



Appeal Decision

Site visit made on 21 October 2025

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2025

Appeal Ref: APP/X3405/W/25/3371363

192 Walsall Road, Cannock, Staffordshire WS11 0JL

- 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 AYS Commercial Holdings Ltd against the decision of Cannock Chase Council.
 - The application Ref is CH/25/0178.
 - The development proposed is described as “Retrospective Planning Application for the conversion of first floor above restaurant to 6 bedroom, 9 person (Sui Generis) HMO.”
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by AYS Commercial Holdings Ltd against the decision of Cannock Chase Council. This application is the subject of a separate decision.

Preliminary Matters

3. The address on the application form includes reference to ‘Rooms Above’. This is a description of the location, rather than part of the address. For this reason, I have omitted this from the banner heading above.
4. I have assessed the appeal scheme based on the plans before me, but I observed at the time of the site visit that the first floor of the building was occupied as a six-bedroom House in Multiple Occupation (HMO). I have dealt with the appeal on that basis.
5. The Council’s reasons for refusal do not cite any relevant development plan policies. However, the Council’s planning committee report identifies relevant development plan policies, as well as applicable sections and paragraphs of the National Planning Policy Framework (the Framework). Accordingly, I have dealt with the appeal based on the totality of the written evidence before me.

Main Issues

6. The main issues raised by this appeal are:
 - whether or not the development provides satisfactory living conditions for the occupants, with regard to the provision of internal and outdoor space; and
 - the effect of the development on the character of the area, with regard to anti-social behaviour, waste, noise and disturbance.

Reasons

Living conditions

7. The appeal site comprises a two-storey detached building located within a busy urban environment. The ground floor of the building is a restaurant, and the first floor is occupied as an HMO with 6 bedrooms. Two of the bedrooms have an en-suite with the remaining bedrooms sharing two separate bathrooms. There are two shared kitchens and a dining room. A large car park and servicing area is located to the side and rear of the building, along with outside amenity space.
8. The bedrooms range in size and shape but they are of modest proportions, and with bedroom furniture there is limited circulation space and opportunities for the occupants to socialise within the bedrooms.
9. The two kitchen areas are large enough for a number of the occupiers to stand, cook and have conversations, but they do not benefit from a seating area and socialising space is limited. The dining room is also small and narrow, with no window. As such, the communal rooms do not offer an inviting space to facilitate social interaction between the occupants. There would consequently be a high probability that the future occupiers would spend most of their time within their bedrooms. In these circumstances, I am not persuaded that the size and arrangement of the accommodation provides a high standard of amenity for the occupants. Indeed, there is no substantive evidence that the development meets the nationally described space standards.
10. The appellant suggests that the development is fully compliant with Building Regulations and HMO licensing requirements. Even so, compliance with licensing standards and / or other regulations does not automatically mean that planning permission should or will be forthcoming as licensing and planning legislation are separate.
11. I am mindful that there is a small courtyard at the rear of the building which offers alternative communal space for the occupiers of the building. Occupants are also likely to have access to public open space within easy walking distance of the building. Nonetheless, these factors do not overcome my concerns of the lack of suitable internal space within the building. Particularly adequate communal areas.
12. Consequently, for the above reasons, I conclude that the development does not provide satisfactory living conditions for the occupants, with regard to the provision of internal and outdoor space. Therefore, the development does not accord with Policy CP3 of the Cannock Chase Local Plan (Part 1) 2014 (CCLP), and the objectives of the Framework, which together and amongst other things, seek to create places with a high standard of amenity.

Character of the area

13. The area has a mixed character and although the road is dominated by commercial units there are blocks of flats along Walsall Road and on nearby residential streets. Residential dwellings are also located beyond the rear boundary. Within this context, the residential use of the first floor of the building contributes to the mixed-use character of the area.
14. As an HMO with six bedrooms and up to nine occupants, I acknowledge that there is likely to be an increased number of comings and goings to the building as

occupants travel to work and carry out daily activities. There would also be visitors and deliveries to the property, and inevitably there is likely to be increased activity within the building, and people using the outside spaces around the property. However, due to the adjacent commercial uses and high levels of vehicle movements along the road, a reasonable amount of activity during both the day and night can be expected. Furthermore, the restaurant at ground floor is also likely to generate a reasonable amount of noise and disturbance. There is also a good degree of separation between the building and the houses beyond the rear boundary. Therefore, within this context, the activities, including noise and disturbance associated with the development are unlikely to be readily discernible.

