



Appeal Decision

Site visit made on 7 October 2025

by **B Plenty BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4 November 2025

Appeal Ref: APP/V1260/W/25/3360216

117-119 Malmesbury Park Road, BOURNEMOUTH, BH8 8PS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Project Solutions Southern against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is 7-2024-2952-J.
 - The development proposed is the extension and conversion of the existing building into a block of 8no. flats and a 10no. bedroom HMO with car parking.
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Decision

1. The appeal is invalid and therefore I am unable to determine it.

Preliminary Matters

2. The appeal site is currently occupied by a vacant community hall consisting of two storey and single storey conjoined elements. The appeal proposal has been made in outline form with all matters for consideration other than landscaping. However, the proposal includes the change of use of the existing two storey building to a house in multiple occupation (HMO).
3. Although the officer report (OR) indicates, at paragraph 16, that the proposal is for the demolition of the building and the erection of a three-storey building (with 8 flats and a 10 bed HMO) this is not what was applied for or refused. Furthermore, and more correctly, OR paragraph 21 clearly states that the proposal is for extensions to the existing building and a change of use in part of the proposal for an HMO of 10 bedrooms. In consideration of the submitted evidence I am satisfied that the latter position more accurately reflects the nature of the proposal.
4. Section 79(6) of The Town and Country Planning Act 1990 provides that if, before or during the determination of the appeal, the Secretary of State forms the opinion that planning permission for that development could not have been granted by the local planning authority, they may decline to determine the appeal. This can include applications for planning permission that have not been validly made.

Reasons

5. The power to grant outline planning permission is contained in s92 of the 1990 Act and Article 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015. The Order defines an outline permission as a planning permission “for the erection of a building”. As such, whilst the proposed extensions to the building could be considered in ‘outline’ form, an outline

application cannot be made for a change of use of land as it would go against this definition.

6. Comments have been sought from both parties on this matter. In response, the appellant has drawn my attention to Article 5(1) and asserts that the Order does not restrict the type of development that seeks outline permission and that the proposal falls within this scope. However, as the Order identifies that outline planning permission solely relates to the erection of a building it is clear this excludes an application for a material change of use.
7. When dealing with appeals involving outline applications, the starting point is to establish which matters are reserved and which matters are included within the application. This should normally be clear from the original application form. Indeed, the way the application was made should be treated as decisive.
8. The appellant suggests that if I find that the proposal could not include the change of use, then I could instead just consider the proposed extensions. However, this would require a revised description of development, revised plans and would raise questions as to the intended purpose of the retained building in the centre of the proposal and the implications of any conflict its existing use would cause to neighbouring uses.
9. The proposed extensions would be to both sides of the retained building and involve replacing its roof with a more comprehensive roof covering the extended second floor. As a result, the part of the site subject to the proposed change of use is intrinsically linked to the rest of the scheme. The Planning Practice Guidance (PPG) states that "...where details have been submitted as part of an outline application, they must be treated by the LPA as forming part of the development for which the application is being made." As such, it is necessary to consider the proposal in its entirety and it would not be possible to practically sever parts of the proposal into constituent components, to (for example) exclude the 'invalid' part of the scheme. Therefore, for these reasons, the two elements cannot be considered as two separate planning components.
10. An Inspector can only consider the merits of an application and determine a subsequent appeal if they are satisfied that a valid planning application was made in the first instance. Whether the Council validated and determined the application is not determinative. In this instance, the planning application did not comply with the requirements of the Order or the PPG and thus it was invalid. I therefore have no jurisdiction to determine the appeal or consider the planning merits of the development.

Conclusion

11. For the above reasons, I find the appeal to be invalid. Accordingly, I decline to determine the appeal and propose to take no further action.

B Plenty

INSPECTOR