
Appeal Decision

Site visit undertaken on 20 May 2026.

by F P Tinsley MA (Hons) MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 July 2026

Appeal Ref: 6005110

3-4 Belle Vue Crescent, South Shields, South Tyneside NE33 4RD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Real Blue Limited against the decision of South Tyneside Council.
 - The application reference is: 250739
 - The development proposed is 'Change of use from a residential dwelling (C3) to 6 bed, 6 person House in Multiple Occupation [HMO] (C4), provision of new and replacement windows and doors to rear and side elevations and new front rooflights'.
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Decision

1. The appeal is allowed and planning permission is granted for 'change of use from a residential dwelling (C3) to 6 bed, 6 person House in Multiple Occupation [HMO] (C4), provision of new and replacement windows and doors to rear and side elevations and new front rooflights 'at 3-4 Belle Vue Crescent, South Shields, South Tyneside, NE33 4RD in accordance with the terms of the application, Ref 250739, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of the development set out in the application form differs from that stated in the Council's decision notice. For the purposes of this appeal, I have adopted the description contained within the decision notice, as this more accurately describes the development shown on the plans on which the Council based its decision. The appeal has therefore been determined on this basis.
3. Following submission of the application, the description of development was amended and revised plans were submitted. These revisions included alterations to the existing rear elevations to incorporate new windows and doors, together with the removal of certain existing openings. In addition, two new roof windows were proposed within the front roof slope. Neighbouring properties were re-consulted accordingly.
4. During my site visit, I observed that the works for which planning permission is sought had commenced and were substantially complete. I have therefore considered the appeal on this basis. My decision is based on the submitted plans.
5. The emerging South Tyneside Local Plan (STLP) was submitted for examination in March 2025, and the Inspector issued their Stage 2 post-hearing letter on 12 February 2026. Consultation on the Main Modifications commenced in March 2026 and closed on 25 April 2026. Representations on the Main Modifications were

published on 8 May 2026. The weight to be given to the emerging policies depends on the extent of unresolved objections, their degree of consistency with the National Planning Policy Framework (the Framework) and the comments of the Inspector in their post-hearing letter. Where relevant, I have referred to these policies and attributed appropriate weight to them in my decision.

Main Issues

6. The main issues in this appeal are the effect of the proposed development on:

- the character of the area and the living conditions of neighbouring residents with regard to disturbance;
- parking provision and highway safety; and
- the integrity and relevant features of the Durham Coast Special Area of Conservation, the Northumbria Coast Special Protection Area, and the Northumbria Coast Ramsar Site.

Reasons

Character and living conditions

7. The appeal site comprises two Tyneside flats, each of which had independent access directly from the street and also internal connection via a doorway between front entrances. It is situated within a mixed-use area that marks the transition between predominantly residential properties to the north and the Boldon Lane District Centre to the south, where land uses become more varied, including commercial premises.
8. Policy DM4 of the South Tyneside Local Development Framework Development Management Policies (2011) (the DMP) is supported by text which recognises that higher density housing, including more intensive forms of use, can make a valuable contribution to meeting housing needs. However, the policy also seeks to ensure that such development does not result in adverse impacts on residential amenity or undermine the character and nature of the surrounding area. In particular, the supporting text indicates that proposals involving the conversion of properties to larger Houses in Multiple Occupation (HMOs) will generally be discouraged within areas characterised by predominantly single-family housing. This approach aligns with the objectives of the Framework, which emphasise meeting identified housing needs through an appropriate mix of housing types, whilst promoting safe, inclusive and accessible places that provide a high standard of amenity for both existing and future residents.
9. This policy specifically relates to larger Houses in Multiple Occupation (HMOs), generally defined as those accommodating more than six persons (*sui generis*), but the development would accommodate up to six persons and therefore falls within Use Class C4. Nevertheless, it highlights that HMOs can, in certain circumstances, challenge the maintenance of an appropriate mix of housing types, particularly in areas characterised by predominantly single-family housing.
10. The site is situated within an interface area between residential and commercial uses. In this context, it cannot reasonably be described as being characterised by predominantly single-family housing. The site therefore lies within a mixed-use area, where there is no clear policy objection to HMOs, irrespective of their size.

