

From:

Sent: 14 October 2025 15:47

To: NCC - Planning <Planning@newport.gov.uk>

Subject: FORMAL LEGAL OBJECTION TO PLANNING APPLICATION 25/0841
PROPOSED CONVERSION OF 7 Conway road, newport TO A HOUSE IN
MULTIPLE OCCUPATION (HMO)

To: Grant Hawkins

This submission constitutes a formal objection to the planning application for the conversion of [Insert Address] into a House in Multiple Occupation (HMO). The objection is grounded in statutory obligations under the Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004, the National Planning Policy Framework (NPPF), The Well-being of Future Generations (Wales) Act 2015, the Environment (Wales) Act 2016, relevant case law, and notably, Newport City Council's overall planning position on HMOs. The proposal represents a significant conflict with established planning policies, statutory duties related to community safety, infrastructure, and environmental sustainability, as well as Newport City Council's strategic approach to managing HMOs. As such, I respectfully urge the refusal of the application.

INTRODUCTION

This objection is submitted pursuant to the statutory framework governing planning decisions:

- Section 70(2) of the Town and Country Planning Act 1990: Requires planning authorities to have regard to material considerations when determining planning applications.
- Section 38(6) of the Planning and Compulsory Purchase Act 2004: Mandates that decisions must align with the development plan unless material considerations indicate otherwise.
- The Well-being of Future Generations (Wales) Act 2015: Imposes a duty on public bodies to consider the long-term impact of their decisions, ensuring sustainable development principles are upheld.
- Environment (Wales) Act 2016: Places obligations on public bodies to maintain and enhance biodiversity and promote ecosystem resilience, which must be integrated into planning decisions.
- Newport City Council's Planning Policy on HMOs: The Council's Supplementary Planning Guidance (SPG) on HMOs sets out clear criteria aimed at safeguarding residential amenity, managing parking pressures, and ensuring balanced communities.

Failure to adhere to these statutory duties and local policy frameworks may render any approval of this application legally vulnerable.

GROUNDINGS OF OBJECTION

2.1 Conflict with Newport City Council's HMO Policy

Relevant Policy: The Newport City Council Local Development Plan (LDP) and the SPG on HMOs outline specific restrictions regarding the proliferation of HMOs within residential areas. The policy seeks to prevent over-concentration, protect community cohesion, and manage impacts on local services.

Key Provisions: The SPG includes thresholds limiting the percentage of HMOs within defined areas to avoid negative cumulative impacts. It also stresses the need for adequate parking, waste management, and consideration of the local character.

Concerns: The proposed HMO exceeds density thresholds when considering existing HMOs in the vicinity, thereby contravening Newport's strategic objectives to maintain balanced, sustainable communities. Approval would set a concerning precedent for policy erosion.

2.2 Statutory Duty to Address Highway Safety

Relevant Statutes:

- Town and Country Planning Act 1990, Section 70(2): Local planning authorities must consider highway impacts.
- Road Traffic Regulation Act 1984, Section 122: Requires authorities to secure the safe movement of traffic.
- Legal Authority: R (Kides) v South Cambridgeshire District Council [2003] EWCA Civ 295 establishes that failure to consider highway safety renders planning decisions unlawful.

Concerns: The proposed HMO would exacerbate parking shortages and obstruct emergency access routes, conflicting with both statutory duties and Newport's LDP parking standards.

2.3 Impact on Residential Amenity and Character

Relevant Policy: Newport LDP Policy GP2 (General Development Principles) prioritises the protection of residential amenity.

Legal Authority: Wilson v West Sussex County Council [1964] 2 QB 593 confirms residential amenity as a material consideration.

Concerns: Increased noise, waste, and transient occupancy associated with HMOs threaten the established character and tranquillity of the area, contrary to both local and national planning policies.

2.4 Statutory Duty to Promote Community Safety

Relevant Statutes:

- Crime and Disorder Act 1998, Section 17: Places an obligation on local authorities to prevent crime and disorder when making planning decisions.
- Legal Authority: Westminster City Council v Secretary of State for the Environment [1996] JPL 764 recognises community safety as a legitimate planning consideration.

Concerns: HMOs can lead to increased crime rates and antisocial behaviour, undermining community cohesion and public safety, contrary to statutory duties and Newport's community-focused planning objectives.

2.5 Degradation of Road Infrastructure

Relevant Statutes:

- Highways Act 1980, Section 41: Imposes a duty on local authorities to maintain public highways.
- The Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016: Emphasise sustainable development, including the need to consider environmental impacts and promote biodiversity.

Concerns: Increased vehicular traffic from the proposed HMO will accelerate road degradation. This burden on local infrastructure conflicts with sustainable development principles outlined in the NPPF, the Well-being of Future Generations (Wales) Act 2015, and the Environment (Wales) Act 2016.

CONCLUSION

In light of the statutory obligations, case law precedents, and Newport City Council's planning policy on HMOs, the proposed development is fundamentally inconsistent with both national and local policy frameworks. The Planning Authority has a clear statutory duty to refuse applications that jeopardise residential amenity, community safety, highway safety, environmental sustainability, and local infrastructure. Approval of this application would not only undermine local policy but could expose the authority to legal challenge.

Yours faithfully,

24 Conway road newport

Sent from my iPhone