



Appeal Decision

Site visit made on 15 October 2025

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th November 2025

Appeal Ref: APP/H0724/W/25/3367761

21 Northgate, Hartlepool TS24 0JT

- 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 Thomas Cawley against the decision of Hartlepool Borough Council.
 - The application Ref is H/2024/0274.
 - The development proposed is change of use from a former beauty salon into a one bedroom residential dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would have an acceptable effect on the vitality and viability of the local centre.

Reasons

3. The appeal site comprises the ground floor of a mid-terraced property located on Northgate, within the Headland area of Hartlepool. The surrounding area is characterised by a mix of residential and commercial uses, with several nearby properties featuring ground floor shop fronts and residential accommodation above. The Hartlepool Local Planning Framework, Hartlepool Local Plan, May 2018 (the LP) defines the site as part of the Northgate local centre.
4. Policy RC16 of the LP seeks to protect the vitality and viability of designated local centres by supporting a mix of commercial uses at ground floor level. Although the policy supports residential uses on upper floors, ground floor residential conversions are not listed among the sequentially preferable uses. The policy does, however, allow for flexibility where a unit has been vacant for a significant period and where there is evidence of marketing efforts to bring the unit back into commercial use.
5. In this case, the appellant has not provided formal marketing evidence to demonstrate that the unit is no longer viable for commercial use. The period of vacancy is somewhat unclear, with references suggesting the property has been vacant since either 2022 or 2023. Although informal efforts to let the unit have been cited, including word-of-mouth dissemination and maintaining it in a lettable condition, no formal marketing has been documented. This includes the absence of advertising through commercial agents, online listings, signage, or outreach to prospective occupiers. There is also no supporting information regarding the

duration of any marketing activity, pricing strategy, enquiries received, or feedback from potential occupiers.

6. Although the cited informal measures indicate some attempt to re-let the property, they fall short of the expectations set out in Policy RC16, which requires both a sustained period of vacancy and demonstrable marketing efforts when considering alternative uses. In the absence of such evidence, the proposal does not satisfy the policy's requirements.
7. My site visit confirmed the presence of several vacant units within the local centre, lending some support to the appellant's concerns about commercial viability. However, it also revealed a number of operational businesses and a healthy level of pedestrian activity, indicating that the centre continues to function with a degree of commercial vitality. In this context, the loss of a ground floor commercial unit, without substantiated justification, would conflict with the policy objective of maintaining the vitality and viability of the local centre.
8. The appellant has raised concerns about the lack of advance notification from the Council regarding the requirement for formal marketing evidence during pre-application discussions. While this may be unfortunate, it does not remove the requirement to demonstrate compliance with Policy RC16, nor does it negate the need for robust evidence to justify the proposed change of use.
9. For these reasons, I conclude that the proposal would not comply with Policy RC16 of the LP and would be contrary to the broader objectives of the development plan, which seek to protect and enhance the vitality and viability of designated local centres.

Other Matters

10. Due to the appeal site's location within the Headland Conservation Area (the CA), I have had regard to the statutory duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the area.
11. The CA forms the historic heart of Hartlepool, originating in the seventh century as a religious settlement and later evolving into an important port. Its significance lies in its distinctive peninsula setting and the strong presence of Victorian architecture. The area is characterised by predominantly two-storey dwellings, with taller three-storey buildings fronting the seafront, and includes notable heritage assets such as St Hilda's Church, which occupies a prominent elevated position near the centre of the CA.
12. The proposal would involve limited external works to the property, and I note that the Council raised no concerns regarding its impacts on the CA. Based on my observations, I agree with this assessment and find that the proposal would preserve the character and appearance of the CA. However, the absence of harm in this respect is a neutral factor that does not weigh in favour of the proposal.

Planning Balance

13. Although the proposal would conflict with the development plan, it is necessary to consider whether other material considerations indicate that planning permission should nevertheless be granted.

14. The appellant has advanced several such considerations, including personal circumstances, national policy support for housing delivery, and statutory duties under the Equality Act 2010 and the Human Rights Act 1998.
15. The appellant has submitted evidence of personal circumstances in support of the proposal, stating that they are the sole legal owner of the property and have a specific need for accessible, ground-floor accommodation. The proposed development would enable the conversion of the unit into a suitable living space to meet that need. Under Section 149 of the Equality Act 2010, public authorities are required to have due regard to the need to eliminate discrimination and advance equality of opportunity. In this context, the provision of accessible housing for a person in need of such accommodation is a relevant material consideration that carries weight in the overall planning balance.
16. Nevertheless, the absence of formal marketing evidence means that the proposal cannot be considered policy compliant. Whilst the Equality Act requires that personal circumstances be considered, it does not mandate approval where planning harm remains unresolved. In this case, the personal circumstances do not demonstrably outweigh the harm arising through the conflict with the development plan.
17. The Human Rights Act 1998 is also engaged, particularly Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (right to peaceful enjoyment of possessions). Refusal of permission may interfere with these rights. However, such interference can be justified as a proportionate means to achieve a legitimate aim. In this case, that aim is the proper application of the development plan, specifically the protection of the vitality and viability of the designated local centre.
18. The National Planning Policy Framework (the Framework) promotes sustainable development, including the reuse of vacant buildings for residential purposes. Although no substantive evidence has been provided to suggest that this development is needed to meet an unmet housing need, the proposal would nevertheless make efficient use of previously developed land and contribute to housing supply, aligning with the Government's objective of significantly boosting the supply of homes. However, as a single-unit scheme, this contribution would be modest.
19. In conclusion, while the appellant's personal circumstances and the Framework's support for housing delivery weigh in favour of the proposal, these considerations do not overcome the fundamental conflict with Policy RC16. The lack of formal marketing evidence is a significant omission, and the proposal would result in the unjustified loss of a commercial unit in a designated local centre. As such, the material considerations advanced do not indicate that planning permission should be granted contrary to the development plan.

Conclusion

20. For the reasons given above, I conclude that the appeal should be dismissed.

P Storey

INSPECTOR