

MC/26/1283

Date Received: 06 July 2026
Location: 61 King Street, Gillingham, Medway, ME7 1EP
Proposal: Change of use from dwellinghouse (Class C3) to a 5-bedroom house in multiple occupation (HMO) (Class C4)
Applicant Mrs Adeola Ajayi
Agent N/A
Ward: Gillingham South
Case Officer: Jacky Olsen
Contact Number: 01634 333056

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 21 October 2026.

Recommendation: Refusal

1. The proposal would result in the unacceptable loss of a small family terraced home due to the inadequate internal size of the property for conversion. The proposal would be contrary to the provisions of Policy H7 of the Local Plan and Policy T8 of the Emerging Local Plan.
2. The proposal would not meet with the provisions of the Government's Technical Housing Standards - Nationally Described Space Standards 2015 (NDSS) with regards to Bedroom 4 that would not meet the minimum size or width requirements for a single bedroom. Additionally, the kitchen would not provide enough gross internal floor area to provide communal space of at least one reception room and kitchen or equivalent space. The proposal would not, therefore, provide for a satisfactory level of internal amenity for prospective residents and is contrary to Policies BNE2 and H7 of the Local Plan 2003, Policy T8 of the Emerging Local Plan 2041 and Policies DP3 and P3 of the National Planning Policy Framework 2026.

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

Proposal

The application seeks permission for a change of use of the property from a single dwellinghouse (Class C3) to a house of multiple occupation (HMO) (Class C4). The property currently comprises:

Basement;

Ground floor – Lounge, dining room, kitchen and bathroom;

First floor – 3 bedrooms;

The proposal would comprise:

Basement – storage area;

Ground Floor: 2X bedrooms with ensuite bathrooms and kitchen;

First Floor: 1X bedroom with ensuite bathroom, 2X bedrooms and 1 shared bathroom.

The property is proposed to accommodate 5 persons within 5 bedrooms.

There is a rear garden available for use by the residents. There is no parking proposed as part of the development.

Relevant Planning History

None.

Representations

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

Three letters of representation have been received objecting to the application raising the following concerns:

- Impact on parking;
- Clustering of HMOs;
- Noise and disturbance;
- Unlicensed HMO;
- Poor layout of the proposed HMO;
- Waste and rubbish accumulation associated with the proposed use;
- Increase in wastewater;
- Loss of affordable housing.

Kent Police have welcomed further discussions with the applicant/agent about site specific designing out crime approaches and have provided additional advice with respect to lighting and natural surveillance, security and boundary treatments and other approaches that could be implemented within the development.

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 2026 (the NPPF) and are generally considered to conform. Where non-conformity exists, this will be highlighted and addressed in the 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 Gillingham South 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 20 July 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.

Principle

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

The site is located within the urban area of Gillingham. The National Planning Policy Framework (NPPF) seeks to support sustainable development through Policy S3, whilst Policy HO7 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 permits HMOs subject to the following criteria:

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

Policy T8 of the Emerging Local Plan 2041 seeks to avoid detrimental clusters of HMO's and to ensure they provide a suitable quality of accommodation. The

