

Delegated Decision Report

Application No:	26/0285	Statutory Period Expires:	8th June 2026
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Site:	78 Caerau Road Newport South Wales NP20 4HJ		
Proposal:	PROPOSED CHANGE OF USE TO 6 NO. BEDROOM HOUSE IN MULTIPLE OCCUPATION (HMO)		
Applicant:	JONIK Properties And Development Ltd		
Type:	Full	Ward:	Allt-yr-Yn
Decision:	REFUSED		

1. BACKGROUND

- 1.1 The proposal is a resubmission of a previously refused House of Multiple Occupation 25/1101; it is noted that the description of development has altered slightly between the current and previously refused application. However, the scheme has the same number of bedrooms and proposed use class.

2. SITE LOCATION AND CONTEXT

- 2.1 The site is located outside of the city centre in a mixed use area of commercial and residential. Terraced properties lie to the east side of Caerau Road, with large semi-detached properties to the west side. Caerau Road inclines from north to south and has on street parking along its length. The application site itself features an off street parking area forward of the principle elevation, and a semi-detached two storey property with feature bay window. To the rear lies an area used as car parking serving neighbouring properties accessed from Clytha Park Road.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 Change of use from offices to a 6no. HMO to accommodate up to two persons per room, dormer window to rear roof slope, installation of back door, reduction in width of side extension on common boundary with 77 Caerau Road.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
25/1101	PROPOSED CONVERSION TO 6NO. INDIVIDUAL BEDSIT HMO UNITS WITH SHARED COOKING FACILITIES AND INDIVIDUAL SHOWERING FACILITIES	Refused	12.02.2026

5. PLANNING POLICY

- 5.1 THE NATIONAL DEVELOPMENT FRAMEWORK: FUTURE WALES - THE NATIONAL PLAN 2040

Future Wales sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs. Future Wales concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 9 - Resilient Ecological Networks and Green Infrastructure

- 5.2 PLANNING POLICY WALES (EDITION 12) 2024

- 5.3 Newport Local Development Plan 2011 – 2026 (Adopted January 2015)

- SP1 – Sustainability

- GP2 – General Amenity
- GP4 – Highways and Accessibility
- GP6 – Quality of Design
- H8 - Self Contained Accommodation and Houses in Multiple Occupation
- T4 – Parking
- W3 – Provision for Waste Management Facilities in Development

5.4 SUPPLEMENTARY PLANNING GUIDANCE

- Waste Storage and Collection
- Wildlife and Development
- Parking Standards
- Housing in Multiple Occupation

6. CONSULTATION RESPONSES

6.1 Drainage Officer: No response.

6.2 Planning Contributions Manager: Planning contributions required.

6.3 Environmental Health Officer: I have concerns PROPOSED CHANGE OF USE TO 6 NO. BEDROOM HOUSE IN MULTIPLE OCCUPATION (HMO) due to no fire precautions details have been included in the application. Please note that the minimum bedroom size required for a one-person accommodation in a Shared House is 6.51m², and for a two-person accommodation, it is 11m². To determine the appropriate number of occupants, consideration must also be given to the number, type, and quality of amenities available within the property. For full details, please refer to the guidance document titled Houses in Multiple Occupation (HMO) – Property Standards – Standards for HMOs Subject to Licensing, available at:
<https://www.newport.gov.uk/documents/Housingdocuments/HMO/HMO-Licensing-Standards.pdf>

There is no information provided on any intended fire precautions. The owner of the property will have to ensure adequate fire protection. A Fire Risk Assessment should be complete by a competent person, so the owner/ landlord is aware of the fire safety requirements. I would advise that the owner reviews the LACORS Fire Safety Guidance and also reviews the HMO Licensing Standards:
<https://www.newport.gov.uk/documents/Housingdocuments/HMO/HMO-Licensing-Standards.pdf>

If it is intended for the dwelling to be converted into a House in Multiple Occupation under the Housing Act 2004, Part 2, where it will be occupied by more than two households, the most appropriate person (usually the landlord/owner of the property) should apply to the Environmental Health Housing Team on 01633 656656 or EHHousing@newport.gov.uk for a HMO licence.

