Town and Country Planning and Development Consultant
address: 3 The Hazelmeres, Hazel Drive, Walton Chesterfield, S40 3FE
tel: 07869507002
email: theplanningstation@gmail.com
website: www.planningstn.com
skype: theplanningstation

The Planning Station PS

Full Statement of Case

4 Beaufront Terrace, South Shields, NE33 5QE

Appeal against refusal of planning permission for change of use from dwellinghouse (Use Class C3) to a small HMO (Use Class C4)

Application Reference: 250762
Appeal Reference: [To be assigned]
Appellant: SHUK-01 Ltd

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10 September 2026

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Full Statement of Case

Planning Appeal: 4 Beaufront Terrace, South Shields, NE33 5QE

Appeal Reference: To be assigned by the Planning Inspectorate

LPA Reference: 250762

Appellant: SHUK-01 Ltd

Agent: The Planning Station

Local Planning Authority: South Tyneside Council

Appeal Type: Section 78 appeal against refusal of full planning permission

Decision Date: 10 April 2026

Appeal Procedure: Written Representations

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Introduction

1. This Full Statement of Case is submitted on behalf of the Appellant, SHUK-01 Ltd, in support of an appeal made under section 78 of the Town and Country Planning Act 1990 against South Tyneside Council's refusal of planning permission for the change of use of 4 Beaufront Terrace, South Shields, NE33 5QE, from a dwellinghouse within Use Class C3 to a small house in multiple occupation within Use Class C4 for occupation by no more than six residents.

2. Planning permission was refused by decision notice dated 10 April 2026 for one reason. In summary, the Council concluded that, having regard to three existing HMOs within Beaufront Terrace and the proximity of the appeal property to neighbouring dwellings, the proposal would cause harmful cumulative activity. The alleged effects comprise increased comings and goings by residents, visitors and deliveries, together with greater activity at the site. The Council considered that those effects would harm neighbouring residential amenity and the character of the locality.

3. The Appellant disagrees with that conclusion. The appeal case is that the Council accepted the proposal in every other material technical respect, including the adequacy of accommodation, visual impact, highway matters, cycle parking, refuse storage, ecology, flood risk, and crime and anti-social behaviour. The refusal depends instead on an unsubstantiated prediction that a six-person small HMO, subject to statutory licensing and capable, if necessary, of being regulated by proportionate planning conditions, would cause material cumulative amenity and character harm.

4. The Appellant submits that the Council has not demonstrated that the proposal would result in an over-concentration of HMOs in the sense intended by policy; that HMOs would become the dominant dwelling type; that the proposal would directly sandwich a C3 dwelling between two HMOs; or that it would cause excessive noise, disturbance, crime, disorder, parking pressure or waste effects.

5. The Council's evidence does not identify a defined assessment area, does not present a transparent or current HMO audit, does not establish the present status and intensity of the nearby premises relied upon, and does not provide objective evidence of noise complaints, statutory nuisance, waste enforcement, parking harm, crime or anti-social behaviour attributable to existing HMO occupation. The appeal evidence will demonstrate that the Council's conclusion is not supported by sufficiently robust, site-specific analysis.

6. This Statement of Case is intended to assist the Inspector by identifying the principal issue in dispute, setting out the relevant factual, legislative and policy context, and responding to the sole reason for refusal in a focused and proportionate manner. The Appellant's positive case is that the proposal satisfies the relevant requirements of Policy 16 and accords with the development plan read as a whole. The evidence concerning accommodation quality, sustainable location, parking, cycle storage, refuse provision, HMO concentration, direct sandwiching and residential amenity supports that conclusion.

The appeal and legal basis

7. This appeal is made under section 78 of the Town and Country Planning Act 1990 against South Tyneside Council's refusal of planning permission.

8. The appeal falls to be determined in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004. The development plan is the starting point, and the determination must be made in accordance with it unless material considerations indicate otherwise.

9. This is an appeal against refusal of a full planning application for a change of use. It is neither a householder appeal nor a minor commercial appeal. The statutory appeal period is six months from the date of the decision notice, subject to the separate provisions which may apply where an enforcement notice relates to the same or substantially the same land and development.

10. The decision notice is dated 10 April 2026. The appeal is submitted within the applicable statutory period.

11. The Appellant has checked South Tyneside Council's publicly available planning-enforcement notice search in respect of 4 Beaufront Terrace, South Shields, NE33 5QE. No enforcement notice relating to the appeal site, or to the same or substantially the same development, was identified on that publicly available search as at 9 September 2026. On the information presently available, the appeal is therefore pursued within the ordinary six-month period applicable to this full planning application.

12. The Appellant considers that the written representations procedure is the most appropriate and proportionate means of determining this appeal. The appeal concerns a single, clearly defined planning issue: whether the proposed Class C4 HMO would give rise to unacceptable cumulative effects on neighbouring residential amenity and the character of the locality. That issue can be adequately addressed through the application documents, the Council's decision notice and officer report, the Appellant's written evidence and the Inspector's site inspection. There is no need for oral evidence, cross-examination or the more formal procedures of a hearing or inquiry.

The Appellant therefore requests that the appeal be determined by written representations.

13. The written representations procedure will enable the relevant policy framework, the evidence concerning the distribution and status of nearby HMO premises, the Police.uk review and the proposed occupancy and management safeguards to be considered in a focused and proportionate manner.

Background and planning history

14. The appeal property is a mid-terrace dwelling within a terrace of fourteen residential properties on Beaufront Terrace. It was formerly in Class C3 residential use as a single-family dwellinghouse.

15. Planning permission was granted on 28 February 2017 under reference ST/1233/16/HFUL for a single-storey rear extension, loft conversion with six rooflights, front and side elevation alterations, replacement sash windows, blocking of side windows and altered entrances.

16. Subsequent internal works have configured the property with six bedrooms and associated en-suite facilities, as shown on the appeal drawings. The application form records that internal conversion works began in March 2025. The Appellant further confirms that a professional surveyor inspected the proposed HMO on 16 September 2025 and that, consistent with the surveyor's report, the HMO works were substantially complete by that time. Thus, the works commenced and were substantially complete before the borough-wide Article 4 direction became effective.

17. Following building control inspections, a Building Control completion certificate dated 17 December 2025 was issued by South Tyneside Council in respect of "HMO with loft conversion and internal alterations to form en-suites". The certificate demonstrates that the stated physical works were inspected through the Building Control process and that a completion certificate was issued. The certificate is appended at Appendix 3. The Appellant confirms that in its current layout, the property is optimised for Class C4 HMO use and as a permanent long-term residence, it is no longer appropriate for use as a single-family dwelling.

18. The Council made the immediate borough-wide Article 4 direction on 12 November 2025, and it came into force on 19 November 2025. The direction removed the Class L permitted development right for changes of use from Class C3 dwellinghouses to small Class C4 HMOs across the Borough, subject to its stated exceptions. The Appellant submitted the application for planning permission on 12 December 2025.

19. The officer report confirms that no planning breach existed at the time of determination. It also records that the internal alterations, in themselves, did not constitute development requiring planning permission.

20. Revised floor-plan and second-floor information was submitted on 4 March 2026, addressing the consultation response concerning the usable floor area and headroom of the two proposed second-floor bedrooms.

21. The former Class L position remains relevant as national legislative context. It is addressed further below.

22. The timing provides relevant context. The Appellant had commenced and, by the time the direction took effect, had substantially completed internal conversion and refurbishment works for a HMO at a time when the national Class L right remained available. The immediate Article 4 direction subsequently removed that right. Accordingly, the Appellant seeks express planning permission for a use which had previously benefited from national permitted development rights. The immediate effect of the Article 4 direction reinforces the importance of determining this appeal by reference to the proposal's actual, evidenced planning effects, rather than treating the later need for express permission as evidence that the proposed small HMO is inherently harmful.

The site and surroundings

23. The appeal site comprises No. 4 Beaufront Terrace, a traditional mid-terrace house in an established urban residential environment in South Shields. Beaufront Terrace contains fourteen dwellings. The Council describes the street as predominantly single-household family housing, whilst also acknowledging that several properties are occupied as HMOs or private rentals.

24. The immediate setting is not an isolated, low-density suburban residential street. Chichester Metro Station is directly opposite the appeal property on the eastern side of the road. Laygate Community School lies to the north, and the Stagecoach bus depot lies to the south. Residential properties are located to the rear.

25. The site is therefore within an established urban context containing residential accommodation, public transport infrastructure, educational use, public-highway activity and the Stagecoach bus depot to the south. This context is material to the proper assessment of background activity, movement, noise, parking demand and the character of the locality.

26. The Council's Highway Authority states that the property is well located opposite Chichester Metro Station, which would help to encourage Metro use and reduce reliance on private cars. The officer report similarly concludes that the site is sustainably located, close to the Metro station, bus stops on Dean Road and Chichester Road, and local services.

27. A residents' parking permit scheme is in force along the site frontage and in each direction. On-street parking is an established feature of the area and a baseline for the Class C3 use. The property has no in-curtilage car parking. That is also the prevailing arrangement for surrounding terraced dwellings.

28. The site is therefore appropriate for a form of residential occupation which does not depend on universal private-car ownership. It is directly opposite Chichester Metro Station, within convenient walking distance of bus services and local facilities, and provides secure covered cycle storage for eight bicycles. The Council's Highway Authority has expressly concluded that the proposed HMO is likely to generate parking requirements similar to or lower than the previous Class C3 dwellinghouse use, and has raised no objection to the absence of in-curtilage car parking. Against that accepted transport evidence, the normal background of on-street parking and permit controls in the area does not provide a basis for inferring that the proposed six-person HMO would cause material additional parking pressure or associated harm to residential amenity.

The proposal

29. The appeal proposal seeks planning permission for the change of use of the property from a dwellinghouse within Use Class C3 to a small house in multiple occupation within Use Class C4 for a maximum of six residents.

30. The appeal should proceed on the following consistent description:

    Change of use from dwellinghouse (Use Class C3) to small house in multiple occupation (Use Class C4) for occupation by up to six residents, with associated cycle and refuse storage.

31. The proposed HMO would be a C4 use. The Appellant confirms that the intended occupation will fall wholly within the statutory definition of a small HMO in Use Class C4 and will not comprise a sui generis HMO use.

32. The submitted plans provide the following accommodation:

Table 1 – Proposed Floor Layout Arrangements

Floor	Proposed arrangement
Ground floor	Two en-suite bedrooms and communal kitchen facilities
First floor	Two en-suite bedrooms, a bathroom serving Bedroom 5, and communal lounge accommodation
Second floor	Bedrooms 5 and 6 within the loft accommodation, with rooflights and en-suite provision to Bedroom 6
Rear yard	Secure and covered bicycle storage for eight cycles, refuse/recycling storage and a lockable gate to secure the yard

33. The submitted floor plans identify the following bedroom floor areas:

- Bedroom 1: 19.0 m²;
- Bedroom 2: 13.0 m²;
- Bedroom 3: 15.8 m²;
- Bedroom 4: 13.0 m²;
- Bedroom 5: 13.6 m²;
- Bedroom 6: 11.2 m².

