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## Appeal Decision

Site visit made on 27 October 2025

**by Ryan Cowley MPlan (Hons) MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 04 November 2025**

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**Appeal Ref: APP/H0738/W/25/3369153**

**42 Westbourne Street, Stockton-on-Tees TS18 3EN**

- 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 Mr Ryan Beaumont, on behalf of Beaumont and Partners Ltd., against the decision of Stockton-on-Tees Borough Council.
  - The application Ref is 24/0516/COU.
  - The development proposed is change of use from dwelling house (Use Class C3) to 7 person large HMO (sui-generis) with associated internal works.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - The effect of the proposal on the integrity of European sites, with particular regard to nutrient neutrality.
  - Whether the proposal would provide adequate living conditions for future occupiers, with particular regard to internal and external amenity space provision;
  - The effect of the proposal on the living conditions of the occupiers of neighbouring properties, with particular regard to the fear of crime and anti-social behaviour and the sense of security of existing residents; and
  - The effect of the proposal on the character of the area.

### Reasons

#### *Nutrient neutrality*

3. The appeal site is located within the nutrient neutrality catchment area for the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar site. The Teesmouth and Cleveland Coast SPA is legally underpinned by the Teesmouth and Cleveland Coast SSSI. As the competent authority, I must have regard to The Conservation of Habitats and Species Regulations 2017 (as amended). These regulations require that, where a project is likely to have a significant effect on a European site (either alone or in combination with other plans or projects), the competent authority must make an appropriate assessment of the project's implications in view of the relevant site's conservation objectives.

4. The SPA/Ramsar is a wetland comprised of a wide variety of habitats including: intertidal sand and mudflats, rocky shore, saltmarsh, freshwater marsh, saline lagoons, sand dunes and estuarine and coastal waters on and around the Tees estuary, which has been considerably modified by human activities. These habitats provide feeding and roosting opportunities for an important number of waterbirds.
5. The SPA/Ramsar is designated for the following qualifying features: Avocet, Common tern, Knot, Little tern, Redshank, Ruff, Sandwich tern and assemblages of a wide range of breeding, wintering and passage waterbird species. The conservation objectives of the site are to ensure that the integrity of the site is maintained or restored as appropriate and ensure that the site contributes to achieving the aims of the Wild Birds Directive by maintaining or restoring the habitats, populations and distribution within the site of the qualifying features.
6. The SPA/Ramsar is in unfavourable condition due to nutrients (in this case nitrogen), where new development may have an adverse effect by contributing additional nutrients. Competent authorities must carefully consider the nutrients impacts of any new plans and projects that may give rise to additional nutrients within the catchments of affected habitats sites and whether those impacts may have an adverse effect on the integrity of a habitats site that requires mitigation, including through nutrient neutrality.
7. The appeal scheme comprises the change of use of a single dwellinghouse to a large HMO. This would likely increase the number of residents and in turn lead to an increase in nutrient loading from nitrates. Given the unfavourable status of the SPA/Ramsar, and the likely increases in nutrient loading, the appeal scheme is likely to have a significant effect on the aforementioned species and habitats (both alone, and in combination with other development).
8. Natural England's (NE) nutrient neutrality methodology covers all types of overnight accommodation and enables a nutrient budget to be calculated for all development that would result in a net increase in population served by a wastewater system. The appeal proposal has however not been accompanied by a completed nutrient budget calculator, nor a corresponding nutrient mitigation strategy or any suitable mechanism to secure this. Notably, NE raised concerns during the application that insufficient information had been provided to allow an assessment of the potential impacts of the development on the SPA/Ramsar.
9. Excessive levels of nutrients can cause rapid growth of certain plants through eutrophication. Dense algal mats can impair waterbird foraging and high concentrations of nutrients in water can impact sensitive fish, epifauna and infauna communities, adversely affecting the availability and suitability of bird breeding, rearing, feeding and roosting habitats. Given the conservation objectives, without adequate mitigation, a net increase in nutrient loads arising from the development would adversely affect the integrity of the SPA/Ramsar.
10. As the competent authority in this case, I must be able to rule out all reasonable scientific doubt that the proposal would have an adverse effect on the integrity of the SPA/Ramsar. Given the above concerns and omissions, and the high level of statutory protection afforded to the SPA/Ramsar, I am not satisfied that adverse effects on the integrity of the SPA/Ramsar would be avoided.
11. Consequently, I cannot conclude that the appeal scheme would not have an adverse effect on the integrity of European sites, with particular regard to nutrient