In addition to HMO Licensing, private landlords are required by the Housing (Wales) Act 2014 to be registered. Also, private landlords who undertake letting and management activities or their managing agents, will need to obtain a licence from Rent Smart Wales and undergo training. For further information contact the Licensing Authority; Cardiff City Council, Rent Smart Wales, PO Box 1106, Cardiff CF11 1UA, Tel No: 03000 133344, website www.rentsmartwales.gov.wales

6.4 HMO Licencing Officer: No response.

6.5 Gwent Police: No response.

6.6 Waste Manager: No response.

6.7 Newport Access Group: No response.

6.8 Highways Officer: Objection - Highways raised concerns in relation to cycle provision and turning/parking within the site.

These have not been addressed in this application, and no site plan has been found. It appears that the cycle parking which is not weatherproof/appropriate would be placed in the parking/turning area. No loss of parking or turning area can be supported and the proposals are not compliant with the SPG.

- 6.9 Dwr Cymru/Welsh Water: We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. We recommend that the existing private drainage on site should be utilised to avoid any new direct connection to the public sewerage system.

Notwithstanding this, we would request that if you are minded to grant Planning Consent for the above development that the **Conditions and Advisory Notes** listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Condition

No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on the 16th April 2026 and a Site Notice was put up on the 24th April 2026.

- 7.1 NEIGHBOURS: 18no. objections received (summarised):

- Not notified of the application.
- A similar proposal was refused in February 2026; objectors state no meaningful changes have been made.
- Overconcentration of HMOs
- Loss of community character
- Safety and security concerns
- Nearby clinics and services require calm, safe environments.
- Increased activity, noise, and footfall seen as harmful to patient wellbeing.
- Parking, congestion, and highway safety
- Access and right-of-way issues
- Existing legal access routes for neighbouring businesses not adequately addressed.
- Risks of obstruction during construction or permanent loss of access.
- Concerns over emergency exits and operational access.
- Impact on disabled access
- Impact on businesses and local economy
- Risk to viability of local businesses due to parking, access, and environmental issues.
- Noise, disturbance, and anti-social behaviour
- Anticipated increase in noise, late-night activity, and general disturbance.
- Concerns about public drinking, shouting, and nuisance behaviour.
- Waste management and environmental issues
- Expectation that additional occupants will worsen waste management issues.
- Increased strain on waste collection, policing, and environmental health services.
- Potential impacts on neighbouring buildings, boundary walls, and stability.
- Disruption during construction affecting access and operations.
- Expectation that earlier refusal reasons should still apply.

7.2 COUNCILLORS:

7.2.1 Councillor Evans: I wish to object to the conversion of this office into a 6 bed HMO on Cearau Road. The applicant has provided insufficient detail on how this will enhance the area. There only appear to be 2 parking spaces provided, woefully inadequate for up to 12 people and visitors. The area also has several other HMO's nearby, which do nothing to improve the character of this road.

7.2.2 Councillor Fouweather: No response.

7.2.3 Councillor Drewett: I write to object to the proposed change of use of 78 Caerau Road to a 6-bedroom House in Multiple Occupation (HMO).

The application provides insufficient detail to demonstrate how this development would enhance the local area. On the contrary, the proposal raises several concerns. In particular, the provision of very limited parking space is wholly inadequate for a property that could accommodate up to 12 occupants, in addition to potential visitors. This is likely to exacerbate existing parking pressures and negatively impact residential amenity.

Furthermore, there are already several HMOs in the immediate vicinity, which have not contributed positively to the character or cohesion of the street. The continued concentration of such developments risks further eroding the residential nature of the area.

For these reasons, I respectfully request that this application be refused.

8. ASSESSMENT

8.1 Background:

8.1.1 The previous application was refused for 3no. reasons relating to an overconcentration of HMOs, insufficient sized kitchen, absence of details of enclosed rear garden, location of bicycle storage adversely impacting Unit 2 and the absence of a signed Section 106 agreement. The current application seeks to address the previous reasons for refusal.

8.2 Principle of Development:

8.2.1 The application site is located within a settlement boundary as designated by the maps contained within the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Therefore, the principle of development accords with Policy SP1.

8.3 Impact upon Amenity and HMO Criteria

8.3.1 The proposed dormer window is considered to not result in any adverse impacts with regard to overlooking or overbearing given its position to the rear and any views gained from this vantage point would be over the shared car park area.