34. The second-floor drawings also provide specific headroom and usable floor area information. Bedroom 5 has 13.6 m² at 1.5m headroom and 7.8 m² at 2.15m headroom. Bedroom 6 has 11.2 m² at 1.5m headroom and 6.9 m² at 2.15m headroom. The Council's Environmental Health HMO licensing consultee advised that the room sizes shown appeared to meet the required standards. The officer report also concludes that the proposed bedrooms would provide suitable accommodation for future occupiers and would meet the relevant HMO licensing size requirements.

35. No material external enlargement is proposed as part of the use change. Externally, the scheme provides for a bin-storage area and secure covered cycle storage within the rear yard. The officer report concludes that these elements would not cause visual harm.

36. The proposal provides eight secure and covered cycle spaces: six for residents and two for visitors. The Highway Authority confirms that this provision complies with the relevant cycle parking standard. Refuse storage is shown within the rear yard and was accepted by the Council.

Main issues in dispute

37. Having regard to the decision notice and delegated report, the main issue is whether the proposed six-person Class C4 HMO would, individually or cumulatively with other HMO premises, cause unacceptable harm to the living conditions of neighbouring occupiers or to the character of the locality.

38. More specifically, the Council alleges that the proposal would result in excessive cumulative activity arising from residents, visitors, deliveries and use of the site, in the context of three existing HMOs within Beaufront Terrace. It considers that this would harm neighbouring amenity and the character of the area.

39. The Appellant's position is that this conclusion is not supported by adequate evidence and that the evidence in fact points to the contrary. The Council has not demonstrated that all nearby premises cited are current HMOs of a scale or intensity material to the appeal; that the proposal would result in a policy-relevant over-concentration or dominance of HMO use; or that existing HMO occupation has generated actual harm which this proposal would compound.

40. The related matters which arise in addressing the refusal reason are:

- The correct application of adopted Policy 16: Houses in Multiple Occupation.
- The current HMO baseline and the evidential limitations of historic or expired HMO licences.
- The extent to which a group of HMO premises within a fourteen-house terrace equates to over-concentration, HMO dominance or harmful change to local character.
- The comparative effects of the proposed C4 HMO and the lawful Class C3 fallback.
- The relevance of the former national permitted development position under GPDO Class L.
- The absence of objective evidence connecting local crime, anti-social behaviour, waste, parking or nuisance problems to HMO occupation.
- The effect of the Appellant's proposed management, occupancy and acoustic safeguards.

- The Council's five-year housing land supply position, the evidence of housing need, and the weight to be given to the proposal's contribution to shared accommodation and housing choice under the August 2026 Framework.

Development plan and material considerations

41. The Council determined application 250762 by reference to the former South Tyneside Local Development Framework, principally Development Management Policy DM1, and to the then emerging Policy 16: Houses in Multiple Occupation. The officer report afforded Policy 16 limited weight at that time.

42. South Tyneside Council adopted the South Tyneside Local Plan 2023–2040 on 30 July 2026. The adopted Local Plan replaces the former Local Development Framework, where policies have been superseded, and now forms the principal statutory development-plan framework for this appeal.

43. Policy 16 is now the principal HMO-specific policy and carries full weight. The Appellant's case is that the proposal accords with adopted Policy 16 and the Local Plan read as a whole. The evidence demonstrates that the proposal would provide suitable accommodation; would not result in harmful HMO over-concentration or HMO dominance; would not directly sandwich a Class C3 dwelling between two HMOs; would not cause excessive noise or disturbance; and would provide adequate parking, servicing, refuse and recycling arrangements. The proposal should therefore be permitted.

44. The policy framework relevant to the appeal includes:

- Policy SP1: Presumption in Favour of Sustainable Development, which applies the presumption in favour of sustainable development locally and reflects the NPPF approach to decision-making where the most important policies are out of date.
- Policy SP2: Strategy for Sustainable Development, which establishes the overall sustainable-development strategy for the Borough.
- Policy SP16: Housing Supply and Delivery, which seeks delivery of at least 5,253 net additional dwellings over the 2023–2040 plan period, equivalent to 309 dwellings per annum, and the maintenance of a rolling five-year housing land supply.
- Policy 16: Houses in Multiple Occupation, which provides the specific policy framework for assessing HMO proposals, including accommodation quality, over-concentration, HMO dominance, direct sandwiching of C3 dwellings, neighbour amenity, parking, servicing, refuse and recycling.

- Policy SP26: Delivering Sustainable Transport, which seeks to improve accessibility and widen travel choice through public transport, walking and cycling, and requires parking provision to be assessed in accordance with relevant standards.
- Policy 47: Design Principles, which applies to all forms of development and requires proposals to respond positively to local character, function well, protect amenity and achieve high-quality design.
- Policy 3: Pollution, which seeks to protect amenity and health by ensuring that development does not give rise to unacceptable pollution effects, including noise, having regard to the nature of the proposal and its surroundings.
- South Tyneside SPD6: Parking Standards.
- The National Planning Policy Framework.
- The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, including Schedule 2, Part 3, Class L.
- The relevant Article 4 direction which removes Class L permitted development rights in the area.
- The Council's HMO Topic Paper and related HMO evidence base.
- The Council's HMO licensing standards and landlord guidance.
- Current evidence regarding the Council's five-year housing land supply, Housing Delivery Test performance, Strategic Housing Market Assessment and Strategic Housing Land Availability Assessment.

45. National planning policy is a material consideration. The applicable national policy is the National Planning Policy Framework published in August 2026. The Framework is structured around specific policies rather than the paragraph references used in the December 2024 Framework. The most relevant national decision-making policies include:

- **DM3: Determining development proposals**, which requires local planning authorities to work with applicants positively and proactively where necessary, take a proportionate approach to matters raised by a proposal, consider whether otherwise unacceptable development can be made acceptable through planning conditions or obligations, and not refuse development which should clearly be approved.
- **DM6: Use of planning conditions and obligations**, which requires conditions to be necessary to make development acceptable in planning terms, relevant to planning and the development, sufficiently precise to be capable of compliance and enforcement, and reasonable in all other respects.

- **DM7: Relationship with other regulatory regimes**, which directs decision-makers to assume that separate regulatory regimes will operate effectively unless there is clear evidence to the contrary, and not to duplicate or extend their controls through the planning system.
- **HO7: Meeting the need for homes**, which requires substantial weight to be given to the benefits of providing homes which contribute towards meeting evidenced accommodation needs, including the needs of different groups.
- **TR3: Locating development in sustainable locations**, which supports development in locations that limit the need to travel, particularly by private car, offer a genuine choice of transport modes and make appropriate use of existing transport infrastructure.
- **DP3: Key principles for well-designed places**, which require development proposals to respond to their context and, as appropriate, support healthy, mixed, vibrant and integrated communities; provide transport choices and good connections; and provide safe, secure and inclusive places.

46. The development plan and national policy require a site-specific assessment. They do not establish that the existence of nearby HMOs, or the fact that a six-person C4 HMO would generate separate patterns of occupancy, automatically demonstrates unacceptable harm.

Relationship between former and adopted policies

47. The Council determined the application by reference to the former South Tyneside Local Development Framework. The relevant framework included Core Strategy policies concerning sustainable urban living, accessibility, sustainable housing provision and development within built-up areas, together with Development Management Policy DM1, which required development to have an acceptable effect on visual amenity, residential amenity, highway safety and accessibility. The officer report found the proposal acceptable in relation to visual amenity, highways, parking, cycle storage, refuse, ecology, drainage and crime/anti-social behaviour. Its sole reason for refusal was the alleged cumulative impact of HMO occupation on neighbouring amenity and local character.

48. The South Tyneside Local Plan 2023–2040 has since been adopted. Its strategic and development-management policies now form the principal development plan framework for the appeal. However, the change in policy framework does not alter the substantive planning outcome in this case.

49. Policies SP1, SP2 and SP16 continue and update the former framework's support for sustainable development, the effective use of land and buildings within established urban areas, the delivery of housing, and the maintenance of an adequate supply and choice of homes. They do not introduce a policy presumption against small HMOs, impose a new requirement for off-street parking, or establish a new amenity standard which the proposal fails to meet. On the contrary, the proposal would make efficient use of an existing dwelling which has been reconfigured through internal works that are the subject of the Building Control completion certificate at **Appendix 3**, to provide six rooms of shared accommodation in a sustainable location, thereby making a modest but positive contribution to housing choice and supply.

50. Policy SP26 similarly updates the former accessibility and transport policies. Its focus on sustainable travel, accessibility and appropriate parking provision supports rather than undermines the proposal. The appeal property is directly opposite Chichester Metro Station and close to bus services. The Council's Highway Authority has found that the proposed HMO would likely generate parking demand similar to or less than the previous Class C3 use; it raises no objection to the absence of in-curtilage car parking; and it confirms that the proposed eight secure and covered cycle spaces comply with the Council's parking standards.

51. Policy 47 updates and consolidates the former design and amenity principles contained in Core Strategy Policy ST2 and Development Management Policy DM1. It requires development to function well, respond appropriately to its context and safeguard living conditions. It does not, however, establish that ordinary residential activity associated with a small Class C4 HMO is inherently harmful. The Council has already found the physical works, cycle storage and refuse storage acceptable in visual terms, and has not identified any unacceptable effect on highway safety, crime, anti-social behaviour, ecology, drainage or flood risk. The refusal also referred to paragraph 135(f) of the December 2024 National Planning Policy Framework, concerning amenity for existing and future users. The August 2026 Framework has since replaced that version. The same substantive amenity issue is addressed here under the current national policies on well-designed places and living conditions, together with Local Plan Policies 16, 47 and 3: the Council accepts the standard of accommodation for future occupiers, and the alleged unacceptable effect on neighbouring amenity is not demonstrated on the evidence.

52. To the extent that Policy 3: Pollution or any other environmental-protection policy is relied upon, the same conclusion follows. The Council has provided no technical evidence of harmful noise, vibration, air-quality or other pollution effects arising from the proposed use. Its sole concern is the predicted cumulative effect of residential activity, which is addressed elsewhere in this

Statement. The Appellant's primary case is that no sound-attenuation condition is necessary. If the Inspector nevertheless identifies a specific and evidenced residual concern regarding sound transmission, proportionate and targeted measures could be considered. Any such measure would need to satisfy the national tests for planning conditions. That approach is consistent with Policies DM3 and DM6 of the August 2026 Framework.

53. Accordingly, the adopted Local Plan's general sustainable-development, housing, transport, design and environmental policies do not create any additional substantive policy conflict. They are either supportive of the proposal or neutral, subject to the same evidence-based assessment of residential amenity and HMO concentration addressed elsewhere in this Statement.

