



Appeal Decision

Site visit made on 03 September 2025

by A Oyebade MSc FCILT

an Inspector appointed by the Secretary of State

Decision date: 9th October 2025

Appeal Ref: APP/P1560/W/25/3366092

21 Granville Road, Clackton-on-Sea, Essex CO15 6BX

- 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 Nest Contractors Ltd against the decision of Tendring District Council.
 - The application Ref is 25/00363/FUL.
 - The development proposed is the change of use from single family dwellinghouse (Use Class C3) to small House of Multiple Occupation (Use Class Sui Generis) with maximum capacity of seven residents.
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Decision

1. The appeal is dismissed.

Procedural matter

2. A set of revised plans had been submitted by the appellant after the Council's decision notice was issued. However, the Council has indicated that the proposed reduction in the number of residents from 7 to 6, as shown on the modified plans, represents a significant revision to the appealed application, given also that these documents have not been published to give the relevant stakeholders opportunities to comment.
3. In resolving the acceptability of the revised plan, I have applied both substantive and procedural tests. Given that the original plan removes approximately half (living room) of the communal facility area that was meant for 6 rooms (or 6 persons) to create 7 rooms (for 7 people), I have considered that the difference between the original and the new plan is substantial.
4. The scale of the disparity between the two plans cannot therefore pass the procedural test without a proper consultation on the new plan to avoid unlawful unfairness to any interested or affected residents. Consequently, I have determined this appeal based on the original plan.

Main Issue

5. The main issues are the effect on the living conditions of the occupiers of the development and car parking provision in the area.

Reasons

Effect on the living conditions of the occupiers of the development

6. The properties in this area are predominantly large 2-storey semi-detached buildings, mixed with a few 3-storey dwellings including the appeal site, plus a few blocks of flats.
7. Policy LP11d of Tendring District Local Plan 2013-2033 and Beyond (Adopted January 2022) states that all proposals involving the creation of Houses in Multiple Occupation (HMOs, including new-build, subdivisions and conversions) will require planning permission and will only be permitted within defined town centres where no more than 6 tenancy units will be served by a single indoor communal facility such as a living room, dining room or kitchen.
8. The development would result in a single indoor facility which is indicated to be used as a kitchen with a living/dining area by the tenants from all 7 rooms. This would culminate in a poor standard of living accommodation for the residents where the communal space would have a crowded feeling.
9. Therefore, the development would be harmful to the living conditions of the occupiers of the development. It would be contrary to Policy LP11d of Tendring District Local Plan 2013-2033 and Beyond (Adopted January 2022), which requires HMOs with more than 6 tenancy units to have access to more than one communal area to ensure occupiers can enjoy decent living standards.

Effect on car parking provision in the area

10. Policy LP11e of Tendring District Local Plan 2013-2033 and Beyond (Adopted January 2022) states that all proposals involving the creation of HMOs will only be permitted within defined town centres where a minimum of 1 off-street car parking space per tenancy unit is provided and each parking space must be capable of being used independently of one another. There is clear conflict with this Policy.
11. The Council officer's report explains that the appeal site is in a central and primary shopping area, and within walking distances of several key facilities including public transport containing numerous bus routes. It also mentions that Clacton railway station is located to the north of the site. The Council's highway team has considered these transport features and subsequently raised no objections from the car parking perspective, subject to the appellant implementing certain travel plan commitments prior to the occupation of the development.
12. The development would retain the 2 frontage car parking spaces, which have served the existing dwelling of 6 rooms. Given the size of the existing dwelling, this could have been occupied by a family with more than two cars. Although each tenant would be unrelated, given the proximity to public transport, services and facilities, it is likely that some may choose to not own a private motor vehicle. In this context the use of the building as a large family dwelling or a 7 room HMO is unlikely to result in significantly greater parking demand. In addition, the travel plan conditions proposed would help to ensure that sustainable transport options are available to minimise car ownership and there is no evidence before me to suggest that this locality is experiencing an extreme car parking pressure.
13. Paragraphs 115 and 116 of the National Planning Policy Framework (the Framework), seek to ensure sustainable transport modes are prioritised and avoids severe impacts on the road network. The development would accord with these aims. Having regard to the specific circumstances of the development and its location there are material considerations that indicate that, despite the conflict

with Policy LP 11e, the development is acceptable in terms of its parking provision. I conclude that the proposal would result in acceptable parking arrangements.

Planning Balance

14. I have also considered the appellant's reference to the paragraph 125(d) of the Framework, which directs that the development of under-utilised land and buildings to meet identified needs for housing where land supply is constrained, should be promoted and supported. Nonetheless, the Council has demonstrated a 6.26-year supply of deliverable housing land and so the supply does not appear to be unduly constrained. I therefore give very limited weight to the efficient use of this site, and it does not outweigh the harm that would arise to the living conditions of the occupants of the building. Although I have found that the parking would be adequate, this would be a lack of harm and therefore neutral in the overall planning balance.

Conclusion

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

A Oyebade

INSPECTOR