8.3.2 The proposed elevations show the existing southwestern lean-to side extension is to be removed. This would increase the separation distance of the building to the common boundary and provide pedestrian access through to the rear of the application site.

8.3.3 Turning to internal noise levels, these are controlled by separate legislation under the Building Regulations 2010, therefore to attach conditions relating to this would be considered as a duplication of controls, contrary to the Use of Conditions Circular 016/2014.

8.3.4 The proposed elevations retain existing window positions, therefore views gained from these vantage points would be the same as that afforded to the current use and other neighbouring residential properties.

8.3.5 Concerns have been raised by third parties regarding the use of a pedestrian alley way on neighbouring land to provide access from the front to rear of the site. The proposed elevations and block plan include the removal of the existing lean-to side extension which would provide access into the rear garden and parking area. As such, future occupants would have a convenient access to the side of the building to access the front and rear as they wish without using the alley way on the neighbouring site.

- 8.3.6 The proposal includes the provision of a private amenity space to serve future occupants. This is proposed to be formed of a 1m wall, with 0.85m of fencing set above. Partial elevation details and an isolated section has been provided, however no details have been provided to understand how this would relate to the sloping ground levels at the rear or how it could impact upon neighbouring properties. Furthermore, due to the insufficient information on this matter, it is not possible to confirm if the proposed boundary treatment would afford future occupiers with suitable levels of privacy given the area is shared with public car parking. Concerns have been raised by neighbouring properties regarding the construction of the proposed boundary wall, and how this will be constructed given the physical constraints of the site. It is likely that a third party wall agreement would be required to provide sufficient access during construction, however this consideration lies outside of the assessment of the planning application and no further comments are provided on this aspect.
- 8.3.7 Each bedroom unit would be served by a window allowing for sufficient levels of daylight and sunlight to enter.
- 8.3.8 The Houses in Multiple Occupation SPG document does not contain any minimum room standards; however, reference is drawn to the HMO Licencing Standards. Within the HMO Licencing Standards, each two-person bedsit unit shall be 13sqm with one-person units required to be 6.5sqm, with the separate kitchen measuring 2.5sqm per person using those facilities; based upon eleven potential occupants, this equates to 27.5sqm.
- 8.3.9 The measurements as shown on the submitted floor plans show the bedsits meet the minimum size standards. In relation to the assumed intention that the ground floor 9sqm unit shall only accommodate one-person the number of occupants per room can be secured by way of condition to ensure suitable living conditions for future occupants.
- 8.3.10 The measurements as shown on the submitted floor plans show the bedsits meet the minimum size standards; however the kitchen measures 10sqm which represents a shortfall in the minimum size standards of 27.5sqm for a kitchen to serve 11no. residents. It is noted that the layout provides for a 20sqm living room, however this appears to not form part of the requirements for one room unit, two person accommodation. It is considered that future occupants would not be served by sufficient kitchen size which represents a significant level of harm on the living conditions of any future resident contrary to the aims of Policy GP2.
- 8.3.11 The supporting planning statement attempts to address the previous reason for refusal relating to HMO thresholds and concentrations of HMOs in the area and they conclude that *'By calculation of the Council's Web records of HMO's in this area 55 units currently operate and this is well below the cut off point in acceptable numbers as indicated on the Council's website other HMO conversions are a considerable distance away.'* The additional statements go further and attempt to justify that the HMO density test should be considered in association with the Allt-yr-yn ward as a whole, rather than use the 50m radius as set out within the adopted supplementary planning guidance.
- 8.3.12 The agents suggested HMO density methodology is not an adopted policy of the Local Planning Authority and therefore little weight is afforded to in the consideration of this application and the previous assessment on HMO thresholds remains applicable and is included in full below.
- 8.3.13 Assessment of the planning history and HMO licences in the area show that no further consents or licences have been issued since the determination of the previous application. Therefore, the HMO threshold and densities remain as per the previously refused scheme and are included in the assessment of the current application in full.
- 8.3.14 The site lies within a 15% HMO Threshold area; as such, only 15% of the housing stock shall be allowed to be used as an HMO. The Council shall not only considered licenced properties, but also where planning permission has been previously granted.
- 8.3.15 Using a 50m radius as measured from the address point of the building, a desktop assessment has been undertaken to ascertain what planning consents and HMO licences

exist within that area. Only dwellings that contain a full front elevation are included within the assessment. The total amount of properties within a 50m radius was calculated to be 22no. The specific addresses are detailed below:

6 – 10 Clytha Park Road = 5
28 and 29 Clytha Park Road = 2
1A – 9 Caerau Road = 10
75 – 78 Caerau Road = 4
1 St Marys Mews = 1



8.3.16 Assessment of the planning history covering the above sites has not returned any previous planning consents for HMO uses. However, HMO licences have been issued to properties 29 Clytha Park Road, 6 & 7 Caerau Road.

8.3.17 The total number of HMO's within the 50m radius (including the application site) 4no., equates to 18.2% of the housing stock therefore exceeding the 15% HMO threshold. As set out within the HMO SPG document, the 15% threshold is based upon evidence which is considered to represent the tipping point for the concentration of HMO's to result in adverse effects upon social cohesion and the character of the area. The other material planning considerations of the scheme are considered not outweigh the potential adverse effects of a high concentration of HMO properties. Therefore, the proposal is contrary to Policies H8 GP2. This assessment is consistent with the Councils adopted HMO SPG document and recent appeal decisions CAS-03975-Y8V2G1 and CAS-04178-T5C7L8 (see Appendix 1).

8.3.18 The position of the cycle stand near the bedroom window of the ground floor unit is in close proximity to the associated bedroom window. It is considered that potential regular visits to these facilities by occupants near the bedroom window would result in an unacceptable impact upon the privacy and amenity of any future occupant.

8.4 Highways and Parking

8.4.1 The Highways Officer has raised objections to the cycle provision and turning/parking area within the site. With regard to the bicycle storage, the type proposed is not weather proof

and is considered to not provided adequate long term cycle storage to serve the needs of future occupants. The Highways Officer has further commented that the loss of parking and turning area cannot be supported. No information has been provided showing how the loss of the rear parking space to garden, affects the safe and efficient use of the remaining parking area with neighbouring uses. As such, it is considered that insufficient information has been provided to demonstrate that the loss of the rear parking area would not result in an adverse effect upon neighbouring properties or the safe and efficient use of the highway network.

8.4.2 As per the previously considered scheme, no obstructions are proposed on the pedestrian access serving the neighbouring site.

8.4.3 Regarding parking provision, the previously considered scheme found that 'the car parking demand from the current A2 use and the proposed *sui generis* HMO resulting in a theoretical increase in demand of 2no. spaces.' However, 'the sites sustainable location near public transport nodes and amenities and finds the amount of parking provided and availability of off street parking acceptable.' There has been no material difference between the circumstances and policy background and therefore the conclusions on the acceptability of amount of parking remain.

8.5 **Impact upon the Character and Appearance of the Area**

8.5.1 It is noted that no details have been provided of the waste storage, should all other matters be acceptable, the location and design of the waste storage area can be secured by way of condition.

8.5.2 Regarding the dormer window, no details have been provided of the finish material; however this could also be secured by way of condition. The window design includes faux sash details; given the height of the proposed window, it is considered that the faux sash detail is not required to make the scheme acceptable in design terms.

8.5.3 The removal of the existing lean-to extension may require works to make good the side elevation of the main building. To ensure a suitable appearance, a condition could be attached for external surfaces to be finished and match the existing building.

8.6 **Waste and Recycling**

8.6.1 The Waste Officer has raised no concerns with the scheme. The siting of the waste and recycling storage area to the rear of the building is considered most suitable and is likely to be screened by the proposed boundary wall at the rear. Should all other matters be acceptable, a condition could be used to secure details of location and design of the waste and recycling storage area.

8.7 **Drainage**

8.7.1 The consultation response from Welsh Water is noted, however their recommended condition is not relevant to the specific proposal as no additional roof area is proposed and would therefore not meet the six tests for the attachment of conditions as outlined in the circular 016/2014.