Policy 16: Houses in Multiple Occupation

54. Policy 16(1) provides that, where planning permission is required, proposals for HMOs will be permitted where the following criteria are met:

i. The building is suitable for the number of proposed units and the accommodation provides a good standard of living space and amenity for the occupiers

ii. The proposal would not result in an over-concentration of HMOs within any one area of the Borough, or lead to HMOs becoming the dominant dwelling type, or adversely impact on the functionality and characteristics of a local area.

iii. The proposal does not result in any residential property (C3) being directly 'sandwiched' between two HMO's on both sides.

iv. The proposal would not have a detrimental impact on the amenities of surrounding properties by causing excessive noise and disturbance

v. The proposal would provide adequate provision for parking, servicing, refuse and recycling

55. Supporting text at paragraphs 8.34–8.44 recognises that HMOs can help meet housing need by providing diverse and affordable accommodation, while also acknowledging that concentrations can arise where particular housing types are suitable for conversion. The supporting text confirms that the purpose of the borough-wide Article 4 direction is to bring C3-to-C4 changes within planning control in response to increased conversion activity; it is not expressed as a presumption against HMOs. Outside the Lawe Top Article 4 area, the Plan requires each proposal to be considered on its individual merits, having regard to the number and concentration of existing HMOs and the character of the area. The specific 10% concentration threshold and prescribed 100-metre methodology apply only within the Lawe Top Article 4 direction area, which does not include the appeal site.

56. First, the Council's Environmental Health consultee response and officer report are consistent with the position that the proposed bedrooms meet HMO space standards. The officer report concludes that the accommodation would provide a suitable standard of living space for future occupiers. The plans provide a kitchen, communal lounge, en-suite facilities to most bedrooms, a separate bathroom for Bedroom 5 and usable bedroom areas, including the loft rooms supported by headroom analysis.

57. Secondly, the available evidence does not demonstrate that the proposal would result in HMO over-concentration, cause HMOs to become the dominant dwelling type, or adversely affect local functionality or character. The Council does not define the local assessment area, undertake a transparent concentration calculation, establish a numerical benchmark that applies to the appeal site, or demonstrate how the proposal would materially alter the character or functionality of the local area.

58. Thirdly, the proposal does not result in an existing C3 dwelling being sandwiched between two HMOs. The Appellant notes this is not disputed by the Council. The Council identifies Nos. 5, 6 and 7 as relevant HMO premises, with the appeal site at No. 4. On the currently understood sequence, the proposal would be adjoining a claimed HMO at No. 5. It would not itself place a C3 dwelling between two HMO properties.

59. Fourthly, the Council has not demonstrated that the proposal would cause excessive noise or disturbance. Its own officer report finds insufficient evidence to link local crime or anti-social behaviour to HMO occupiers and accepts that an authorised HMO of the scale proposed would not be expected to create harmful levels of crime or ASB. A maximum occupancy restriction and the statutory HMO licensing regime provide clear safeguards. In accordance with Policy DM7 of the Framework, it should be assumed that the licensing regime will operate effectively unless there is clear evidence to the contrary. If the Inspector considers that an additional planning safeguard is necessary, a proportionate management-plan condition could also be imposed.

60. Finally, the Council accepts the parking, servicing, refuse and recycling aspects of the proposal. The Highway Authority raises no objection to the absence of on-site parking. It considers the HMO likely to create similar or lower parking demand than the previous C3 dwelling use. The proposed eight cycle spaces comply with SPD6 and the refuse storage is acceptable.

61. The proposal therefore accords with Policy 16 when the policy is applied as a whole and in accordance with its actual purpose: to prevent objectively demonstrated harmful concentrations and protect amenity, rather than to prohibit small HMOs through generalised assumptions about their occupants.

62. Accordingly, the Appellant's positive case is that the proposal satisfies the relevant requirements of Policy 16. It would provide suitable accommodation for no more than six residents; would not result in an evidenced harmful over-concentration of HMOs or HMO dominance; would not directly sandwich a Class C3 dwelling between two HMOs; would not cause evidenced excessive noise or disturbance; and would provide adequate parking, servicing, refuse and recycling arrangements. Permission should therefore be granted in accordance with Policy 16 and the development plan read as a whole.

The permitted development context: GPDO Class L and Article 4 Direction

63. Before the relevant Article 4 direction took effect, Class L of Part 3, Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, granted planning permission for a change of use from a dwellinghouse within Class C3 to a small HMO within Class C4, and vice versa.

64. Class L was not subject to a prior approval procedure. Nor did it impose conditions or limitations requiring a separate planning assessment of parking, noise, disturbance, visitor activity, deliveries, servicing, refuse storage or management arrangements, provided the use remained within the statutory scope of Class C4.

65. The Appellant confirms that conversion works commenced before the Article 4 direction became effective and states that, as recorded at paragraph 16, the works were substantially complete by 16 September 2025. The physical works are also the subject of the Building Control completion certificate appended at Appendix 3. The appeal concerns the planning merits of the proposed change of use. It is advanced solely on the basis of the proposal for which permission is sought. It does not ask the Inspector to determine any separate question as to the historic lawfulness of use of the property.

66. The former Class L regime nevertheless remains a material consideration. It provides national legislative context demonstrating that a C3-to-C4 change is ordinarily treated as a closely related residential change of use. The national permitted development regime did not regard this form of change, in general terms, as one requiring prior individual scrutiny or control through planning conditions.

67. The Article 4 direction removes automatic planning permission so that local circumstances can be assessed. It does not create a presumption that a C4 HMO is harmful, reverse the national starting position, or relieve the decision-maker of the need to identify actual site-specific planning harm. Each proposal must be assessed on its own planning merits.

68. This context is important in the present appeal. A Class C3 dwellinghouse can lawfully accommodate a sizeable household, potentially including several adults and dependent children, with differing work patterns, visitors, domestic deliveries and vehicle movements. The relevant comparison is not whether the present physical configuration would necessarily be chosen for long-term single-family occupation, but whether the proposed Class C4 use would give rise to material and unacceptable effects beyond those capable of arising from residential Class C3 occupation. The Council has not provided site-specific evidence that it would.

69. The distinction between Class C3 and Class C4 does not automatically equate to materially greater external activity, noise, disturbance or parking demand. This does not mean that Class C3 and Class C4 occupation are identical; rather, the use-class distinction does not itself demonstrate unacceptable effects in the absence of site-specific evidence. The relevant question is whether this particular proposal, for no more than six residents in a sustainable location opposite Chichester Metro Station and with dedicated cycle and refuse provision, would cause material and unacceptable effects. The Council has not provided quantified or site-specific evidence that it would.

70. South Tyneside Council made an immediate Article 4 direction in November 2025 to remove the permitted development right in Class L of Part 3, Schedule 2 to the GPDO for changes of use from dwellinghouses within Class C3 to small HMOs within Class C4. The direction applies borough-wide, excluding the Lawe Top area of South Shields, where a separate Article 4 direction had already applied since 2014. At the appeal site, planning permission is sought for the proposed C3-to-C4 change of use. The direction was introduced in response to an increase in C3 dwellings being converted to small C4 HMOs using national permitted development rights, and to enable the Council to assess the location, distribution and potential cumulative effects of proposed HMOs through the planning process.

71. The appeal site is outside the Lawe Top Article 4 direction area. It is instead subject to the later borough-wide direction. Accordingly, the Lawe Top-specific Policy 16 test, under which HMO dwellings within 100 metres of an application site must not exceed 10% of the total number of properties, does not apply. The appeal must instead be assessed under Policy 16(1), which requires an individual, evidence-based judgment on the suitability of the accommodation, HMO concentration and dominance, direct sandwiching, residential amenity, and parking, servicing, refuse and recycling provision.

72. The former Class L permitted development right provides context. It brought small HMO proposals within planning control so that their individual planning effects could be assessed. It did not establish that all C3-to-C4 changes are harmful. The particular proposal must still be assessed by reference to the evidence of its likely effects and the relevant Policy 16 criteria.

HMO concentration: evidence, methodology and proper policy application

73. The Council's officer report identifies Nos. 5, 6 and 7 Beaufront Terrace as properties material to its cumulative-impact assessment. It states that No. 5 had been in HMO use since October 2020, but that its HMO licence expired in October 2025; that No. 6 was listed on the Council's HMO register with a licence running from May 2023 to May 2028; and that No. 7 had held an HMO licence since February 2015, but that the licence had expired in 2025. In respect of No. 7, the report states only that it was "*believed*" potentially to remain in operation with fewer occupants than would require a licence.

74. These matters require careful analysis. The Council's recorded position establishes that No. 6 was treated as a licensed HMO at the time of the officer's assessment, and that Nos. 5 and 7 had formerly held HMO licences. However, a historic or expired HMO licence is not, by itself, conclusive evidence of current HMO occupation, current intensity of use, current lawful planning status or actual amenity effects. In particular, the Council's own wording concerning No. 7 is expressly uncertain.

75. The Appellant has sought to verify the present position using the Council's publicly available planning and HMO information. While the Council maintains a webpage referring to a public HMO register, the register was not accessible or searchable at the time of the Appellant's review. The Appellant has therefore relied upon the Council's officer report for the recorded licensing position, while distinguishing carefully between the Council's recorded licensing information and evidence of present occupation.

76. The Appellant has also undertaken a search of the Council's public planning register for Nos. 1–14 Beaufront Terrace. No planning applications for a change of use from Class C3 dwellinghouse to Class C4 HMO were identified for any property within the terrace other than application 250762 at No. 4. The borough-wide Article 4 direction took effect in November 2025. A new C3-to-C4 change of use occurring after that date would ordinarily require express planning permission.

77. The absence of an application in the public planning record does not, by itself, prove that no other property is or could be a lawful HMO. A C4 use may have been established before the Article 4 direction took effect, and smaller C4 HMOs may not appear in mandatory licensing data. The officer report itself acknowledges that the Council may not hold a complete record of smaller lawful C4 HMOs occupied by up to four persons. Nevertheless, the Appellant's public-record search identifies no evidence of any further post-direction C3-to-C4 conversion within the fourteen-property terrace.

78. The Appellant's assessment is accordingly cautious and evidence-led. No. 6 is recorded in the officer report as being listed on the Council's HMO register with a licence running from May 2023 to May 2028. Nos. 5 and 7 are recorded as having held HMO licences which expired in 2025, but their present occupation and intensity are not independently established. No. 3 is identified by the Council as being advertised for short-term holiday or contractor occupation, which the officer report treats as falling within the lawful Class C3 use. No. 4 is the appeal site for which planning permission is presently sought. Nos. 1, 2 and 8–14 are dwellings for which the Appellant has identified no HMO change-of-use planning applications through the publicly accessible planning information, subject to the acknowledged limitations of that evidence.