neutrality. Accordingly, the proposal would conflict with Policies ENV5 and ENV7 of the Stockton on Tees Borough Council Local Plan Adopted 30 January 2019 (the Local Plan). These policies, among other provisions, seek to protect and enhance the biodiversity resources within the Borough including sites designated for nature conservation, ensure that development proposals that may cause pollution incorporate measures as appropriate to prevent or reduce this; and improve the quality of the water environment.

#### *Living conditions for future occupiers*

12. The supporting text to Policy SD8 of the Local Plan clarifies that its provisions also apply to proposals for conversions and sub-division of residential properties. It also highlights the importance of ensuring the internal layout of accommodation is sensitively designed to ensure that occupants have sufficient living space.
13. The proposed accommodation would be set across 3 levels, with 2 bedrooms at ground floor, 3 bedrooms at first floor and 2 bedrooms at second floor. All bedrooms would have en-suite bathrooms, except for bedroom 7 in the roof space, which would have a separate bathroom on the floor below. The property would feature a communal kitchen, separate utility room and a rear courtyard.
14. The submitted plans indicate that the communal kitchen would measure 17.4 square metres (sqm) in area. This is larger than the 13.5sqm recommended for kitchen/dining rooms in a 7-person HMO, set out in the Council's Houses in Multiple Occupation amenity guidance and referred to in the Officer Report. Furthermore, it would also be supplemented by the 9.2sqm separate utility room, and I am satisfied that the combined kitchen and utility facilities would be sufficient in size and useability to serve the proposed number of occupants.
15. However, due to the amount of space used for bedrooms, the proposal would not provide a living room for future occupiers, and the kitchen / utility spaces would not be sufficiently sized to also serve this purpose. Likewise, the external space provided would be limited, while its narrow, elongated form and the presence of bin storage and cycle stands would curtail its useability. Future occupiers would thus be confined to their bedrooms for most of the time, with limited opportunities to relax or socialise and limited access to outside amenity space.
16. The proposal would thus fail to provide adequate living conditions for future occupiers, with particular regard to internal and external amenity space provision. It would conflict with Policy SD8 of the Local Plan. This policy, among other provisions, seeks to ensure that new development is designed to the highest possible standard, including by responding positively to the amenity of future occupiers; and creates attractive and comfortable places.

#### *Living conditions of neighbours*

17. Paragraph 135 of the National Planning Policy Framework states that planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
18. The proposal would result in the replacement of a family home with a different and more intensive form of residential accommodation. Both Cleveland Police and the

Council's Community Safety Team (CST) formerly objected to the application, raising concerns that the proposal would undermine community safety and the perception of it among local residents.

19. The police indicate that this area is prone to high levels of serious violence, crime and antisocial behaviour. It is part of the Home Office "Clear, Hold, Build" initiative to reduce this. The transient nature and other characteristics of HMO occupation in this area place additional demand on police and partner agencies. Police statistics indicate that households with 3 or more adults are more likely to experience property and personal crime than a 2-adult household, with private renters facing higher burglary risk. Reasons for this include offenders identifying HMOs as likely to contain a large quantity of valuables and gadgets, and occupants of HMOs failing to secure the property, assuming other residents will do so.
20. This is reiterated in representations from the CST, which highlight the correlation between crime rates and the density of HMO development in this area. The CST contends that resisting additional HMO development contributes to the "Hold" component of the Home Office initiative, by making sure that after the "Clear" phase the area remains as safe as practicable and the community can see action being taken, in order to "Build" confidence in the strategy.
21. In view of the specific circumstances in this area, I find that allowing an additional large HMO at the appeal site is likely to contribute to the erosion of the sense of security of existing residents and increase the fear of crime and anti-social behaviour. This would be harmful to the living conditions of the occupiers of neighbouring properties. The proposal would thus conflict with Policy SD8 of the Local Plan. This policy, among other provisions, seeks to ensure that new development responds positively to the amenity of all existing occupiers; and is designed with public safety and the desire to reduce crime in mind.