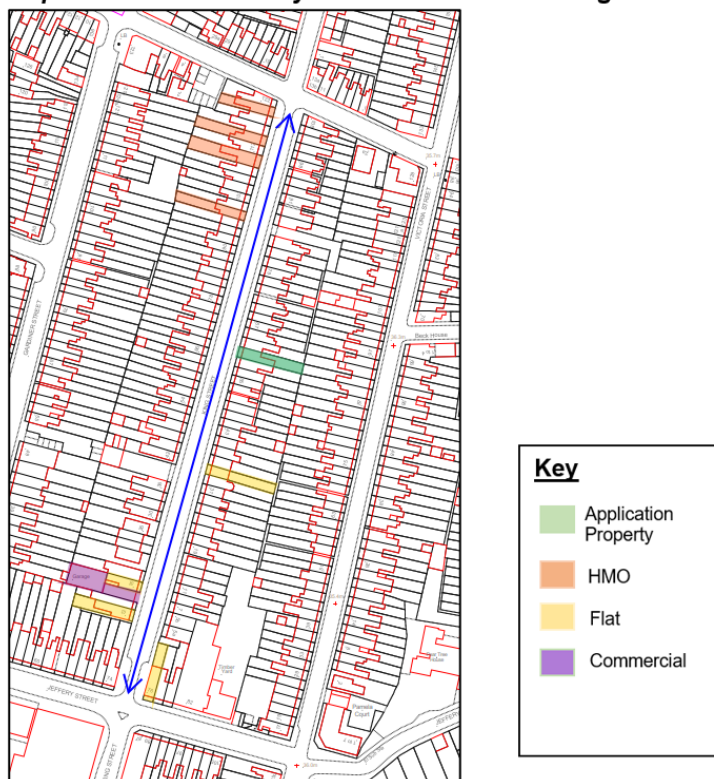
supporting text to the policy acknowledges that HMOs have a role to play in sustainable and inclusive communities providing accommodation for single people on low incomes and can also be accommodation of choice for young professionals moving to an area. The supporting text does though acknowledge harm where there are high concentrations of HMOs and/or poor management of properties. Accordingly, Policy T8 supports planning applications for HMOs where they:

- Do not adversely affect the character and amenity of the area;
- Do not contribute to an over provision of HMOs in an area;
- Do not lead to the loss of suitable units for family accommodation, particularly in areas of high concentration of HMOs;
- Do not generate excessive parking demands;
- Provide a suitable level of amenity complying with national internal space standards and at least one reception room and kitchen or equivalent space;
- Make provision for waste and cycle;
- Do not adversely affect health of residents – new and existing.

The map below shows research undertaken by officers from on-site observations, professional judgement, and a desktop study of the majority of King Street north of Jeffrey Street.

Map to Show Non-Family Accommodation on King Street

Map to Show Non-Family Accommodation on King Street



The land use survey and desktop study evaluated 111 properties on King Street with 4 existing HMOs either registered or that have planning permission and 4 properties that have been sub-divided into flats. This equates to 7.2% of properties that have

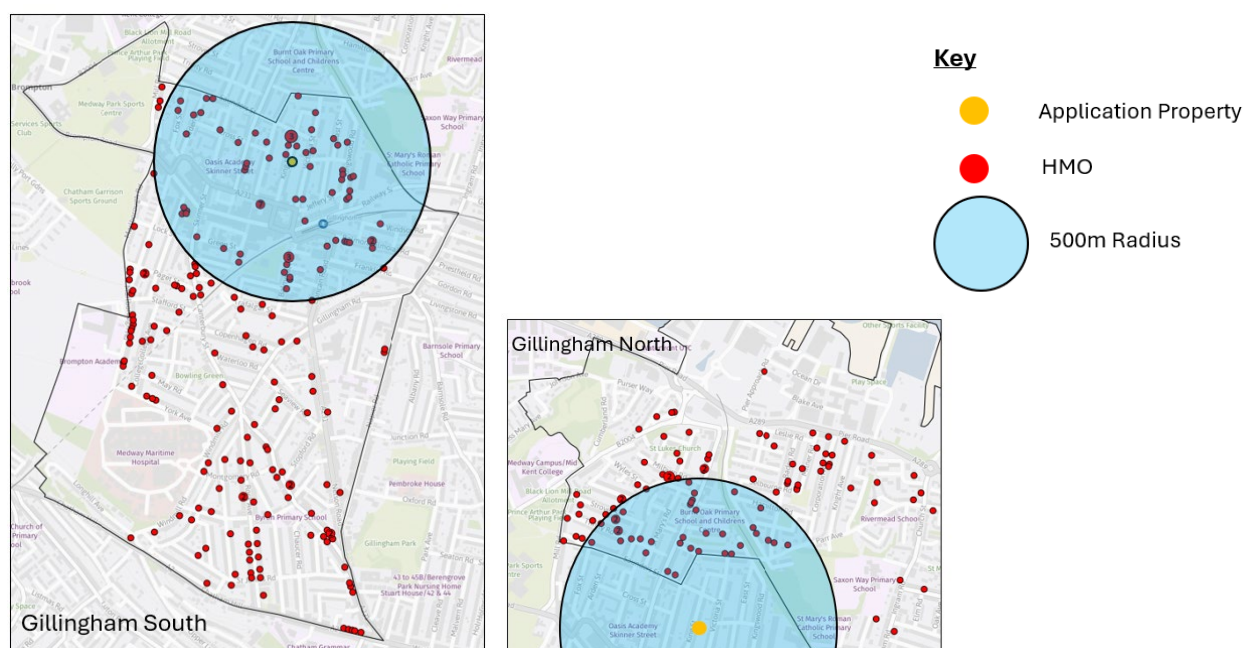
been lost from single family use and 3.6% of properties as HMOs. It is considered that 3.6% of properties being in HMOs in the immediate area would not constitute an over concentration nor represent a cluster in terms of location or result in a loss of small family homes in the area impacting on the character of the area.

