



Appeal Decision

Site visit made on 7 June 2022

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st June 2022

Appeal Ref: APP/B1415/W/21/3276445

29 Nelson Road, Hastings TN34 3RX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Matthew Morris against the decision of Hastings Borough Council.
 - The application Ref HS/FA/20/00687, dated 25 September 2020, was refused by notice dated 10 March 2021.
 - The development proposed is conversion of existing single dwelling to a lower ground floor self contained flat and an 8 bedroom HMO on the upper floors.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of the existing single dwelling to a lower ground floor self contained flat and an 8 bedroom HMO on the upper floors at 29 Nelson Road, Hastings TN34 3RX in accordance with the terms of the application, Ref HS/FA/20/00687, dated 25 September 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P1001, P1002 Rev A, P1003, P1004, P1005 Rev A, P1006 Rev D, P1007 Rev B, P1008 Rev A, P1009 Rev A, P1010, P1011, P1012.
 - 3) The development shall not be occupied until the cycle storage area and bin storage areas have been installed in accordance with drawings P1012 and P1010. Those areas shall be retained thereafter and shall remain available for use at all times.

Procedural Matter

2. There is dispute between the main parties regarding the previous use of the building. In the absence of formal confirmation of the lawful use, and as it does not fall under the scope of an appeal under Section 78 of the Act to establish the lawful use, I have determined the appeal on the basis of the building being a single dwelling as described in the application.

Main Issue

3. The main issue is the effect of the development proposed on the supply of family sized homes in the Borough.

Reasons

4. Policies DS1 and H2 of the Hastings Planning Strategy 2014 (the PS) together seek to deliver a balanced mix of housing across Hastings, with a focus on protecting family sized homes. This is similarly the case with Policy HC1 of the Development Management Plan 2015 (the DMP) which supports the conversion of dwellings subject to a number of criteria being met. The supporting text for those policies explains that this approach is required to address the imbalances in the Borough's housing stock and to promote an appropriate mix of dwelling types and sizes.
5. The proposed development would result in the loss of a family sized home. Based on the findings of my site visit, despite the building undergoing refurbishment, it has the ability to provide a good standard of accommodation as a family home and has direct access to an area of outdoor garden space, which wraps around the building to the side and rear.
6. The appellant asserts that local letting agents have reported little or no demand for properties of this size. However, this represents a snap shot in time in the local area, and does not necessarily reflect trends across the wider Borough or across the lengthier development plan period. Overall it has not been satisfactorily demonstrated that the building could not reasonably be retained for single family occupancy.
7. As a result of the above factors, the proposal would result in the loss of a family sized home and would cause harm to the supply of such houses in the Borough. The loss would conflict with Policy HC1 of the DMP and Policies DS1 and H2 of the PS, as described above.

Planning Balance

8. The Council accept that it does not have a 5 year supply of sites for housing. As such the provisions of paragraph 11 of the National Planning Policy Framework (the Framework) are relevant to the appeal. The most important policies are deemed to be out of date and the Framework requires that I should grant planning permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole.
9. The proposal would cause harm to the supply of family sized homes in the Borough. However, the loss constitutes only a single unit and, in the absence of evidence to suggest that the impact of this loss on the overall stock would be significant, this harm would be at the lower end of the scale.
10. The proposal would continue to provide a self contained unit on the site ,albeit of reduced size, and would not therefore result in a reduction in unit numbers. In addition, the proposed 8 HMO rooms would make a contribution towards the provision of housing in the Borough and would comply with the aims of the Framework insofar as it seeks to boost the supply of homes. Particularly as the proposed HMO would comply with the Council's policies relating to the provision and location of HMOs, I consider this to be a benefit of considerable weight.
11. While I would ascribe moderate weight to the adverse impact of the loss of the family home, this would not significantly and demonstrably outweigh the benefits identified, when assessed against the policies in the Framework as a

whole. The appeal scheme therefore benefits from the presumption in favour of sustainable development.

Other Matters

12. Council have provided examples of other appeal decisions which consider the issue of the loss of family housing¹. However, in those appeals the provisions of paragraph 11 of the Framework were not specifically applied. As the issue of the Council's housing land supply forms part of the evidence in this appeal, the circumstances of those decisions are different to those of the appeal before me.

Conditions

13. The Council has provided a list of suggested conditions that it considers would be appropriate. I have considered these in light of the Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG, I have amended some of the Council's suggested wording.
14. In addition to the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. For reasons of sustainability and to preserve the character and appearance of the area, I have also imposed a condition requiring delivery of the cycle and refuse storage facilities shown. I have combined these requirements to a single condition for conciseness.
15. I have not imposed a condition requiring the internal layouts to be maintained. As changes relating to internal layouts would not normally require planning permission, and as separate legislation exists to regulate HMO units, this would not meet the tests of necessity or reasonableness.

Conclusion

16. For the above reasons, having taken account of the development plan as a whole, the approach in the Framework, along with all other relevant material considerations, I conclude that the appeal should be allowed.

C Shearing

INSPECTOR

¹ APP/B1415/W/21/3269972 and APP/B1415/W/20/3271440