79. The Appellant's concentration and land-use assessment is contained at **Appendix 1**. It provides a transparent schedule of the available planning-history information and the Council-recorded licensing information cited in the officer report for the fourteen properties on Beaufront Terrace. The purpose of that schedule is not to suggest a false degree of certainty where public evidence is incomplete. Rather, it distinguishes between Council-recorded HMO information, historic licensing information, current use evidence and matters which remain unverified.

80. Even on the Council's most adverse interpretation, namely that Nos. 5, 6 and 7 are all current HMO premises, the appeal proposal would result in four HMO properties within a terrace of fourteen dwellings. That would leave ten properties, or 71.4% of the terrace, which the Council has not identified in its officer report as HMOs. While this calculation is not determinative, it demonstrates that HMO use would not become the dominant dwelling type within Beaufront Terrace as a whole.

81. On the information publicly available to the Appellant, the position capable of independent verification is more limited. The Council's officer report records a current licence at No. 6, but records expired licences at Nos. 5 and 7. It does not provide evidence establishing the present occupation, intensity or operational effects of those latter properties. The refusal therefore places greater certainty and weight on the current HMO baseline than the underlying publicly available evidence supports.

82. The Appellant does not suggest that historic HMO use at Nos. 5 and 7 is irrelevant. Nearby HMO premises are plainly a material consideration. However, their sequential location alone does not establish over-concentration, HMO dominance or material harm. The Appellant submits that the weight given to this matter should reflect the current and evidenced status of the relevant properties, their scale and operation, the character of the wider locality, any objective evidence of actual impacts, and the management and other safeguards proposed for the appeal scheme.

83. The Council has not defined or mapped a relevant assessment area; calculated the proportion of HMOs within an identified area beyond the immediate sequence of Nos. 4–7; identified a numerical threshold applicable outside the Lawe Top Article 4 area; or explained why the addition of the proposed HMO would make HMOs the dominant dwelling type or otherwise adversely affect the area's functionality and character. The refusal instead proceeds from a general conclusion that four HMOs in close proximity would be excessive.

84. The proposal would not result in the direct sandwiching of a Class C3 dwelling between two HMOs. On the Council's own assessment, the claimed HMO sequence comprises Nos. 5, 6 and 7, with the appeal site at No. 4. The appeal proposal would adjoin No. 5 on one side and No. 3 on the other. The officer report identifies No. 3 as advertised for short-term holiday or contractor occupation. It treats that arrangement as falling within Class C3. The proposal does not therefore create the direct C3 sandwiching scenario addressed by Policy 16(1)(iii).

85. The Council's concern must be considered against the actual matters identified in Policy 16. The presence of some nearby HMO premises does not, without more, demonstrate that the proposed development would result in over-concentration, HMO dominance, adverse effects on functionality or local character, direct sandwiching or excessive noise and disturbance. The Appellant submits that the Council has not demonstrated those consequences.

86. The appeal proposal would be limited to a maximum of six residents, would require an HMO licence before occupation, would provide secure covered cycle storage and contained refuse arrangements, and could, if the Inspector considers such a condition necessary, be operated in accordance with an approved Property Management Plan. These safeguards provide a controlled and proportionate basis on which to assess the appeal proposal, rather than treating it as an uncontrolled addition to any historic HMO activity in the locality.

87. For these reasons, the Appellant submits that the Council has not demonstrated that the proposed HMO would cause an over-concentration of HMOs, lead to HMO use becoming the dominant dwelling type, result in direct sandwiching, or adversely affect the functionality and character of the area. The proposal complies with Policy 16 when that policy is applied according to the available evidence and its stated purpose.

Noise, disturbance, crime and anti-social behaviour

88. The refusal reason refers to the potential for increased comings and goings, visitor activity, deliveries and general activity associated with the proposed HMO. Third-party representations also raised concerns regarding anti-social behaviour, parking pressure, fly-tipping and crime in the locality. Those concerns must be considered in the context of the evidence relating to the proposal and the existing character and activity of the surrounding area.

89. The officer report reaches an important and clear conclusion on crime, anti-social behaviour and fear of crime. It states that there is insufficient evidence that an authorised HMO at the appeal property would generate harmful levels of crime or anti-social behaviour. It further finds that no evidence has been presented to demonstrate that crimes reported in the locality are directly linked to HMO occupiers. The Council did not consider it reasonable to refuse planning permission on crime, anti-social behaviour or fear-of-crime grounds.

90. That conclusion is material to the present appeal. The same general concerns cannot reasonably be reintroduced through the refusal reason's allegation of cumulative amenity harm without evidence demonstrating a causal relationship between existing HMO occupation, the claimed pattern of disturbance and the effects likely to arise from the proposed six-person HMO.

91. A review of the publicly available Police.uk crime and anti-social behaviour mapping for the latest available twelve-month period, from **August 2025 to July 2026,** identifies 17 recorded anti-social behaviour incidents mapped to Beaufront Terrace or its immediate vicinity during that period, equating to an average of approximately 1.4 recorded ASB incidents per month. The monthly mapping extracts are provided in **Appendix 2**.

92. Police.uk uses anonymised and approximate map locations, rather than precise incident addresses. The published data cannot identify the persons involved, establish the source of any particular incident or demonstrate a causal connection with a specific property, tenure or occupier. It should therefore be treated as contextual evidence rather than an address-specific record of crime or nuisance.

93. Subject to those acknowledged limitations, the available data does not identify a pattern of significant or escalating anti-social behaviour in the immediate vicinity of the appeal property or the claimed HMO cluster. The mapped incident location is shown towards the southern end of Beaufront Terrace, close to the roundabout at the junction with Dean Road and on the eastern side of the street. That location is materially separated from the appeal site and from the claimed group of HMOs at Nos. 4–7, which are located towards the northern end of the terrace near Laygate.

94. The spatial context is important. Chichester Metro Station lies immediately opposite Beaufront Terrace. At the same time, the southern end of the street is influenced by the Dean Road roundabout, the public highway, pedestrian movement and the wider transport environment. The locality also includes the nearby bus depot and school. In those circumstances, the mapping does not provide a basis for attributing the reported ASB incidents to existing HMO occupation.

95. The available locational evidence is consistent with incidents arising in the Metro station, public highway and wider public-realm environment, rather than providing any evidential basis for attributing them to HMO occupation.

96. The Police.uk review therefore does not provide objective evidence that existing HMO premises on Beaufront Terrace have generated a material anti-social behaviour problem, or that the proposed six-person HMO would compound one. This is consistent with the Council's own officer assessment, which found no evidence that existing reported crimes were linked to HMO occupiers and no basis to conclude that the proposed HMO would generate harmful crime or ASB effects.

97. Neither the officer report nor the publicly available material reviewed by the Appellant identifies substantiated noise complaints, statutory nuisance investigations, HMO licensing enforcement, environmental-health enforcement, waste-enforcement action, police callouts or formal anti-social behaviour action directly attributed to Nos. 5, 6 or 7 Beaufront Terrace.

98. The Appellant contends that while existing HMO activity is relevant to the assessment, planning judgment should be based on evidence of actual or likely planning effects in the particular locality, rather than generic assumptions about the presence of HMOs and HMO occupation. In the absence of evidence linking existing HMO occupation to demonstrable harm, there is no sound basis for concluding that the proposed licensed and occupancy-capped HMO, which could also be subject to an approved Property Management Plan if the Inspector considers such a condition necessary, would cause or compound unacceptable noise, disturbance, crime or anti-social behaviour.

The proposal is a small residential use, limited to six occupants, in a sustainable urban setting. The evidence does not demonstrate that its anticipated residential activity would exceed the level properly regarded as acceptable under Policy 16.

Management, licensing and proportionate mitigation

99. The Appellant's primary case is that the proposal is acceptable on its planning merits. The Council has not demonstrated that the proposed six-person Class C4 HMO would cause unacceptable noise, disturbance, refuse, crime, anti-social behaviour or other operational effects. The Appellant therefore does not submit a detailed Property Management Plan as a prerequisite to establishing the acceptability of the proposed use.

100. However, and without prejudice to that primary case, the Appellant acknowledges that appropriate management is relevant to the satisfactory operation of any licensable HMO. If, notwithstanding the primary case, the Inspector considers a management condition necessary to address an identified residual concern, the Appellant would accept a proportionate condition requiring a Property Management Plan before first occupation of the property as an HMO.

101. Such a condition would provide a straightforward and enforceable means of securing management arrangements directly related to the matters raised during the application process. If required, the Plan should be limited to the identity and contact details of the owner, operator or managing agent; arrangements to secure compliance with the maximum six-person occupancy limit; proportionate house rules concerning noise, visitors and use of the rear yard; refuse and recycling arrangements; and procedures for recording and responding to substantiated complaints.

102. It would not be necessary or reasonable for any management condition to regulate ordinary tenancy matters, impose an on-site manager, require continuous CCTV surveillance, dictate the identity of individual tenants, or duplicate controls that fall within the separate HMO licensing regime. The content of any condition should remain confined to necessary measures, relevant to planning, proportionate and directly related to the development and the identified residential-amenity concern.

103. The Council's Housing Strategy consultee sought information on management arrangements, intended occupiers, management of potential disruption and anti-social behaviour, day-to-day operation and liaison with Council services. The Community Safety Team similarly sought house rules and an anti-social behaviour procedure. Those matters are capable of being addressed through the suggested condition, if necessary, rather than constituting a reason to refuse the proposed Class C4 HMO.

104. The officer report correctly recognises that routine management of tenants is principally the responsibility of the owner or operator and is also subject to the statutory HMO licensing regime. It further concludes that there is no evidence that an authorised HMO at the appeal property would generate harmful levels of crime or anti-social behaviour. The availability of a management-plan condition therefore provides a proportionate precautionary safeguard; it does not amount to an admission that such a condition is necessary to make the proposal acceptable.

105. If the Inspector considers a Property Management Plan condition necessary to make the development acceptable in planning terms, the Appellant would accept a proportionate condition requiring the submission and approval of such a Plan before first occupation of the HMO, followed by implementation of the approved arrangements. Any condition should be limited to necessary matters, relevant to planning and the development, sufficiently precise to be capable of compliance and enforcement, and reasonable in all other respects, in accordance with Policy DM6 of the August 2026 Framework.

Suggested condition

106. If the Inspector considers a management-plan condition necessary, the Appellant suggests the following wording:

Property Management Plan

Prior to the first occupation of the dwelling as a house in multiple occupation, a Property Management Plan shall be submitted to and approved in writing by the local planning authority. The Plan shall identify a management contact and include proportionate arrangements for:

(a) compliance with the maximum permitted occupancy;

(b) occupier conduct in relation to noise, visitors and use of the rear yard;

(c) refuse and recycling; and

(d) recording and responding to substantiated complaints.

The HMO shall thereafter be operated in accordance with the approved Plan.