11. The development would provide accommodation for up to six persons, who would share a single point of access but would live as separate households, each with individual living, working and social patterns. The use of the property as a HMO would result in a more intensive pattern of activity, including increased comings and goings compared to a single dwelling, it would however replace what formerly operated as two separate flats. As such, the overall intensity of use, when compared with use as two flats, would not necessarily be significantly greater.
12. The appeal site is located adjacent to commercial development to the south at both ground and first floor levels. This reduces the potential for disturbance to residential occupiers arising from comings and goings associated with the premises. Moreover, given the differing nature of activities and the variation in the primary hours of operation/activity associated with each use, it is not anticipated that the impact would be significantly greater than that arising from the existing use of the premises.
13. The nearest residential property access is adjacent at 5 and 6 Belle Vue Crescent. This is separated from the new access by two bay windows. Together with the mixed-use nature of its context, this significantly reduces the likelihood of disturbance resulting in harm to the living conditions of occupiers at that address and nearby associated with comings and goings. Furthermore, in terms of circulation within the proposed HMO, the entrance hall and stairways are located away from Nos 5 and 6 and adjacent to the commercial property to the south. This also reduces the potential for disturbance to adjacent residents.
14. While there is no direct disagreement between the parties regarding the weight to be attributed to Policy 16 of the emerging STLP, which establishes a new policy test and criteria specifically for HMO development, the Council has referred to this policy in its reason for refusal. It is therefore necessary to consider the weight that should be attached to it.
15. Policies in emerging plans do not carry the same statutory force as those in adopted development plans under section 38(6) of the Planning and Compulsory Purchase Act 2004. However, the STLP is at a very advanced stage in the adoption process. Notably, in respect of Policy 16, the only proposed modifications relate to references in the supporting text to the recently adopted Article 4 Direction concerning HMOs. There are no substantive unresolved objections to the policy.
16. I also find that the policy is consistent with the Framework, noting that this matter was considered by the Inspector during the Examination, who has since issued a post-hearing letter.
17. I conclude that substantial weight should be attached to Policy 16 as a material consideration in the determination of this appeal. It aims to avoid an over-concentration of HMOs in any one area, HMOs becoming the dominant dwelling type, and a Class C3 property being directly 'sandwiched' between two HMOs on both sides. Whilst the development would not conflict with these criteria, the policy also seeks to avoid adverse impact on the functionality and characteristics of a local area and a detrimental impact on the amenities of surrounding properties.
18. The Council's comments and data search, indicate that there are three HMOs within 185 metres of the site. While the 10% criteria wouldn't apply in this area (it applies only to the Lawe Top Article 4 Direction area), it does give an indication as

to the tipping point at which the number of HMOs within an area may not be acceptable in terms of cumulative impact. However, it has also not been satisfactorily demonstrated that the development would result in an overconcentration of HMOs within the area, or that HMOs would become the dominant dwelling type to such an extent that it would adversely affect the functionality and character of the area. Equally, there is no substantive evidence before me to indicate that the building is unsuitable for conversion to a form that would provide a good standard of living space and amenity for future occupiers, and there would not be harm to neighbouring occupiers, including in terms of parking or refuse storage.

19. I therefore find that the development would not harm the character of the area or the living conditions of neighbouring residents, with regard to disturbance. It would therefore comply with Policies DM1 and DM4 of the DMP and emerging Policy 16 of the STLP. Amongst other things, these policies seek to ensure that development is acceptable in terms of its impact on residential amenity and does not adversely affect the character and nature of the locality.
20. The development would also accord with the Framework, in particular its objectives to ensure that developments are sympathetic to local character. There is no evidence before me to indicate that the development would create a place that is not safe, not inclusive and not accessible and which would fail to promote health and well-being, without a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, would undermine the quality of life or community cohesion and resilience.

