



Appeal Decision

Site visit made on 25 June 2024

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th June 2025

Appeal Ref: APP/P1560/W/23/3332297

112 Wellesley Road, Clacton-on-Sea CO15 3PT

- 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 Hunt Healthcare Ltd against the decision of Tendring District Council.
 - The application Ref is 23/00764/FUL.
 - The development proposed is proposed change of use from single dwellinghouse to house of accommodation for key healthcare workers.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted a duly executed unilateral undertaking which I have taken into account. It provides for a contribution towards ecological mitigation, and I refer to this later in my decision.
3. Whilst the development as described does not specifically refer to a change of use to a House in Multiple Occupation (HMO) (use class C4) the application has been determined on that basis.
4. The appellant has questioned whether the appeal scheme is correctly identified as being use class C4. Indeed, the appellant suggests that the residents “would be directly related by nature of their healthcare qualifications, their status as staff members solely with Hunt Healthcare Group and geographical relocation to Clacton to meet the requirements of the Home Office visa”. I have no substantive evidence before me that persuades me that, for the purpose of Use Class C4, ‘related’ is defined other than in terms of blood or marriage.
5. I have therefore dealt with the appeal on the basis that it is proposed to change the house from use class C3 dwellinghouse to use class C4 HMO. In doing so I am satisfied that no injustice has been caused.

Main Issue

6. The main issue is whether the appeal scheme complies with the spatial strategy for the area, with particular regards to policy LP11.

Reasons

7. Policy LP11 of the Tendring District Local Plan 2013-2033 (the LP) is, as detailed in the supporting text, intended to ensure that any proposal for HMOs or bedsits does not result in an unhealthy concentration of such accommodation in any one

particular area and to ensure that any HMOs or bedsits that are permitted will meet minimum standards of room size, facilities, design and layout to ensure that occupiers can enjoy decent living standards and to minimise any detrimental impacts on the physical appearance of the area. This policy contains a list of eight criteria, only two (a and e) are in dispute.

8. Criterion a refers to the total number of existing and proposed HMO tenancy units and bedsits within a 100-metre radius of the property or site in question, does not exceed 10% of all residential accommodation within that 100m radius zone.
9. I have been provided with some limited evidence from the parties detailing the number of bedsits and HMOs in the local area. The council have identified six HMOs with a total of 41 units, being 23.97% of all properties within the 100m radius of the appeal site. The appellant identifies a lower figure of 28 units/16.37%. I note that under both figures both would be above the 10% threshold detailed in policy LP11.
10. On the basis of the evidence from both parties, it appears that the 10% figure of policy LP11 would be exceeded and I have no substantive evidence before me that clearly demonstrates that the relevant figure would be below 10% including the appeal scheme and I therefore conclude that the appeal scheme is contrary to Policy LP11 in this regard.
11. Turning to car parking, in accordance with policy LP11 criterion e the council is seeking a car parking space per tenancy unit. I note that Essex County Council's Highways Department were consulted as part of the application process and did not object to the scheme. I saw at the site visit that there is no potential to provide the required car parking spaces within the boundaries of the appeal site. Furthermore, saw that the property is located near to the town centre, train station and bus routes and the appellant details that the future residents would be able to walk to all care homes within 20 minutes reducing the need for travel by private motor car.
12. The council has suggested conditions to secure a residential travel information pack and cycle parking. These could support the use of modes of transport other than by private motorcar. I note that the Framework requires that when setting local car parking standards consideration be given to the accessibility of the site and local levels of car ownership.
13. Moreover, while it is clear that the appeal scheme falls short of the car parking requirements of policy LP11 e I have no substantive evidence before me that would lead me to conclude that it would follow that there would be any resulting harm to highway safety.
14. To conclude this main issue, for the reasons detailed above, while I am satisfied that the appeal scheme provides adequate car parking, I nonetheless find that the appeal scheme would further increase the number of HMOs in the local area above the threshold detailed in the policy and as such does not comply with the spatial strategy for the area as detailed within policy LP11 of the LP.

Other Matters

15. The appellant details that the proposed accommodation is required to house seven care home employees. The appeal statement details that the appellant has been

granted a licence by UK Visa & Immigration Department to recruit qualified nurses and paramedic staff from overseas on 3-year temporary basis. Moreover, I understand that the licence holder is required to provide accommodation for each worker. Furthermore, I note that there is some support in this regard from Policy HP1 and Policy LP10 of the LP.

16. However, no mechanism (either planning obligation or suggested condition) is before me that would restrict the occupation of the proposed HMO to health care workers, nor is there any substantive evidence before me to convince that such a restriction would be reasonable and enforceable. Therefore, while this material consideration does weigh in favour of the appeal scheme, and I afford it some weight only.
17. The appellant refers to a separate appeal¹ for a proposal that is near to the appeal site. While that scheme is not dissimilar to the appeal scheme, I am not aware of all of the circumstances and policies that applied at the time that the appeal was determined. Therefore, while I have had regard to this material consideration, I afford it limited weight.
18. There are a number of matters referred to above that weigh in favour of the appeal scheme. However, either individually or cumulatively I do not consider that they outweigh the harm of identified previously.

Planning Obligations

19. The appellant has provided a unilateral undertaking under section 106 of the Town and Country Planning Act 1990, which includes obligations which would come into effect if planning permission were to be granted. I have considered the obligations in light of the Framework, Planning Practice Guidance (PPG) and the Community Infrastructure Levy Regulations (the CIL Regulations). The obligation has been seen by the council and the comments from the council appear to have been incorporated in the obligation before me.
20. The appeal scheme proposes an intensification to the existing residential use on the site that lies within the Zone of Influence of the Colne Estuary RAMSAR, SPA and SAC.
21. The appeal scheme proposes a single HMO, and as such the number of additional recreational visitors would be limited and the likely effects on the SAC and Colne Estuary RAMSAR from the proposed development alone may not be significant. However, in combination with other developments it is likely that the proposal would have significant effects on the designated site.
22. Therefore, the Regulations place a duty on the competent authority to undertake an appropriate assessment of the implications of the appeal scheme in view of the site's conservation objectives.
23. The site is within the zone of influence where new residential development is likely to result in recreational pressure, which would, both alone and in combination with other development within the zone of influence, have a likely significant effect on the interest features of the aforementioned site. Therefore, I consider that the development would have an adverse effect on the integrity of the site, but regard can be had to whether these adverse effects can be mitigated.

¹ APP/P1560/W/22/3303786 28 March 2023

24. The appellants have submitted a Unilateral Undertaking for the per dwelling contribution of £125.58 to fund the SPA, SAC and RAMSAR site at Colne Estuary.
25. The contributions would be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of the Community Infrastructure Levy Regulations. As such, the contributions toward the mitigation schemes would count as mitigation toward maintaining the integrity of the sites.

Conclusion

26. For the reasons given above the appeal should be dismissed.

Mr M Brooker

INSPECTOR