Sound insulation and residential amenity safeguards

107. The Appellant's primary case is that the proposed Class C4 HMO would not cause unacceptable noise or disturbance and that no acoustic condition is necessary. The Council has not provided technical evidence that the existing construction gives rise to inadequate sound insulation, that the proposed occupation would create unacceptable sound transmission to adjoining dwellings, or that the development would otherwise cause material harm to neighbouring living conditions.

108. The proposal is a small HMO accommodating no more than six residents. It does not involve external enlargement, commercial activity, plant, amplified music, outdoor entertainment facilities or any other feature inherently likely to generate abnormal noise. The lawful Class C3 fallback could itself accommodate a sizeable household with varied patterns of domestic activity, including visitors, deliveries and use of internal living space.

109. The Council's concern is a general prediction that a Class C4 HMO would produce greater activity and disturbance than a Class C3 dwellinghouse. No noise survey, complaint evidence, statutory-nuisance record, environmental-health evidence or other objective analysis has been provided to demonstrate that existing HMO premises on Beaufront Terrace have created such effects or that the appeal proposal would compound them.

110. If, notwithstanding the primary case, the Inspector identifies a specific and evidenced residual concern regarding sound transmission, proportionate and targeted measures could be considered. The Appellant does not accept that a blanket acoustic survey, pre-completion testing requirement, generic Part E upgrade or unspecified programme of works would be necessary or reasonable on the evidence presently available.

111. Any condition concerning sound attenuation would need to be demonstrably necessary, proportionate, technically feasible, precise, enforceable and directly related to an identified planning effect of the approved development. In the absence of such evidence, no acoustic condition should be imposed.

Matters accepted by the Council

112. The Council's officer report accepts a substantial number of material matters. Those accepted findings demonstrate that the appeal does not concern a poor-quality, unsafe, unsustainable or technically deficient scheme.

113. The Council accepts that:

- The bedrooms are adequate in size and are capable of providing suitable accommodation for future occupiers.
- The officer report concludes that the second-floor bedrooms provide an acceptable standard of accommodation, having regard to the submitted floor-area and headroom information.
- The property is in a sustainable urban location close to public transport and amenities.
- The proposed rooflights, cycle storage and refuse-storage arrangements are acceptable in visual terms.
- The Highway Authority has no objection to the absence of in-curtilage car parking.

- The HMO use is likely to generate similar or lower parking demand than the previous Class C3 dwelling use.
- The site's proximity to Chichester Metro Station supports reduced reliance on private cars.
- The eight cycle spaces comply with SPD6.
- The refuse-storage arrangements are acceptable.
- There is insufficient evidence to refuse the proposal on crime, anti-social behaviour or fear-of-crime grounds.
- The relevant habitats issue is acceptable and does not provide a strong reason for refusal.
- The development is exempt from mandatory biodiversity net gain requirements.
- Drainage and flood risk are acceptable.

114. The reason for refusal does not rely on any separate objection concerning the standard of accommodation for future occupiers, highway safety, parking provision, cycle provision, refuse storage, visual impact, ecology, drainage, flood risk, crime or anti-social behaviour. The Inspector should give appropriate weight to this extensive body of accepted technical evidence in considering whether the residual cumulative-impact allegation is sufficient to justify refusal. These accepted matters materially narrow the dispute and reinforce that the appeal turns on an unsubstantiated prediction of cumulative amenity and character harm, rather than any deficiency in the accommodation, site accessibility, design, parking, cycle provision, refuse arrangements or other technical effects of the scheme.

Housing need, housing land supply and the planning balance

115. The Council's officer report confirms that, at the date of determination, South Tyneside could not demonstrate a five-year supply of deliverable housing sites together with the applicable 20% buffer. It also records that the Council's Housing Delivery Test performance was substantially below its housing requirement over the preceding three years. That evidence remains material to the assessment of the need for housing and the planning weight to be afforded to the proposal.

116. The Framework published in August 2026 contains a revised policy structure. The previous paragraph 11(d) formulation should not therefore be treated as the applicable decision-making test. The Council's decision-date conclusion that the tilted balance was engaged remains relevant factual and planning context. Still, the appeal should be determined by reference to the August 2026 Framework and the up-to-date development plan.

117. The August 2026 Framework requires substantial weight to be given to the benefits of providing homes which contribute to meeting evidenced accommodation needs of the local community, including the needs of different groups. It also requires plans to identify and maintain a supply of deliverable housing sites. It provides for housing-supply buffers where delivery has fallen below the relevant thresholds. The Council's acknowledged supply shortfall and Housing Delivery Test position are therefore relevant material considerations which weigh in favour of sustainable housing provision.

118. The Local Plan evidence base and monitoring work demonstrate the significance of housing delivery and land supply in South Tyneside. The adopted Plan's housing strategy is intended to meet the requirement through commitments, windfalls, small sites and new allocations, but it recognises that remedial action may be required if a deliverable five-year supply cannot be demonstrated or housing delivery falls below the relevant Housing Delivery Test thresholds.

119. A Planning Inspector reached the same position in a contemporaneous South Tyneside appeal (Appeal Decision APP/A4520/W/25/3372668, 3 Dean Terrace, South Shields, NE33 5JY), concluding in January 2026 that there was no dispute that the Council could not demonstrate a five-year supply of deliverable housing sites. That decision predates the August 2026 Framework and is not relied upon for its application of the former paragraph 11(d) test. It is, however, relevant confirmation of the Council's supply shortfall during the period in which the application was determined.

120. The Appellant has identified no later formal Council statement, published after adoption of the Local Plan, demonstrating that South Tyneside can now provide a five-year supply of deliverable housing sites. If the Council contends that the position has changed, the Appellant invites it to provide its current calculation, including the base date and five-year period used, the annual requirement and applicable buffer, the sites relied upon and the basis on which those sites are considered deliverable.

121. The proposal provides six rooms of shared accommodation in a sustainable and accessible location. It would make efficient use of an existing residential building, substantially refurbished and configured for shared occupation, broaden housing choice and provide a form of shared accommodation capable of meeting the needs of residents for whom a conventional family dwelling or self-contained home may not be suitable or affordable. The property is directly opposite Chichester Metro Station, provides secure covered cycle storage and has on-site refuse provision. The provision of high-quality shared accommodation for up to six residents in such an accessible location is a material benefit in the planning balance. However, it does not displace the need to comply with Policy 16.

122. The Council's HMO Topic Paper recognises that HMOs form part of the housing stock and can provide flexible, lower-cost accommodation for a range of households, including younger adults, people on lower incomes and those seeking shared accommodation. The purpose of HMO policy is not to prevent all new HMOs, but to ensure that proposals do not create harmful concentrations or unacceptable local impacts.

123. In accordance with Policy HO7 of the August 2026 Framework, substantial weight should be afforded to the benefits of providing homes which contribute towards evidenced accommodation needs. The appeal proposal makes a modest but genuine contribution to shared accommodation and housing choice in South Tyneside. Its weight should be considered alongside the Council's accepted conclusions concerning sustainable location, highway impacts, cycle provision, refuse storage, accommodation quality, ecology, drainage and crime/anti-social behaviour.

124. The alleged harms are confined to predicted cumulative effects on amenity and character. For the reasons set out in this Statement, those effects are not demonstrated on the available evidence. Even if the Inspector identifies a limited and specific residual concern, it is capable of proportionate mitigation through a maximum occupancy of six persons, the statutory HMO licensing regime, secure cycle storage, contained refuse arrangements and, if necessary, a proportionate Property Management Plan.

125. No sound-attenuation condition is necessary on the evidence presently available; however, if the Inspector identifies a specific and evidenced concern regarding sound transmission, targeted measures could be considered subject to the national tests for planning conditions.

126. The relevant development-plan policies and August 2026 Framework policies, taken as a whole, support the grant of planning permission. The proposal represents an acceptable use of an existing residential building in a sustainable location, provides high-quality shared accommodation for up to six residents, broadens housing choice and would not give rise to the demonstrable amenity or character harm alleged by the Council. The proposal therefore complies with the development plan read as a whole, subject only to any conditions which the Inspector finds necessary and which meet the national tests.

Planning conditions

127. In seeking the grant of planning permission, the Appellant suggests the following planning conditions, without prejudice to the primary case that the proposal is acceptable without further mitigation beyond conditions necessary for certainty, maximum occupancy and the approved cycle and refuse arrangements. The final wording should be agreed with the Council where possible and should be limited to conditions meeting the national policy tests.

Time limit

1. The development hereby permitted shall begin not later than three years from the date of this decision.

Approved plans

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Existing and Proposed Site Plans and Location Plan, Drawing No. 01 Rev A, received 12 December 2025; Existing and Proposed Floor Plans, Drawing No. 02 Rev C, received 4 March 2026; and Second Floor Plan and Section, Drawing No. 03 Rev A, received 4 March 2026.

Maximum occupancy

3. The small house in multiple occupation hereby permitted shall not be occupied by more than six persons at any time.

Cycle storage and refuse arrangements

4. Prior to the first occupation of the dwelling as a house in multiple occupation, the cycle parking and refuse/recycling storage shown on the approved plans shall be provided. The cycle parking shall be secure and covered and shall thereafter be retained for those purposes.

Conditions offered only if the Inspector considers them necessary

128. Without prejudice to the Appellant's primary case that the proposed development is acceptable without further mitigation, the following condition is suggested only if the Inspector considers it necessary in the interests of neighbouring amenity:

Property Management Plan – if necessary

5. Prior to the first occupation of the dwelling as a house in multiple occupation, a Property Management Plan shall be submitted to and approved in writing by the local planning authority. The Plan shall identify a management contact and include proportionate arrangements for:

(a) compliance with the maximum permitted occupancy;

(b) occupier conduct in relation to noise, visitors and use of the rear yard;

(c) refuse and recycling; and

(d) recording and responding to substantiated complaints.

The HMO shall thereafter be operated in accordance with the approved Plan.

129. The Appellant also notes that the property will require any relevant HMO licence before operation. That matter is separately regulated under the Housing Act 2004. It should not be duplicated by planning condition unless the Inspector identifies a separate planning necessity.

Conclusion

130. The appeal proposal is for a small HMO accommodating no more than six residents within an existing terraced dwelling in a sustainable urban location directly opposite Chichester Metro Station. The development would provide accommodation which the Council's officer report found to be of an acceptable standard for future occupiers, secure covered cycle storage and contained refuse provision, while making efficient use of an existing residential building.

131. The Council accepted the proposal in respect of the standard of accommodation, visual effect, sustainable location, highway safety, the absence of material parking impact, cycle storage, refuse storage, ecology, drainage and crime/anti-social behaviour. The appeal concerns one residual allegation: that the proposed HMO would contribute to an unacceptable concentration of HMOs and create cumulative noise, disturbance and character harm.