Parking and highway safety

21. During my site visit on a weekday morning, I did not observe any parking stress on Belle Vue Crescent or the surrounding streets, although it is reasonable to expect that parking levels fluctuate throughout the day. Given the site's close proximity to St Peter and St Paul Primary School, there are likely to be periods of increased parking demand associated with school drop-off and pick-up times. While I have had regard to representations from interested parties referring to parking stress in the area, and to the Council's assertion that there are high levels of parking pressure within the locality, no substantive evidence has been provided to support these claims. I also note that Belle Vue Crescent operates effectively as a cul-de-sac, which may result in additional vehicle turning movements.
22. The South Tyneside Local Development Framework SPD 6: Parking Standards (2010) sets out the relevant parking requirements for new development. For Use Class C4 HMO development in urban areas, it specifies a maximum provision of one space per five occupants, together with one additional space per five occupants for visitors. The appeal development, based on up to six residents, would equate to two resident spaces and two visitor spaces. This level of provision is broadly comparable to the maximum of two spaces per dwelling typically applied to Use Class C3 dwellinghouses and flats. Given that the appeal site previously comprises two flats, this would ordinarily equate to a maximum of four spaces. Applying a standard of one visitor space per three dwellings would not generate any additional requirement in this instance.
23. Notwithstanding these standards, I note the presence of a public car park immediately to the rear of the property which did not appear oversubscribed at the

time of my site visit. In addition, the appeal site is located within a short walking distance of Tyne Dock Metro Station, and is served by multiple frequent bus services, providing a high level of public transport accessibility. This, together with the availability of local services and facilities, including shops, would be likely to reduce reliance on private car use by future occupiers of the proposed HMO and, in turn, limit additional parking demand.

24. The Highway Authority raised no objection to the development and indicated that the proposed use is likely to generate less traffic than the previous use of the site. On the basis of the SPD6 Parking Standards, it confirmed that it would have no objection to a scheme with no in-curtilage parking provision, with residents and visitors instead making use of off-site parking opportunities, as would have been the case for the previous use.
25. For the above reasons, and in the absence of any compelling evidence to the contrary, I conclude that the development would not give rise to an unacceptable impact on parking provision or highway safety in the area. In this regard I also note that Paragraph 116 of the Framework sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.
26. For these reasons the development accords with Policies DM1 and DM4 of the DMP, which, amongst other things, seek to ensure that development is acceptable in terms of highway capacity and safety, or incorporates appropriate mitigation, and does not adversely affect existing traffic and parking conditions. It would also align with the Framework's objectives of providing safe and suitable access and avoiding unacceptable impacts on highway safety.

European Protected sites

27. The proposal comprises residential development within the 6km Zone of Influence (Zol) of the Durham Coast Special Area of Conservation (SAC) and the Northumbria Coast Special Protection Area (SPA) and Ramsar Site. Accordingly, it is necessary to consider, under the Conservation of Habitats and Species Regulations 2017 (as amended), the potential for indirect effects on these designated sites arising from increased recreational pressure associated with new residents.
28. The proposal would provide accommodation for up to six individuals. Applying the precautionary principle, I consider that this could result in additional occupants compared to the fallback position of two flats or a single dwelling. On this basis, and taking account of the site's location within the Zol, I am satisfied that likely significant effects on the European sites cannot be ruled out. An Appropriate Assessment is therefore required.
29. The Durham Coast SAC and the Northumbria Coast SPA and Ramsar Site overlap in this location. The SAC is designated for its vegetated sea cliffs of magnesian limestone, which are particularly sensitive to changes in environmental conditions, including nutrient enrichment and physical damage. The SPA and Ramsar Site support internationally important populations of bird species, including purple sandpiper and turnstone, which are vulnerable to disturbance from increased

human activity. These species are known to utilise areas beyond the designated site boundaries, particularly for foraging and roosting.

