requiring that the occupancy of the property does not exceed more than a total of six residents at any one time would be recommended.

No objections would, therefore, be raised in regard to Policies BNE2 and H7 of the Local Plan, Policy T8 of the emerging plan and paragraph 135(f) of the NPPF.

Highways and Parking

Policy T1 of the Local Plan relates to the impact on new development on the highway network. Policy T13 of the Local Plan is related to parking standards. Both policies H7 of the Local Plan and T8 of the emerging plan include criteria in relation to impact on parking and amenity. Paragraph 115 of the NPPF seeks development located in sustainable locations, limiting the need to travel and offering choice of transport modes to reduce congestion and emission and improve air quality and public health. Paragraph 116 of the NPPF states that development should only be refused on highways grounds if there is an unacceptable impact on highways safety.

While it is understood that the application site would not be able to meet its parking need off-street, nor does the current use as a single occupancy dwellinghouse. Likewise, the Medway Residential Parking Standards state: "Reductions of the standard will be considered if the development is within an urban area that has good

links to sustainable transport and where day-to-day facilities are within easy walking distance". Given the property falls within the urban area of Gillingham, with amenities such as shops and public transport links within close walking distance, the site is considered to meet these parameters.

While it is acknowledged that there are some existing pressures on car parking within the area, the site is in a highly sustainable location and the nature of the HMO occupancy in such sustainable locations more typically presents itself to occupants who do not own cars. Notwithstanding this, as the development site falls within a car parking management zone, if the application was to be recommended for approval a condition requiring the submission of a parking management plan can be secured; ensuring that the any pressures can be mitigated via the restriction of the number of parking permits issued against this property as it is intended, and this is confirmed by the agent, for the proposal is to be car free.

In addition to this, to further encourage the use of alternative modes of transport, a condition requiring cycle storage details and location prior to first occupation would be recommended.

No objections are raised in regard to Policies H7, T1 and T13 of the Local Plan, T8 of the emerging Plan or paragraphs 115 and 116 of the NPPF.

Waste and Refuse Storage

A refuse area is proposed as part of the scheme, which is considered to be acceptable. If the application was recommended for approval a condition would be recommended for a refuse strategy. This strategy will include details such as the type of refuse collection vehicle used, the frequency of refuse collection and finalising the location of the refuse collection points amongst other matters. A refuse management condition would also be recommended to ensure that refuse is only put out for collection at agreed times and days.

The proposal would not result in any significantly detrimental impact on either neighbour or future occupiers' amenity and is considered to be acceptable in terms of Policies H4 and BNE2 of the Local Plan and paragraph 135 of the NPPF.

Biodiversity Net Gain

As of 2 April 2024, all sites were subject to Biodiversity Net Gain (BNG) as per the conditions of Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

In this instance, no onsite habitat is impacted by the proposal and, therefore, no objection is raised to this with regard to paragraph 193 of the NPPF.

Bird Mitigation

As the application site is within 6km of the North Kent Marshes SPA/Ramsar Sites, the proposed development is likely to have a significant effect, either alone or in combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar

sites from recreational disturbance on the over-wintering bird interest. Natural England has advised that an appropriate tariff of £350.18 per dwelling (excluding legal and monitoring officer's costs, which separately total £550) should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries. This tariff should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation).

These strategic SAMMS mitigation measures are being delivered through Bird Wise North Kent, which is the brand name of the North Kent Strategic Access Management and Monitoring Scheme (SAMMS) Board, and the mitigation measures have been informed by the Category A measures identified in the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM) produced by Footprint Ecology in July 2014. Further information regarding the work being undertaken is available at The Bird Wise website which can be found at <https://northkent.birdwise.org.uk/about/> .

The application fails to address the impact of the proposal on the Special Protection Areas of the Thames Estuary and Marshes and the Medway Estuary and Marshes through either the submission of details to allow the undertaking of an Appropriate Assessment or via a contribution towards strategic mitigation measures. In the absence of such information or contribution, the proposal fails to comply with the requirement of the Conservation of Habitat and Species Regulations 2010 and is contrary to Policies S6 and BNE35 of the Local Plan and paragraphs 193 and 194 of the NPPF.

A decision from the Court of Justice of the European Union detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full 'appropriate assessment' is needed under the Habitats Directive. Given the need for the application to contribute to the North Kent SAMMS, there is a need for an appropriate assessment to be carried out as part of this application. This is included as a separate assessment form.

Conclusions and Reasons for Recommendation for Approval

The proposed development would result in the loss of a single-family dwellinghouse and its conversion to a House in Multiple Occupation (HMO) within an area where there is already a significant concentration of HMOs. The proposal would, therefore, contribute to an overconcentration of such uses, resulting in an overprovision of HMOs and an unacceptable imbalance in the local housing stock through the loss of family accommodation. The proposal is, therefore, contrary to Policy T8 of the Emerging Medway Local Plan 2003.

The application would normally be determined under delegated powers but is being referred to Planning Committee at the request of Cabinet members following the adoption of the Article 4 Direction.

Background Papers

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection on Medway Council's Website <https://publicaccess1.medway.gov.uk/online-applications/> .