132. The Council has not demonstrated that all relevant nearby properties are current HMOs of an intensity material to the appeal; that the proposed use would make HMOs the dominant dwelling type; that it would cause policy-relevant over-concentration; or that it would produce excessive disturbance. There is no objective evidence of noise, complaint, enforcement, parking, waste, crime or anti-social behaviour impacts attributable to the existing HMO premises.

133. The former Class L permitted development context is a material indication that a C3-to-C4 change is ordinarily regarded in national legislation as a closely related form of residential development. The Article 4 direction makes an assessment of local circumstances necessary; it does not create a presumption that the proposed use is harmful. A decision must therefore be based on actual planning evidence rather than generic assumptions about unrelated adults or HMO occupation.

134. The Appellant's updated HMO concentration assessment and Police.uk review provide objective context for the appeal. If the Inspector identifies a specific residual issue requiring further control, a proportionate Property Management Plan could be secured by condition. No sound-attenuation condition is necessary on the evidence presently available; any targeted acoustic measure would need to respond to a specific evidenced concern and satisfy the national tests for planning conditions.

135. The Council's decision-date evidence establishes a significant five-year housing land supply shortfall and Housing Delivery Test underperformance. Under the August 2026 Framework, substantial weight should be given to the benefits of providing homes which contribute towards meeting evidenced accommodation needs. The appeal proposal makes a modest but genuine contribution to shared accommodation and housing choice in a highly accessible location. It satisfies all five criteria of Policy 16: the accommodation is suitable; the evidence does not establish harmful HMO over-concentration or HMO dominance; no Class C3 dwelling would be directly sandwiched between two HMOs; no excessive noise or disturbance has been evidenced; and the Council accepts the parking, servicing, cycle, refuse and recycling arrangements. The proposal therefore accords with the development plan read as a whole.

136. For these reasons, the Appellant respectfully requests that the appeal be allowed and planning permission granted. Any condition imposed should be limited to one that is necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

References

1. South Tyneside Council, Decision Notice, Application Reference 250762, 4 Beaufront Terrace, South Shields, NE33 5QE, dated 10 April 2026.
2. South Tyneside Council, Delegated Officer Report, Application Reference 250762, 4 Beaufront Terrace, South Shields, NE33 5QE, dated March/April 2026.
3. Planning Application Form, Planning Portal Reference PP-14535325, submitted 12 December 2025.
4. Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, Schedule 2, Part 3, Class L.
5. South Tyneside Local Plan 2023–2040, adopted 30 July 2026, particularly Policy SP1, Policy SP2, Policy 3, Policy SP16, Policy 16, Policy SP26, Policy 47 and paragraphs 8.15–8.17 and 8.34–8.44.
6. National Planning Policy Framework, August 2026, particularly Policies DM3, DM6, DM7, HO7, TR3 and DP3.
7. Appeal Decision APP/A4520/W/25/3372668, 3 Dean Terrace, South Shields, NE33 5JY, decision dated 16 January 2026, relied upon as evidence of the Council's contemporaneous housing-land-supply position.
8. Police.uk crime and anti-social behaviour mapping, Beaufront Terrace, August 2025 to July 2026, Appendix 2.
9. South Tyneside Council Building Control, Completion Certificate, "HMO with loft conversion and internal alterations to form en-suites", issued 17 December 2025, Appendix 3.

Appendices

Appendix 1: HMO Concentration and Land-Use Assessment

Appendix 2: Police.uk Crime and Anti-Social Behaviour Review: August 2025 to July 2026

Appendix 3: South Tyneside Council Building Control, Completion Certificate, "HMO with loft conversion and internal alterations to form en-suites", issued 17 December 2025

Prepared by: Darren Ridley

Date: 10 September 2026

Town and Country Planning and Development Consultant
address: 3 The Hazelmeres, Hazel Drive, Walton Chesterfield, S40 3FE
tel: 07869507002
email: theplanningstation@gmail.com
website: www.planningstn.com
skype: theplanningstation

The Planning Station PS

Full Statement of Case

Appendix 1 - HMO Concentration and Land-Use Assessment

Image by Freepik

Darren Ridley

10 September 2026

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Table 2 — Beaufront Terrace HMO concentration and land-use assessment

Address	Apparent current use	HMO licence position	Planning History Position	Evidential position/conclusion
1 Beaufront Terrace	No current HMO use identified	No Council-recorded licence information identified in the officer report	No C3-to-C4 HMO change-of-use application identified through the Council's public planning search	No HMO use identified through the public planning search or officer report, subject to evidence limitations
2 Beaufront Terrace	No current HMO use identified	No Council-recorded licence information identified in the officer report	No C3-to-C4 HMO change-of-use application identified through the Council's public planning search	No HMO use identified through the public planning search or officer report, subject to evidence limitations
3 Beaufront Terrace	Advertised for short-term holiday/contractor occupation; officer report treats this as C3	No Council-recorded licence information identified in the officer report	No C3-to-C4 HMO change-of-use application identified through the Council's public planning search	Treated as lawful C3 on the Council's own assessment
4 Beaufront Terrace	Presently unoccupied; proposed Class C4 HMO for maximum six residents	No Council-recorded licence information identified in the officer report	Appeal site; application 250762 refused, subject to this appeal	Proposed only; C4 use has not commenced
5 Beaufront Terrace	Current status unverified	Officer report records HMO use since October 2020 and licence expiry in October 2025	No post-November 2025 C3-to-C4 application identified in public planning search	Former licensed HMO. Current HMO occupation cannot be assumed solely from expired licence.

6 Beaufront Terrace	Recorded in the officer report as a licensed HMO	Officer report records a licence running from May 2023 to May 2028	No post-November 2025 C3-to-C4 application identified in public planning search	Recorded by the Council as a current licensed HMO at the time of its assessment; independently unverified by the Appellant.
7 Beaufront Terrace	Current status unverified; officer report says it is "believed" possibly to be operating with no more than four occupants.	Officer report records HMO use since October 2020 and licence expiry in October 2025	No post-November 2025 C3-to-C4 application identified in public planning search	Former licensed HMO. The Council's statement is not evidence of current occupation or planning status.
8 Beaufront Terrace	No current HMO use identified	No Council-recorded licence information identified in the officer report	No C3-to-C4 HMO change-of-use application identified through the Council's public planning search	No HMO use identified through the public planning search or officer report, subject to evidence limitations
9 Beaufront Terrace	No current HMO use identified	No Council-recorded licence information identified in the officer report	No C3-to-C4 HMO change-of-use application identified through the Council's public planning search	No HMO use identified through the public planning search or officer report, subject to evidence limitations
10 Beaufront Terrace	No current HMO use identified	No Council-recorded licence information identified in the officer report	No C3-to-C4 HMO change-of-use application identified through the Council's public planning search	No HMO use identified through the public planning search or officer report, subject to evidence limitations
11 Beaufront Terrace	No current HMO use identified	No Council-recorded licence information identified in the officer report	No C3-to-C4 HMO change-of-use application identified through the Council's public planning search	No HMO use identified through the public planning search or officer report, subject to evidence limitations

12 Beaufront Terrace	No current HMO use identified	No Council-recorded licence information identified in the officer report	No C3-to-C4 HMO change-of-use application identified through the Council's public planning search	No HMO use identified through the public planning search or officer report, subject to evidence limitations
13 Beaufront Terrace	No current HMO use identified	No Council-recorded licence information identified in the officer report	No C3-to-C4 HMO change-of-use application identified through the Council's public planning search	No HMO use identified through the public planning search or officer report, subject to evidence limitations
14 Beaufront Terrace	No current HMO use identified	No Council-recorded licence information identified in the officer report	No C3-to-C4 HMO change-of-use application identified through the Council's public planning search	No HMO use identified through the public planning search or officer report, subject to evidence limitations

Town and Country Planning and Development Consultant
address: 3 The Hazelmeres, Hazel Drive, Walton Chesterfield, S40 3FE
tel: 07869507002
email: theplanningstation@gmail.com
website: www.planningstn.com
skype: theplanningstation

The Planning Station PS

Full Statement of Case

Appendix 2 - Police.uk Crime and Anti-Social Behaviour Review: August 2025 to July 2026

Image by Freepik

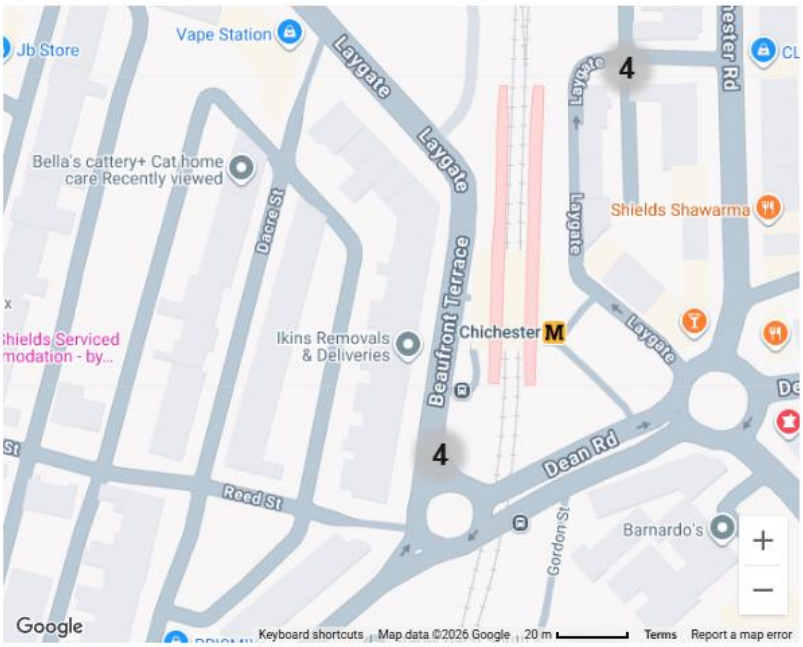
Darren Ridley

10 September 2026

Copyright 2026

Police.uk Crime and Anti-Social Behaviour Review: August 2025 to July 2026

Click on a hotspot to see more details. Alternatively, view as A-Z list.