#### *Character of the area*

22. The appeal site comprises a mid-terrace traditional house. Though close to the town centre, it is in a predominantly residential area. The area has historically been characterised by single family homes. Based on the evidence and my observations, many have since been converted to HMOs or flats. The Council estimates that at least 50% of properties on Westbourne Street are now operating as either flats, HMOs or bedsits, though this figure may be as high as 69%.
23. While the property would remain in residential use, the nature of the occupation of the property by 7 unrelated individuals would be appreciably different to that of a single-family home. There would be increased comings and goings due to each occupant having their own working and personal schedules, attracting their own visitors and deliveries, and being more likely to carry out individual activities while at home, across a wider range of times.
24. Given the high proportion of HMOs and similar accommodation in the area, the proposal would further unbalance the housing mix locally, shifting the nature of its residential character. Combined with the identified issues related to the proliferation of this type of accommodation in this area, it would contribute to the erosion of the positive aspects of its local distinctiveness and the sense of place.
25. The proposal would thus have a harmful effect on the character of the area. With respect to this main issue, it would conflict with Policy SD8 of the Local Plan. This

policy, among other provisions, seeks to ensure new development responds positively to the character of the surrounding area, reinforces local distinctiveness and establishes a strong sense of place.

### **Other Matters**

26. The proposed development would contribute to the supply of larger HMOs in this area, albeit at the expense of a single-family home. The benefits of the development would however be modest given its scale and context.
27. The appellant has advised that the appeal property has now been converted and is operating as a small HMO under permitted development rights (PDR). No formal confirmation of the planning status of the property, such as a Lawful Development Certificate, has been presented. Nevertheless, even if this is the case, the appeal scheme would remain an intensification over the current use, resulting in a greater degree of harm compared to that which may arise from a small HMO. Moreover, as a small HMO, the property could be returned to a single dwellinghouse by virtue of PDR, retaining a degree of flexibility as to its future use. As a fallback position, this does not therefore weigh heavily in favour of the appeal scheme.
28. While the area may not be subject to an Article 4 Direction restricting the conversion of dwellings to small HMOs, this does not in itself demonstrate that the conversion of a property to a large HMO would be acceptable and thus does not lead me to a different conclusion on the main issues.
29. My attention has been drawn to several other decisions in Brighton, Peterborough, Hartlepool, West Berkshire, Liverpool, Merton and Southampton, however only limited details in respect of each case and the circumstances that led to those decisions have been provided. Notably, all were in different local planning authority areas and thus considered in a different urban context and local planning policy environment. I therefore cannot draw any meaningful comparisons to the appeal scheme and, ultimately, each case must be considered on its individual merits.
30. While no objections to the application were received from immediate neighbours, this does not in itself demonstrate that the proposal is acceptable with regard to the main issues in this case.
31. Other than where set out above, I have not identified conflict with any other relevant parts of the development plan or national policy and guidance. However, the absence of harm or development plan conflict with respect to other relevant matters weighs neither for nor against the proposal.

### **Conclusion**

32. The proposed development would conflict with the development plan, taken as a whole. I have found no material considerations that indicate the appeal should be determined other than in accordance with the development plan. Consequently, I conclude that the appeal is dismissed.

*Ryan Cowley*

INSPECTOR