



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: 7th July 2026

Appeal Ref: 6006432

10 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 Northcrest Estates Ltd against the decision of South Tyneside Council.
 - The application reference is Ref: 250805
 - The development proposed is 'change of use from a residential dwelling (C3) to 6 bed, 6 person House in Multiple Occupation [HMO] (C4), and provision of rooflights.'
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Decision

1. The Appeal is dismissed.

Preliminary Matters

2. The description of the development set out in the application form and the Council's decision notice differs from that stated in the Committee Report considered by the Council. It is clear from the appellant's evidence that planning permission is sought for a House in Multiple Occupation (Use Class C4). However, the description of development incorrectly refers to the proposed use as falling within Use Class C3.
3. For the purposes of this appeal, I have adopted the description contained within the Committee Report, as this more accurately reflects the development shown on the plans and particulars upon which the Council based its decision. The appeal has therefore been determined on that basis.
4. I am satisfied that the original description of development; in referring to permission being sought for a House in Multiple Occupation, ensured that all parties had a proper opportunity to comment on the proposal as one seeking permission for use of the premises as an HMO.
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; and
 - parking provision and highway safety.

Reasons

Character and living conditions

7. The appeal site comprises a single end-terraced, three-bedroom, two-storey dwelling with ancillary accommodation also provided within the roof space. Whilst the wider area is mixed-use, marking a transition between predominantly residential properties to the north and east and the Boldon Lane District Centre to the south, where land uses become more diverse, including commercial premises, the appeal site itself is surrounded on all sides by residential development. Consequently, the immediate area is predominantly residential in character.
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. However, as previously noted, the wider area is mixed-use, marking a transition between predominantly residential properties to the north and east and the Boldon Lane District Centre to the south. Nevertheless, the appeal site itself is surrounded on all sides by residential development. Consequently, the immediate area is predominantly residential in character. It cannot reasonably be described as an area characterised by predominantly single-family housing as no substantive evidence has been provided to demonstrate that this is the prevailing character of the area. I therefore conclude that the site lies within a mixed-use location where there is no clear policy objection in principle to Houses in Multiple Occupation, 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

their own living, working and social patterns. The use of the property as an HMO would result in a more intensive pattern of activity, including increased comings and goings compared to the existing use as a single three-bedroom dwelling. As such, the overall intensity of use would be significantly greater than that associated with a single dwelling.

12. The appeal site is surrounded by residential development, including the dwellings at 12 Belle View Crescent and 1 Vine Street. The latter shares an unusual boundary arrangement with the appeal site, incorporating both side and rear party walls. The nearest adjacent residential access is that serving the terraced dwelling to the north at 12 Belle View Crescent, which is located immediately adjacent to the access to the proposed HMO. This close relationship, together with the presence of a low boundary wall between the front gardens, results in very limited separation between the respective entrances. Consequently, there is considerable potential for disturbance arising from comings and goings associated with the proposed HMO.
13. Overall, the relationship between the appeal site and surrounding properties, together with the prevailing residential context of the immediate area, would significantly increase the likelihood of disturbance to neighbouring occupiers. This harm would arise from comings and goings and general circulation within the property. In addition, the internal circulation spaces, including stairways and the entrance hall, would be positioned adjacent to the neighbouring property to the north, further increasing the potential for noise and disturbance associated with movement within the proposed HMO.
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. In this respect, I note the Council's comments and data search, which indicate that there are three HMOs within 200 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. I have no evidence to indicate that this figure has been exceeded and therefore conclude that any cumulative impact would be acceptable. However, I have found that the development would give rise to unacceptable disturbance to immediate residential occupiers.

19. I therefore find that the development would harm living conditions of neighbouring residents, with particular regard to disturbance. It would therefore fail to 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.
20. The development would also be contrary to the Framework, in particular its objective stated at paragraph 135(f) which is to ensure that developments create places with a high standard of amenity for existing and future users.

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 very 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 more than the maximum of two spaces per dwelling typically applied to Use Class C3 dwellinghouses and flats. Given that the appeal site previously comprises of a single dwelling, this would ordinarily equate to a maximum of two spaces. Applying a standard of one visitor space per three dwellings would generate a marginal additional requirement in this instance.
23. Notwithstanding these standards, I note the presence of a public car park to the rear of the property which did not appeal oversubscribed at the time of my site visit. In addition, the appeal site is located within a very 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 similar or less parking requirement 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 and emerging Policy 16 of the STLP, 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.

Other Matters

27. The development lies within the 6 km zone of influence of the Durham Coast Special Area of Conservation and the Northumbria Coast Special Protection Area and Ramsar Site. These designated sites are afforded protection under the Conservation of Habitats and Species Regulations 2017 ("the Regulations") and are identified in the Council's Interim Supplementary Planning Document 23: Mitigation Strategy for European Sites (Recreational Pressure from Residential Development) (March 2018).
28. The Regulations require the decision-maker to undertake an Appropriate Assessment where a proposal is likely to have a significant effect on such sites, either alone or in combination with other plans or projects. However, Regulation 63(1) indicates that an Appropriate Assessment is only necessary where the competent authority is minded to grant consent.
29. In this case, having regard to my overall conclusions, which lead me to dismiss the appeal, it has not been necessary for me to undertake an Appropriate Assessment or to consider this matter further.
30. The matter of the loss of a family home as a result of the development has been raised. The development would provide accommodation for up to six persons, replacing the previous occupation. 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.
31. 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. Matters relating to fly-tipping in the vicinity of the appeal site are controlled under separate legislation and fall outside the scope of this decision. It has not been demonstrated how the proposed use would generate fly tipping particularly when onsite waste management facilities can be provided.

32. 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.
33. 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.
34. Representations from interested parties indicate a perception of increased crime and anti-social behaviour in the area, which has been attributed to the presence of HMOs. It is also suggested that the proposal would further contribute to such issues. I have had regard to the comments provided by Northumbria Police and the Council's Community Safety Team in considering these concerns. The matters raised are more appropriately addressed through the HMO licensing regime. Had I been minded to allow the appeal and grant permission for the proposed development, it would likely have been subject to relevant licensing controls. In respect of the suggestion to reduce the number of residents within the HMO by way of a planning condition, I am not satisfied that such a condition would meet the relevant tests set out in the Framework, particularly in terms of enforceability, given the layout and form of the building.

Conclusion

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

F P Tinsley

INSPECTOR