Edit crime type and time period

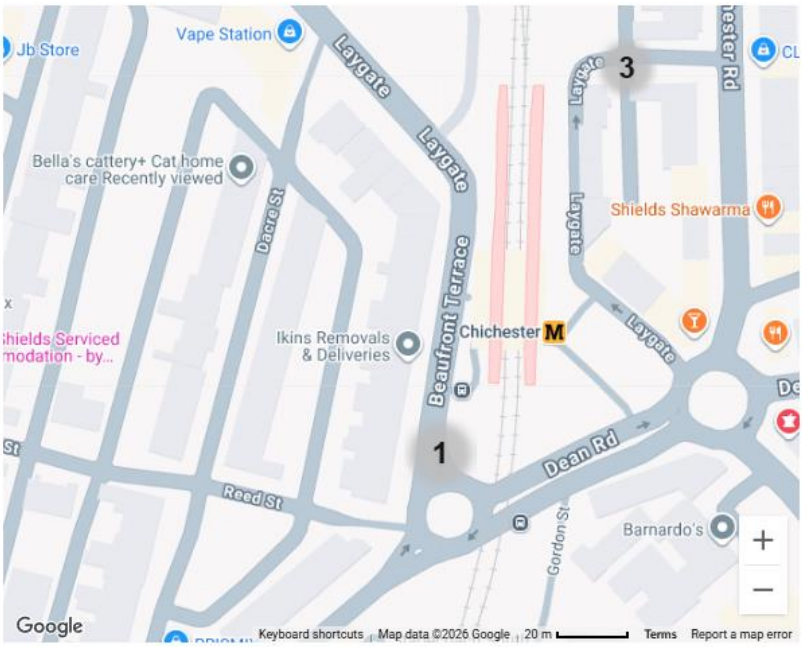
Anti-social behaviour (174)

July 2026

View crime definitions

Download area crime data

Click on a hotspot to see more details. Alternatively, view as A-Z list.



Edit crime type and time period

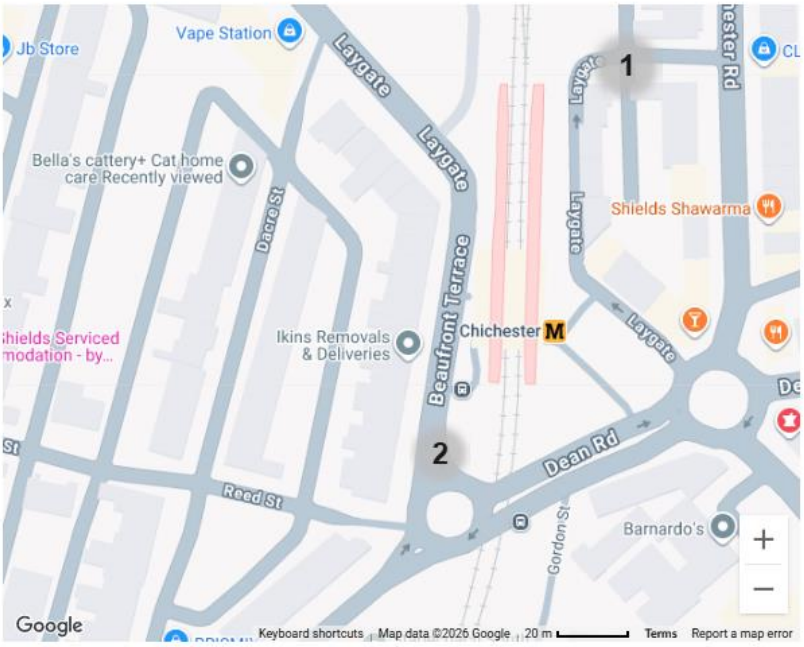
Anti-social behaviour (183)

June 2026

View crime definitions

Download area crime data

Click on a hotspot to see more details. Alternatively, view as A-Z list.



Edit crime type and time period

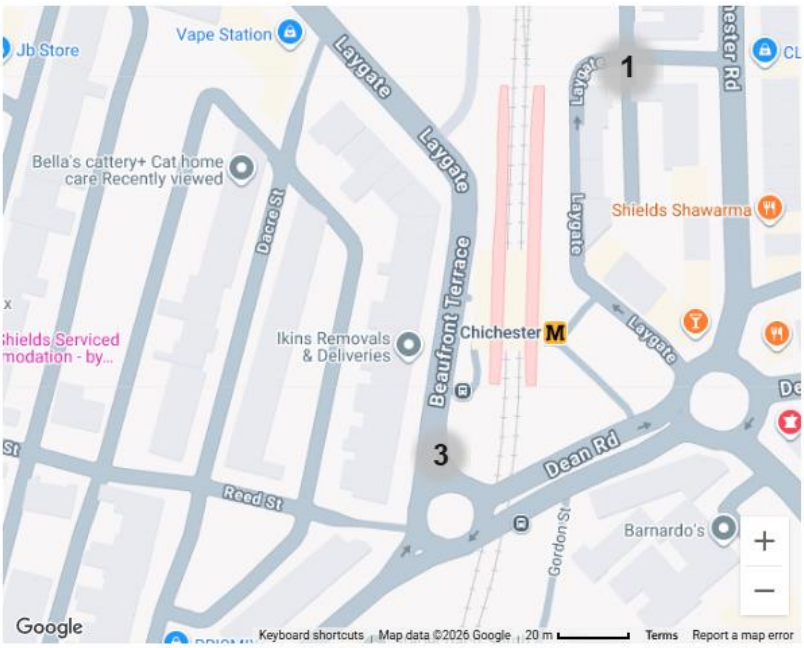
Anti-social behaviour (169)

May 2026

View crime definitions

Download area crime data

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Edit crime type and time period

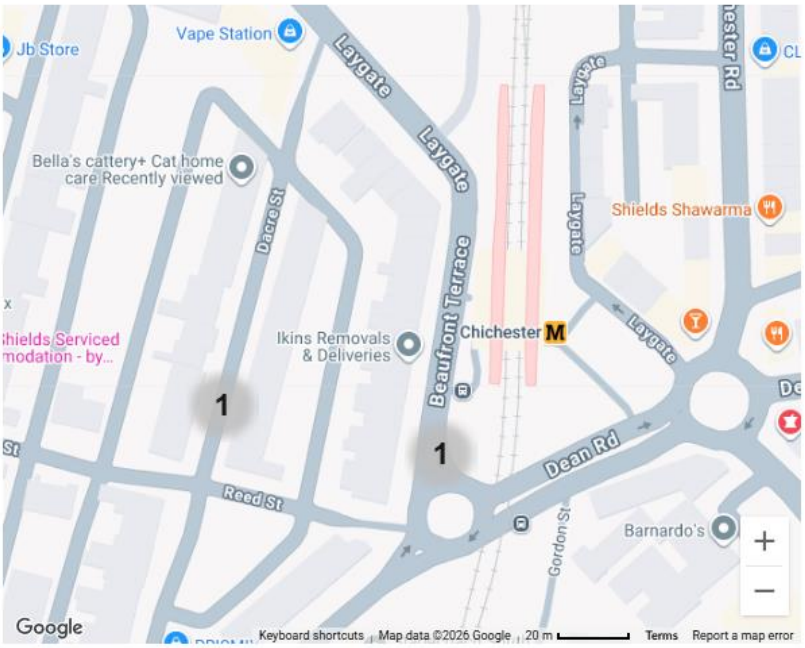
Anti-social behaviour (136)

April 2026

View crime definitions

Download area crime data

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Edit crime type and time period

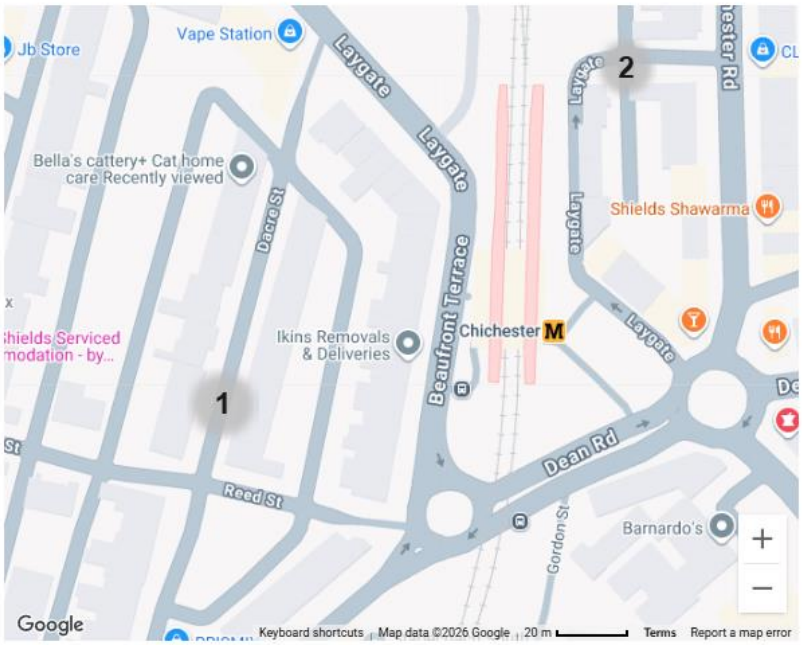
Anti-social behaviour (105)

March 2026

View crime definitions

Download area crime data

Click on a hotspot to see more details. Alternatively, view as A-Z list.



Edit crime type and time period

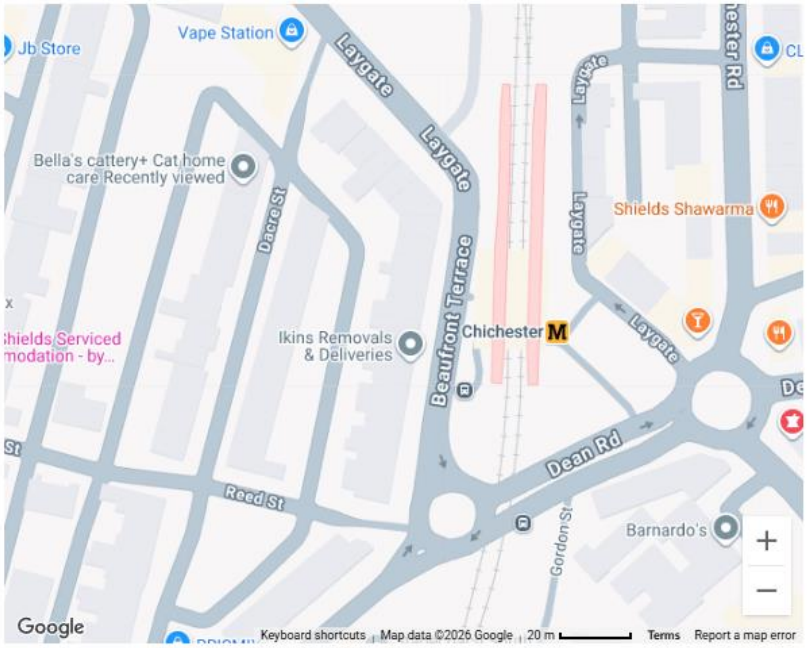
Anti-social behaviour (72)

February 2026

View crime definitions

Download area crime data

Click on a hotspot to see more details. Alternatively, view as A-Z list.