Table Showing Breakdown of Uses on King Street

Assessment	HMOs	Flats	Commercial
Council Records (incl. council tax, planning and licencing)	98, 114 ,110 (awaiting approval), 120	12 A and B 16A and B 35A and B 76 Jeffrey Street	0
Site Visits	98, 114	12 A, B and C 16A and B	Car garage at 14
Total properties surveyed	111		
Total HMOs	4		
Expressed as a %	3.6%		

Looking further afield, the map below is taken from the HMO Review and Evidence Paper (November 2025) to determine the proximity of HMO clusters within certain wards within Medway. The Review highlights that Gillingham South Ward has the highest concentration of HMOs within Medway but also has the highest density of properties within it. There are 112 HMOs within a 500-metre radius of the application property which equates to 2.7% of the households. This proportion of HMOs within a 500-metre radius is not considered to form an over-proliferation.

Maps Showing the Locations of HMOs within 500m Radius from Application Property



Considering Policy H7 of the Local Plan and Policy T8 of the Emerging Plan regarding the size of the dwelling and whether it would be more suitable as family

accommodation. Whilst Policy H7 doesn't state what is considered too large for single household occupation, elsewhere in the Local Plan it states that "*the Council considers dwellings of less than 120sqm gross floor area in predominantly residential areas should be retained for families and single households.*" The existing property measures 96.5sqm internally excluding the basement, which would be used for storage and so has not been counted in the gross internal floorspace. The property does not meet the threshold for subdivision resulting in the loss of a dwelling that would more broadly lend itself towards a single-family dwelling.

On the basis that the property is considered too small for conversion and would result in a further loss of single family accommodation in an area where over 12% of small terraced single family dwellings have already been lost to HMOs and flat conversions, the proposal is considered to be detrimental to the character and amenity of the area contrary to the provisions of Policy H7 of the Local Plan and T8 of the Emerging Plan.

Design

Both the NPPF and Local Plan stress the emphasis of good design and achieving high quality buildings. 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 by amongst other matters being satisfactory in terms of scale, mass, proportion, details, and materials.

Policy DP3 of the NPPF sets out the key principles of well-designed places. Proposals should respond to their context so that they integrate and enhance their surroundings.

The application does not propose any external changes to the property and, therefore, the proposal would be considered acceptable and in accordance with Policy BNE1 of the Local Plan and Policy DP3 of the NPPF.

Residential Amenity

There are two main amenity considerations, firstly the impact of the proposed development 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 Policies DP3 and P3 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 existing dwelling, as currently arranged, facilitates 2 double bedrooms and 1 single bedroom which could house up to 5 people. Therefore, a 5-bed 5-person HMO would not be likely to generate a demonstrably greater impact on neighbour amenity such as to justify a refusal of permission.

Future Occupiers Amenity

The proposed bedrooms have been considered against the Technical Housing Standards - Nationally Described Space Standard dated March 2015 (the National Standard) 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. Bedroom 4 does not meet the minimum size requirement being 6.3sqm in size and does not meet the width requirement being 2.05m. Therefore, the rooms in the dwelling do not meet the minimum requirements set out in the National Standard.