30. The proposal would likely result in a modest increase in the number of residents within the Zol. Whilst the scale of development is limited, it is reasonable to expect a corresponding increase in recreational visits to the coast. This gives rise to a potential increase in disturbance to qualifying features of the SAC, SPA and Ramsar Site. In the absence of mitigation, and when considered in combination with other plans and projects, these effects are capable of being significant. No other impact pathways have been identified.
31. The Council has undertaken a Habitats Regulations Assessment in support of its Local Plan, which identified that increased recreational pressure from residential development poses a risk to the integrity of these coastal European sites. In response, it has prepared the South Tyneside Interim Supplementary Planning Document 23: Mitigation Strategy for European Sites (Recreational Pressure from Residential Development) (2018) (SPD23), which establishes a strategic approach to mitigation.
32. SPD23 sets out a coordinated mitigation strategy, funded through developer contributions from residential schemes within the 6km Zol. Whilst financial contributions are not sought from developments of the scale proposed in this case, the strategy is designed to mitigate the cumulative impacts of both major and minor residential development across the area. As the statutory nature conservation body, Natural England has confirmed that a strategic approach to mitigating for increased recreation pressure at the coast is the most favourable way forward.
33. Taking into account the Council's strategic mitigation approach, I am satisfied that appropriate measures are in place to address the additional recreational pressure arising from the proposal. Having undertaken an Appropriate Assessment, I conclude that the development, either alone or in combination with other plans and projects, would not adversely affect the integrity of the Durham Coast SAC or the Northumbria Coast SPA and Ramsar Site, having regard to their conservation objectives.
34. In light of this conclusion, it is not necessary to consider alternative solutions or imperative reasons of overriding public interest. I am therefore satisfied that the requirements of the Habitats Regulations are met.

Other Matters

35. The matter of the loss of potentially two-family homes as a result of the development has been raised. Whilst I note that the previous uses were flats, which are not typically regarded as family homes, there remains the potential for them to be occupied as such. Nevertheless, the development would provide accommodation for up to six persons, replacing the previous occupation of the two flats. Furthermore, I have not been directed to any planning policy that seeks to prioritise the retention or re-provision of family housing over other forms of residential accommodation in this instance.
36. Issues relating to bin storage at the site can be addressed by means of a planning condition. This would ensure that appropriate on-site waste management facilities are provided. It has not been demonstrated how the proposed use would generate

fly tipping in the vicinity of the site are controlled under separate legislation and fall outside the scope of this decision. Even so, such matters are controlled by separate legislation and fall outside of the scope of this decision.

37. I note the objections relating to the potential impact on surrounding property values. However, this is not a matter that can be taken into account in planning decisions, as it does not constitute a material planning consideration. As such, I have afforded it no weight.
38. Concerns have been raised regarding the origin, background and lifestyles of future occupiers of the proposed HMO. However, planning decisions must relate to the use of the land rather than the personal characteristics of its occupants. As such, this matter does not constitute a material planning consideration and has not influenced my decision.

Conditions

39. I have considered the conditions proposed by the Council against the tests set out in the Framework. Where necessary, I have amended their wording in the interests of clarity and effectiveness. The appellant has had the opportunity to review and comment on the Council's suggested conditions, which were included on the Council's Appeal Form.
40. In the interests of certainty, I have imposed a standard condition relating to the approved plans.
41. I have imposed a condition limiting occupancy to a maximum of six persons at any one time and requiring the provision of six bedrooms. This is necessary to define and restrict the scale of the use hereby permitted, in the interests of safeguarding the living conditions of surrounding occupiers and ensuring highway safety.
42. Conditions relating to bin and cycle storage are imposed to safeguard the living conditions of future residents and to ensure that cycle parking is provided within the site and retained for use thereafter, in the interests of highway safety and the promotion of sustainable transport choices.
43. I have not imposed the suggested conditions relating to construction hours and materials, as works associated with the development have already commenced and appear to be substantially complete. They are therefore of limited relevance.

Conclusion

44. For the reasons given above, and having had regard to all other matters raised, I allow the appeal.

F P Tinsley
INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be carried out in accordance with drawing nos: TP026_v1 003 rev 8 (Proposed Plans), TP026_v1 005 rev 2 (Existing and Proposed Elevations) and TP026_v1 004 (External Works).
2. The HMO use hereby permitted shall be limited to a maximum occupancy at any one time of six persons and the provision of 6 no. bedrooms as shown on the drawings as listed Condition 1.
3. The HMO use hereby approved shall not commence until bin storage for that use has been provided within the application site in full accordance with details to be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, such bin storage shall be available for use at all times and shall be retained in perpetuity thereafter in accordance with those approved details.
4. The HMO use hereby approved shall not commence until covered and secure cycle parking for a minimum of 8no. cycles has been provided within the application site in full accordance with details to be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, this approved cycle parking shall be available at all times and shall not be used for any purpose other than the parking of cycles associated with the use.

****End of Schedule****