Edit crime type and time period

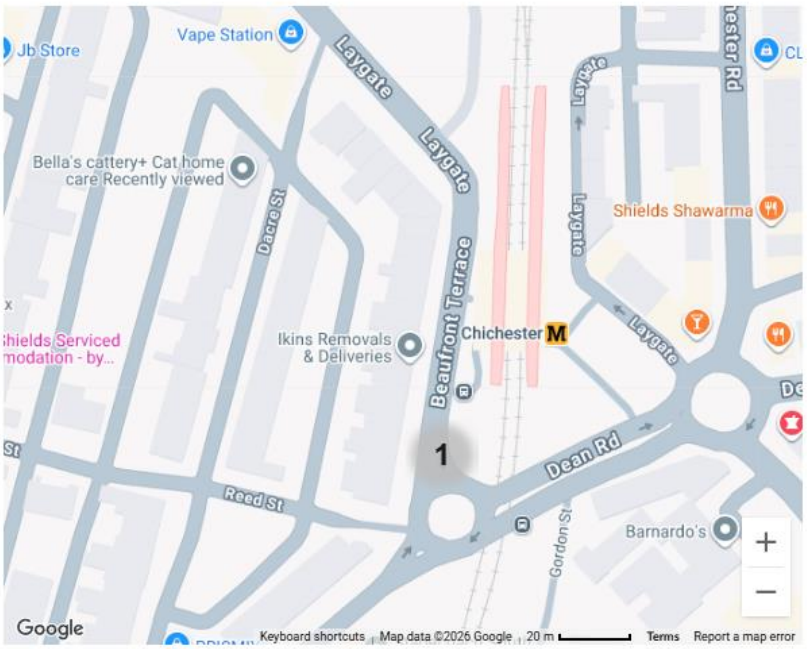
Anti-social behaviour (87)

January 2026

View crime definitions

Download area crime data

Click on a hotspot to see more details. Alternatively, view as A-Z list.



Edit crime type and time period

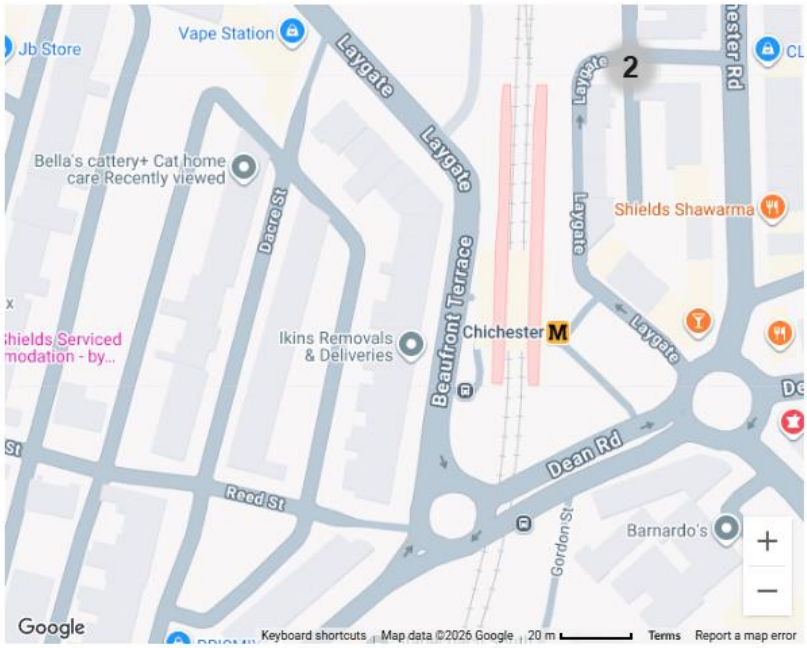
Anti-social behaviour (79)

December 2025

View crime definitions

Download area crime data

Click on a hotspot to see more details. Alternatively, view as A-Z list.



Edit crime type and time period

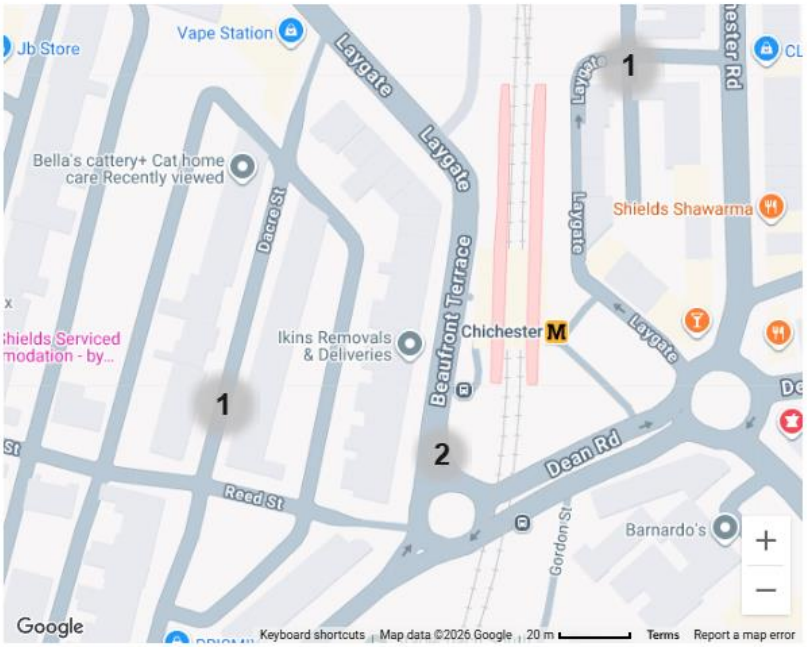
Anti-social behaviour (101)

November 2025

View crime definitions

Download area crime data

Click on a hotspot to see more details. Alternatively, view as A-Z list.



Edit crime type and time period

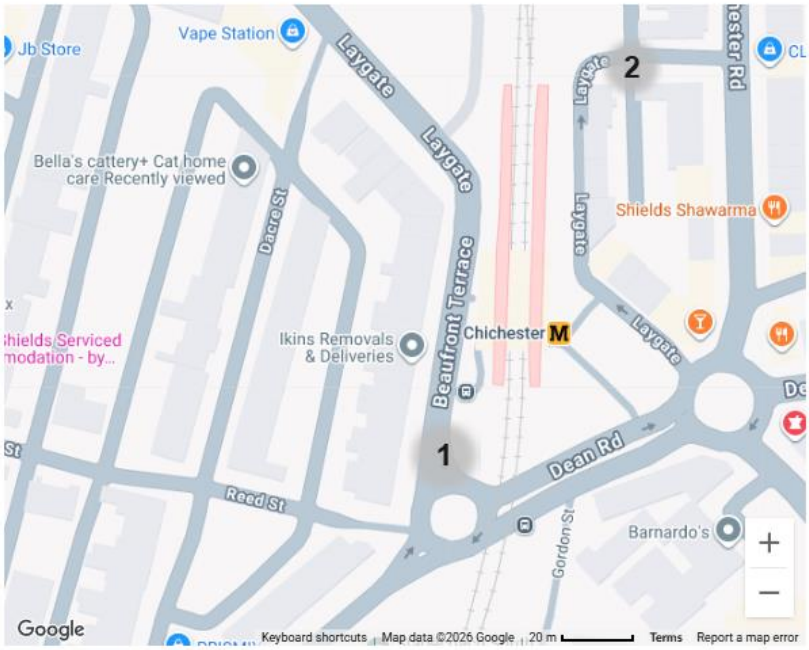
Anti-social behaviour (102)

October 2025

View crime definitions

Download area crime data

Click on a hotspot to see more details. Alternatively, view as A-Z list.



Edit crime type and time period

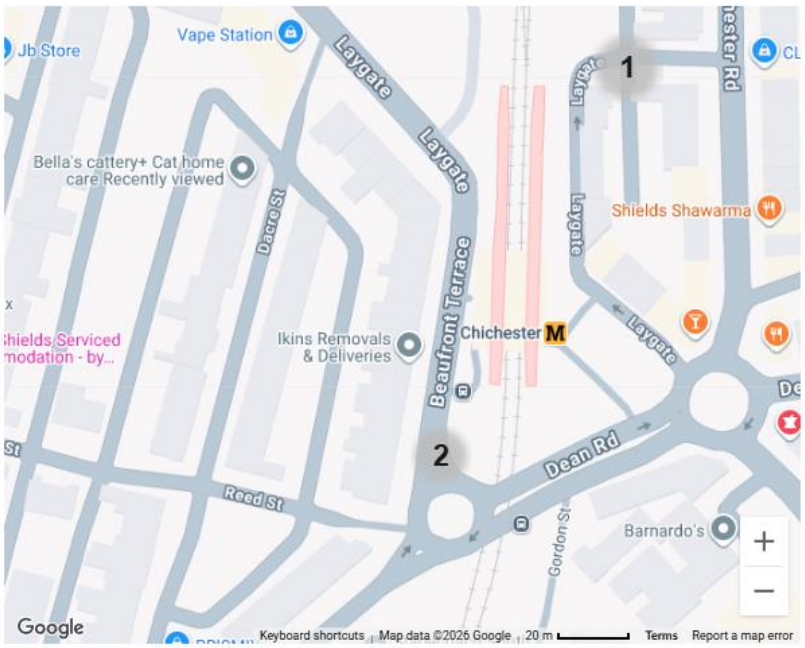
Anti-social behaviour (125)

September 2025

View crime definitions

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Edit crime type and time period

Anti-social behaviour (131)

August 2025

View crime definitions

Download area crime data

Town and Country Planning and Development Consultant
address: 3 The Hazelmeres, Hazel Drive, Walton Chesterfield, S40 3FE
tel: 07869507002
email: theplanningstation@gmail.com
website: www.planningstn.com
skype: theplanningstation

The Planning Station PS

Full Statement of Case

Appendix 3 - South Tyneside Council Building Control, Completion Certificate, "HMO with loft conversion and internal alterations to form en-suites", issued 17 December 2025

Image by Freepik

Darren Ridley

10 September 2026

Copyright 2026

LOCAL AUTHORITY BUILDING CONTROL
South Tyneside Council
Town Hall and Civic Offices
Westoe Road
South Shields, Tyne and Wear NE33 2RL

Tel: **0191 427 1717**

E-mail: buildingcontrol@southtyneside.gov.uk

CERTIFICATE OF COMPLETION

The Building Act 1984
The Building Regulations 2010

Building Regulations plan number:
BN/2025/02485

1. Details of Work
HMO with loft conversion and internal alterations to form en-suites

2. Location of the building
4 Beaufront Terrace
South Shields
South Tyneside
NE33 5QE

3. Deposit of Particulars
An application was deposited under the Building Regulations made under Section 1(3) of the Building Act on: 20/03/2025

4. Completion Date

Date of completion Inspection: 17/12/2025

5. Compliance with the Building Regulations

This certificate, which is given in accordance with Regulation 17, shall be considered as evidence (but not conclusive evidence) that, insofar as the authority has been able to ascertain, the works described in the certificate are in compliance with the requirements of the Building Regulations.

6. Authority
This certificate has been authorised by: **Mark Taylor**
(authorised Officer) **Senior Building Surveyor, Building Control Manager**

Signature: Date: 17/12/2025

Note: This certificate relates only to the work described in (1) above. This certificate does not relate to any work carried out to which the regulations did not apply on this occasion, for example to the existing building not affected by an extension or the work of repair or the replacement of fittings etc.