The kitchen at ground floor together with a shared garden to the rear is proposed to provide communal space for use by occupants. The kitchen measures 13.7sqm which is considered too small to provide communal space for the residents for cooking, eating and relaxing, particularly given the use of the room as a corridor to the rear bedroom 4 and the garden. Additionally, the kitchen area would not meet with the provisions of Policy T8 of the Emerging Local Plan which requires communal space of at least one reception room and kitchen or equivalent space. This lack of communal amenity space is exacerbated by the small size of the majority of the bedrooms resulting in a poor standard of amenity and living standards for prospective residents.

There is a garden area to the rear of the property that provides outdoor amenity space measuring 10 metres in length which is considered acceptable provision. While there are no details of refuse storage provision or management or cycle storage, it is considered that these can be satisfactorily provided in the rear garden and could be addressed through the imposition of an appropriately worded condition.

It is considered that the proposal would provide an unsatisfactory level of amenity for prospective residents due to limited room sizes and lack of reasonable communal areas. As such, it is considered that the proposal would not meet the standards for future occupier amenity contrary to Policies BNE2 and H7 of the Local Plan, Policy T1 and T8 of the Draft Local Plan 2025 and Policies DP3 and P3 of the NPPF.

Highways

Policy T1 of the Local Plan relates to the impact of 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. Policies TR3 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. Policy TR6 of the NPPF states that development should be refused on highways grounds if they would have a severe adverse impact on the transport network or impact 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, green space, public transport links and schools/colleges within walking distance, and the close proximity of Gillingham Town Centre, 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 more typically presents itself to occupants who do not own cars.

Notwithstanding the above, if the application were to be considered acceptable, conditions would be recommended to require cycle storage within the rear garden and for a car parking management plan detailing how future occupants of the HMO would be deterred from obtaining a parking permit.

Consequently, in light of the above no objections would be raised in regard to Policies H7, T1 and T13 of the Local Plan, T8 of the Emerging Local Plan or Policies TR3 and TR6 of the NPPF.

Biodiversity Net Gain

Sites are now subject to Biodiversity Net Gain (BNG) requirements to meet a 10% gain in biodiversity subject to some exemptions. In this instance, as the application is for a change of use, the application does not meet the requirement for BNG and, therefore, no objection is raised to this with regard to Policy N2 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 £350.16 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 applicant has submitted a SAMMS Mitigation Contribution Agreement and payment against application reference MC/25/1488 and, therefore, no objection is, therefore, raised under Policies S6 and BNE35 of the Local Medway Local Plan 2003.

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 Refusal

The proposal would not be acceptable in principle due to the number of properties already lost in this immediate area from small, terraced family homes to HMOs and flat conversions and any further loss would further detract from the character and amenity of this area. In addition, the property is too small to be considered suitable for subdivision resulting in the loss of an important small, terraced family dwelling. Therefore, the proposal would be contrary to the provisions of Policy H7 of the Local Plan and Policy T8 of the Emerging Local Plan.

The proposal would provide an unacceptable level of residential amenity for prospective residents by virtue of the small (and in one case unacceptable) bedroom sizes allied to the inadequate internal communal space. Therefore, it is considered that the proposal would not meet the required standards for future occupier amenity contrary to Policies BNE2 of the Local Plan 2003, Policies T1 and T8 of the Emerging Local Plan 2025 and Policies DP3 and P3 of the NPPF.

The application is, therefore, being recommended for refusal.

The application would normally be determined under delegated powers but is being referred for Committee determination at the request of Cabinet members due to the recent introduction of the Direction pursuant to Article 4(1) of the Town and Country Planning (General Permitted Development) Order 2015 made on 22 January 2026 applying to development consisting of the change of use of a building from a use falling within Class C3 (dwelling houses) to a use falling within Class C4 (houses in multiple occupation).

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 in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <https://publicaccess1.medway.gov.uk/online-applications/>.