15. While I acknowledge the concerns of Bridgtown Parish Council and local residents there is no compelling evidence before me that an HMO with up to nine residents would in itself bring tangible crime or anti-social behaviour to this area, as well as safeguarding concerns. Indeed, the Police have raised no objections to the development, and no complaints have been raised from technical consultees. As such, the development would continue to maintain community cohesion, and it would not result in a significant impact on public resources.
16. No external alterations to the building are proposed and the property retains its original appearance. Likewise, the existing parking arrangements to the side and rear are to remain the same, and there is ample space for external bin storage at the rear.
17. For the reasons given, I conclude that the development would not have an unacceptable impact on the character of the area, with regard to anti-social behaviour, waste, noise and disturbance. Accordingly, it would not conflict with Policy CP3 of the CCLP, and the objectives of the Framework, which together and amongst other things, seek to create places with a high standard of amenity.

Planning Balance

18. The Council accept that they cannot demonstrate a five-year supply of housing land. At around 1.88 years, this represents a significant shortfall in the supply of housing land. Therefore, the presumption in favour of sustainable development, as set out at Paragraph 11(d) of the Framework applies. In these circumstances, Paragraph 11(d)(ii) of the Framework states that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
19. The re-use of the previously underutilised first floor accommodation, as a six-bedroom HMO, makes efficient use of an existing building and the appellant suggests that it supports a small reduction in levels of CO₂. The HMO also adds to the range of dwelling types in the locality, contributing to the supply of new housing in the area, as referenced in the Framework. The occupation of the accommodation, within a sustainable urban area, is also likely to result in social and economic benefits to local services. However, the benefits associated with the provision of six bedrooms is tempered due to the accommodation not providing a high standard of amenity for the existing occupants, which is contrary to the objectives of the Framework. In this context, the development does not represent high quality private rented accommodation.

20. The fact that the appeal scheme has not resulted in the loss of trees or on-site habitats, and cycle storage provision can be provided on site carries neutral weight in the planning balance.
21. Overall, the identified adverse impacts of the development significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. It therefore follows that the appeal scheme does not benefit from the presumption in favour of sustainable development. Accordingly, it differentiates it from the appeal decision¹ highlighted by the appellant, and I have determined the case before me on the site-specific circumstances and on its own merits.
22. Dismissing this appeal may put at risk the occupation of the HMO by the current occupants. This would represent an interference with their rights under Article 8 of the European Convention on Human Rights (right to respect for private and family life) as incorporated by the Human Rights Act 1998. These rights are not unfettered and can be interfered with by a public authority in accordance with law in a number of circumstances.
23. In this case, there is a legitimate and established planning policy aim to create places with a high standard of amenity for existing and future users of development. Including HMO accommodation. No case has been made that the personal circumstances of the existing occupants require them to remain in this HMO accommodation. As such, I attach greater weight to the public interest. Dismissal of the appeal is proportionate and so it would not result in a violation of the residents' human rights.

Other Matters

24. The appeal site is located within 15km Zone of Influence of the Cannock Chase Special Area of Conservation (SAC). The appellant has submitted evidence that a financial contribution has been paid to the Council to address the issue of recreation activities on the SAC. However, given my findings that the accommodation does not provide satisfactory living conditions for the occupants, and the harm would not be outweighed by the identified benefits of the appeal scheme, it is not necessary for me to ascertain the appropriateness of the scheme or the necessity for mitigation within an Appropriate Assessment. Accordingly, as I am dismissing the appeal for other reasons, I have not taken this matter further.

Conclusion

25. For the above reasons, I conclude that the appeal scheme conflicts with the development plan when considered as a whole and there are no material considerations, including the Framework, that indicate that the development should be determined otherwise than in accordance with it. For these reasons, the appeal should be dismissed.

N Bromley

INSPECTOR

¹ Appeal Ref: APP/U4610/W/24/3349977 - 43 Wren Street, Coventry CV2 4FT