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## Appeal Decision

Site visit made on 2 April 2025

by **M J Francis BA (Hons) MA MSc MCIfA**

an Inspector appointed by the Secretary of State

Decision date: 1<sup>st</sup> May 2025

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### Appeal Ref: APP/W0734/W/25/3360190 60 Belle Vue Grove, Middlesbrough TS4 2PZ

- 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 Dan Lohn against the decision of Middlesbrough Council.
  - The application Ref is 24/0488/COU.
  - The development proposed is change of use to 5 Bedroom HMO.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published in December 2024, however, the principles relevant to this decision remain the same. Consequently, it has not been necessary to request observations from the main parties upon any implications of the revised Framework's publication.
3. When the appellant purchased the property, the proposed development was permitted development<sup>1</sup>. However, on 8 February 2025, an Article 4 Direction came into force meaning that planning permission is now required for the change of use of dwellings (Use Class C3) to small Houses in Multiple Occupation (HMOs) (Use Class C4).

### Main Issue

4. The main issue is whether the proposal would provide acceptable living conditions for future occupiers with regards to internal space.

### Reasons

5. The appeal site is a three-bedroom, mid-terraced house within a residential street. It has a small front garden, and a long back garden. The James Cook Hospital and the Roseberry Park Hospital are located to the rear of the site.
6. The Council states that their 'Interim Policy on the Conversion and Sub-Division of Buildings for Residential Use', adopted 2019, (Interim Policy) does not technically apply to this application, although they have used it when making their assessment. Nevertheless, the policy does state that the conversion of properties to communal living space will be considered against the listed criteria. As the

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<sup>1</sup> The Town and Country Planning (General Permitted Development) (England) Order 2015

proposal is to convert a three-bedroom house to a five-bedroom HMO, this document is therefore relevant.

7. One of the criteria in the Interim Policy is that 'the building is capable of providing the number of units or use proposed to an acceptable standard of accommodation, providing adequate levels of privacy and amenity for existing and future residents and meeting the Governments Technical Housing Standards<sup>2</sup>. These standards apply across all tenures of living accommodation.
8. The proposal would provide five single bedrooms, each with an ensuite. There would be a shared kitchen and dining area. The bedrooms vary in floor area between 10.7-12.9m<sup>2</sup>, excluding the ensuite. Although the appellant has referred to a bedroom space of 6.51m<sup>2</sup> being acceptable for HMOs with a shared living space, this is not as set out in the nationally described space standards<sup>3</sup>. Instead, this is a licensing requirement. Consequently, the Council's 'Guidance on Accommodation for Houses in Multiple Occupation', which is a licensing document, is not applicable to planning applications and the determination of this appeal.
9. The nationally described space standards do not provide the gross internal floor area and storage required for a five-bedroom, five-person house, as in this case, although a four-bedroom, five- person house requires 97m<sup>2</sup> and a five-bedroom, six-person house requires 110m<sup>2</sup>. Whilst the proposed plans show the floor areas of individual rooms, the overall gross internal floor area of the property is not shown. However, all the bedrooms would exceed the floor area for a single bedroom as set out in the standards.
10. Whilst the Interim Policy does not specifically refer to a requirement for a separate living room, it does state within the supporting text that communal accommodation will be expected to provide a high standard in terms of the space, usability, privacy and amenity. In addition, it should be suitable for long term accommodation and may also provide an element of communal space.
11. There would be a shared storage area on the 1<sup>st</sup> floor, a laundry room on the ground floor, and outside a covered cycle store and sizeable garden. However, the only shared space for the five adults living in the property, other than the garden, would be the kitchen and dining room. As a result, individuals would be spending considerable periods of time in their bedrooms.
12. Although the appellant refers to HMOs typically being used on a short-term basis, which would reduce the need for communal living spaces, the proposal is aimed at those working at the local hospitals. Therefore, it cannot be assumed that the property would not be occupied for longer periods of time. The lack of shared space would not be appropriate for professional adults who would expect a communal living room in which to meet and relax.
13. The appellant refers to there being a severe need for good quality accommodation for NHS professionals. It is acknowledged that the proposal would re-use a currently empty property and contribute to housing within an existing residential area. Moreover, it would provide short-term economic benefits during the refurbishment, and longer-term benefits from the tenants contributing to the local

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<sup>2</sup> Technical housing standards – nationally described space standard, MHCLG, 2015

<sup>3</sup> Technical housing standards – nationally described space standard, MHCLG, 2015

economy. However, whilst it would accord with many of the criteria set out in the Interim Policy, as a five-bedroom property with no communal living space, it would not be capable of providing the number of proposed units or provide an acceptable standard of accommodation.

14. I therefore conclude that the proposed development would not provide acceptable living conditions for future occupiers with regards to internal space.
15. It would conflict with the Interim Policy as set out above, and with Policy DC1 of the Middlesbrough Local Development Framework Core Strategy, 2008, which states, amongst several principles, that as a minimum, the layout of the development and its relationship with the surrounding area in terms of scale, design and materials will be of a high quality. Furthermore, it would not accord with the Framework which requires a high standard of amenity for existing and future users.

### **Other Matters**

16. The appeal site is within the Impact Risk Zone of the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Cleveland Coast Ramsar site. Under the Conservation of Habitats and Species Regulations 2017 (the Regulations), and as advised by Natural England, a Competent Authority must consider the nutrient impacts of projects and plans which affect habitat sites. However, as I am dismissing the appeal on other grounds, it is not necessary for me to consider this matter further.
17. Whilst smaller HMOs may have been permitted development<sup>4</sup> at the time the Interim Policy was adopted, there is nothing within the policy and supporting text which states that it would exclude properties like the appeal site.
18. There is no dispute with regards to the HMO providing adequate light and ventilation, or there being noise issues which would affect the living conditions of neighbouring occupiers. Additionally, the property would be accessible by local transport and there are no parking concerns. However, as these are normal requirements for all new development, these do not represent positive benefits that weigh in favour of the development.
19. Although the appellant disagrees with the Council's assessment and decision, these are matters between the parties which do not affect the outcome of this appeal. Whilst the appellant has referred to wishing to claim expenses, no formal application for costs has been submitted.

### **Conclusion**

20. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and associated development plan conflict.
21. For the reasons given above, I conclude that the appeal is dismissed.

*M J Francis*

INSPECTOR

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<sup>4</sup> The Town and Country Planning (General Permitted Development) (England) Order 2015