



Appeal Decision

Site visit made on 21 October 2025

by **P Burley BA (Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 October 2025

Appeal Ref: APP/V1260/W/25/3370134

1 Wolseley Road, Poole BH12 2DP

- 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 Jemstone Property Solutions Ltd against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is P/25/00585/FUL.
 - The development proposed is the change of use of C3 dwelling to *Sui Generis* HMO (11 beds) for a maximum of 11 occupants, with outbuilding removal, cycle store, single storey rear extension and roof extension, dropped kerb and access and parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's third reason for refusal related to the insufficiency of evidence to demonstrate that the appeal scheme would meet the definition of '*de minimis*' as set out in the Biodiversity Gain Requirements (Exemptions) Regulations 2024. Based on the appellant's appeal submissions, the Council has accepted that it has been demonstrated that the proposals would qualify for the exemption because less than 25m² of habitat would be impacted. Having reviewed the submissions, I agree with the Council's assessment and, therefore, it is not necessary to consider this matter any further in my decision.

Main Issues

3. The main issues are:
 - whether the living conditions of the future occupiers of the proposed house in multiple occupation (HMO) would be acceptable with particular regard to outlook and natural light; and
 - whether any effects on habitats sites would be mitigated.

Reasons

Living Conditions of Future Occupiers

4. Whilst the kitchen of the proposed HMO would not have direct natural light, it would form part of a larger area that would have large south-facing windows that would allow natural light into the sitting and dining areas. Given that the kitchen area is only likely to be used for relatively short periods of time when preparing food, the absence of direct natural light, natural ventilation or outlook is not

indicative of an overall poor standard of accommodation in this case, albeit the absence of dedicated laundry facilities may impact on the use of the communal space when it is not effective to dry laundry outdoors. Similarly, whilst the amount of communal seating might be limited, the amount of communal space complies with the Council's adopted 'Amenity Standards for Housing in Multiple Occupation' (May 2024) which is intended to guide HMO licensing assessments. Although this is not a planning policy document, I consider that some weight should be given to it as an indication of the minimum amount of space that should be provided in HMOs, particularly in the absence of any planning policies in this regard.

5. In terms of the sufficiency of the communal areas, I also attach some weight to the appellant's argument that residents in HMOs tend to often use bedrooms for rest and relaxation and even socialising given this is where they can obtain quiet and privacy. However, this highlights the importance of ensuring that individual rooms would also provide an acceptable quality of living environment for future occupants.
6. Although it would have both a door and a window that would allow in natural light, the outlook from Room 7 of the proposed HMO would be towards a cycle store that would be in close proximity. The 'East Elevation – Bike Store 1:200' drawing indicates that the roof of the bike store would be at a similar height to the top of the windows in Room 7. Therefore, the remaining outlook would be towards the sky above the cycle store and potentially towards parts of the tall trees towards the rear of the garden.
7. Similarly, the sole window in Room 6 would face the high fence between the appeal site and the property to its east along with the side elevation of that neighbouring property. As well as representing a poor outlook, this room is also likely to receive limited amounts of natural light because of its location.
8. Room 11 would have a single north-facing rooflight. Whilst the appellant has argued that this room would have more than adequate natural light, I nevertheless consider that it, too, would have a poor outlook.
9. Noting that these rooms may be used for rest, relaxation and socialising as well as sleeping, I find that there would not be a satisfactory outlook and, in some cases, it is likely that there would not be adequate access to natural light. Overall, therefore, the appeal scheme would fail to provide adequate internal living conditions for future occupants. Thus, it would conflict with Policies PP27 and PP37 of the Poole Local Plan (2018) (LP) which seek to achieve acceptable living conditions and to orientate development so as to minimise the need for artificial light.

Habitats

10. The appeal site is within the zone of influence (Zol) of the Dorset Heathlands Special Protection Area (SPA) and Ramsar site. It is also within the Zol of Poole Harbour which is an SPA, Site of Special Scientific Interest (SSSI) and Ramsar site. LP Policy PP32 seeks to protect such sites from harm and, where necessary, seek mitigation against any adverse effect of development.
11. The creation of a new dwellinghouse within the Zol could result in increased recreational activity in the habitats sites, which in the heathlands can lead to an increase in wild fires, damaging recreational uses, the introduction of incompatible plants and animals, loss of vegetation and soil erosion and disturbance by humans

and their pets amongst other factors, resulting in an adverse effect on the heathland ecology. Public access in and around the harbour, and various forms of recreational activities (including sailing along with walking, dogs and bait digging along the shoreline) can disturb the SPA birds in the harbour.

12. Therefore, I consider that there is a probability or risk that the appeal scheme, in combination with other plans or projects, could have a likely significant effect on the habitats sites as it would be likely to exacerbate existing recreational pressures. I am required to carry out an appropriate assessment, therefore. Where it cannot be concluded that there would be no adverse effects on a site's integrity, which is the case here due to increased disturbance to the qualifying features from recreational activity, it is necessary to consider potential mitigation.
13. The Council has, with the agreement of Natural England, established a strategic, district-wide approach to mitigating recreational pressures on the habitats sites which involves securing financial contributions for access management schemes and monitoring, and this is set out in the Council's Dorset Heathlands Supplementary Planning Document (SPD) (2020) and its Poole Harbour Recreation SPD (2020). I consider that this is an appropriate approach to mitigating identified harms.
14. The appellant has submitted a unilateral undertaking (UU) relating to Strategic Access Management and Monitoring contributions. However, the UU is not signed or dated and does not include details such as the amount of the contributions. Where an appeal is made following the written representations procedure, the appellant must ensure that it submits an executed and certified copy of any planning obligation at the time of making their appeal¹.
15. Given that the UU has not been properly executed, I do not attach any weight to it. Therefore, I conclude that it would not mitigate the effects of the proposed development and remove all reasonable scientific doubt that the appeal scheme would not have an adverse effect on the integrity of the habitats sites either alone or in combination with other plans and projects.
16. Accordingly, the UU does not address the Council's third and fourth reasons for refusing the appeal application. The appeal scheme would not comply with the Habitats Regulations and would also conflict with LP Policy PP32 which relates to the mitigation of the impacts of development on international nature conservation sites and LP Policy PP39 which relates to developer contributions.

Conclusion

17. Whilst both parties have noted that the Council cannot demonstrate a five-year supply of deliverable housing sites, the absence of any mechanism to mitigate the effects of the proposed development on the Dorset Heathlands SPA and Ramsar Site and the Poole Harbour SPA, SSSI and Ramsar site provides a strong reason for refusing the development proposed per footnote 7 of the National Planning Policy Framework (the Framework). The proposed development would not therefore benefit from the presumption in favour of sustainable development found at paragraph 11 of the Framework.

¹ <https://www.gov.uk/government/publications/planning-appeals-procedural-guide/procedural-guide-planning-appeals-england#written-representations>

18. Whilst I attach significant positive weight to the creation of additional residential accommodation in light of the Council's housing land supply position, I find that this is outweighed by the inadequate living conditions that would be provided for the future occupiers of the proposed HMO in respect of outlook and natural light. Furthermore, I must take account of the absence of any mitigation for the effects of the appeal scheme on the designated habitats sites which, on its own, prevents me from allowing this appeal.
19. Overall, none of the other considerations material to the proposed development indicate that the appeal decision should be taken otherwise than in accordance with the development plan. For the reasons given above, having regard to the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

P Burley

INSPECTOR