



Appeal Decision

Site visit made on 27 June 2025

by **C Harding BA (Hons) PGCert PGDip MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 July 2025

Appeal Ref: APP/W0734/W/25/3364048

12 Crescent Road, Middlesbrough TS1 4QJ

- 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 Ata Ul Waheed Usman on behalf of Kaments Ltd against the decision of Middlesbrough Council.
 - The application Ref is 24/0121/FUL.
 - The development proposed is described as “The property was a dwelling house, changed to HMO by the previous owner on or before 29/04/2018. The previous owner have carried out the work and an HMO license was granted to him on 29/04/2018. The HMO license was issued to us “Kaments Ltd” on 08/08/2023. A change of use approval is required from Dwelling House to HMO Note: We are not intended to carry out any work. A Certificate of Lawful use for the property being used as a Sui Generis HMO, is required by our Lender”
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development used on the Council’s decision notice differs from that provided on the planning application form which is vague and contains superfluous information. The Council described the proposal on its decision notice as “Change of use from dwellinghouse to 7 bed House in Multiple Occupation (retrospective)”. In the interests of clarity, I have considered the proposal on this basis as it more accurately describes the development.

Main Issue

3. The main issue is whether sufficient information has been supplied to demonstrate whether suitable living conditions would be provided to future occupiers, with particular reference to internal space.

Reasons

4. The only drawings which have been put before me are a site location plan and an extract from the Environment Agency Flood Map for Planning. I have not been provided with any drawings indicating the internal layout of the property in either its original or proposed form. I do, however, note that the appellant has indicated that no internal changes would take place. The Council has made reference to a layout plan and highlighted deficiencies within it, but in any event, this plan is not before me.
5. On my visit, those rooms currently occupied as bedrooms did not appear to be obviously deficient in terms of their size. However, without accurate drawings before me, I cannot be certain that the relevant criteria of either the Council’s

Interim Policy on the Conversion and Sub-Division of Properties, or the Government's Housing Standards would be met.

6. It is stated that the appeal property has been occupied as a House in Multiple Occupation ('HMO') since 2018, and that prior to this it was occupied as a C3 dwellinghouse, however there is nothing before me to indicate that such a change was lawful. It is unclear when, if at all, the property was previously occupied on a seven-bedroom HMO basis.
7. It is not within the scope of this appeal to determine whether the use of the property as an HMO, whether of seven bedrooms, or fewer, would be lawful. The fact that the property may have operated as an HMO for a number of years, and indeed been licenced as such during this period, carries little weight given the uncertainty over whether such a use would have been lawful.
8. As an application for planning permission has been made to regularise the use, it is entirely appropriate to consider whether the standard of accommodation proposed would be suitable, having regard to the most recent and up-to-date guidance. On the basis of the limited evidence before me, it has not been demonstrated that this would be the case.
9. I therefore conclude that insufficient information has been supplied to demonstrate that the proposal would provide acceptable living conditions for future occupiers with particular reference to internal space. The proposal would conflict with Policy DC1 of the Middlesbrough Local Development Framework Core Strategy which states, amongst other factors, that sufficient information should be supplied to enable the determination of an application.

Other Matters

10. 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 before granting permission. In relation to this appeal, this responsibility falls to me. However, as I am dismissing the appeal on other grounds, it is not necessary for me to consider this matter further in this instance.

Conclusion

11. 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.
12. For the reasons given above, I conclude that the appeal is dismissed.

C Harding

INSPECTOR