8.8 **Biodiversity Net Gain**

8.8.1 National policy sets out the requirement for planning applications to be supported by a proportionate green infrastructure statement addressing the step-wise approach. The submitted green infrastructure statement has no reference to the step-wise approach however it is agreed that the site has a limited ecological value due to the urban location and amount of hardstanding. The provision of a rear garden represents as an opportunity to provide biodiversity enhancements and additional measures through the siting of bird and bat boxes to the building itself would be a proportionate biodiversity enhancement in this case. Should all other matters be acceptable, details of the biodiversity enhancements could be secured by way of condition.

8.8 **Other Issues**

Within the third party comments received, it is noted that an adjacent property commented that they were not notified of the application. The application was advertised by neighbour notification letters and a site notice. Therefore, it is considered that the application has been

duly advertised in accordance with the procedure as set out within Section 12 of the Development Management Procedure (Wales) Order 2012.

8.9 Section 106 Planning Obligation matters

In 2010 the Community Infrastructure Levy Regulations (2010) came into effect. Reg 122 of these regulations sets out limitations on the use of planning obligations. It sets out three tests that planning obligations need to meet. It states that planning obligations may only constitute a reason for granting planning permission if the obligation is:

a) Necessary to make the development acceptable in planning terms; (the obligations of the Section 106 Agreement are necessary to ensure adequate education provision, secure affordable housing on site, provide sufficient open space and ensure its continued maintenance, monitor air quality, promote local employment benefits, secure appropriate long-term marketing of the retail/ commercial units and to improve accessibility for vehicles and pedestrians to/ from the development to ensure policy compliance.)

b) Directly related to the development; (the obligations of the Section 106 Agreement are directly related to the development.)

and

c) Fairly and reasonably related in scale and kind to the development (the obligations as set out in the Section 106 Agreement, both in terms of scale and kind of obligations being required, are fair and reasonable to ensure the aforementioned contributions for the development of this strategic site).

In accordance with Policy SP13 of the adopted Newport Local Development Plan 2011-2026 and the adopted Planning Obligations Supplementary Planning Guidance, development will be required to help deliver more sustainable communities by providing, or making contributions to, local and regional infrastructure in proportion to its scale and the sustainability of the location. In this case, section 106 planning obligations are required to mitigate the impact of the development in accordance with the table below.

Service Area that requires planning obligation	Purpose of planning obligation	Planning obligation initially sought by Planning Authority	Summary Heads of Terms agreed by applicant(s)	Viability Issues?
<i>Regeneration and Economic Development</i>	To provide a contribution toward off site affordable housing.	A commuted sum of £2,064 toward off site affordable housing.	Not agreed.	No.

- 8.9.1 The Section 106 Heads of Terms have not been agreed by the agent, therefore this forms a further reason for refusal based upon the absence of an agreement to provide the requested contributions or a viability appraisal waiving the contributions. The scheme is contrary to Policies SP13 and H4 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

9. OTHER CONSIDERATIONS

9.1 **Crime and Disorder Act 1998**

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

9.2 ***Equality Act 2010***

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

9.3 Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

9.4 The above duty has been given due consideration in the determination of this application. It is considered that there would be no significant or unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

9.5 ***Planning (Wales) Act 2015 (Welsh language)***

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material effect upon the use of the Welsh language in Newport as a result of the proposed decision.

9.6 ***Newport's Well-Being Plan 2018-23***

The Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. This duty has been considered during the preparation of Newport's Well-Being Plan 2018-23, which was signed off on 1 May 2018. The duty imposed by the Act together with the goals and objectives of Newport's Well-Being Plan 2018-23 have been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

10. **CONCLUSION**

10.1 The proposed change of use and associated development is hereby refused as the proposed exceeds the HMO threshold for the area resulting in demonstratable harm on residential amenity, social cohesion and the character and appearance. Also, insufficient kitchen size resulting in adverse effects upon the residential amenity of any future occupant contrary to Policy GP2.

11. **DECISION**

Refuse, for the following reason(s):

01 The proposed development would result in an overconcentration of Houses in Multiple Occupancy within the area in excess of the 15% threshold as set out in the Houses in Multiple Occupation Supplementary Planning Guidance (Adopted January 2017). The overconcentration would have an adverse impact upon social cohesion, the character of the locality and general amenity of existing and future residents. The proposal is contrary to Policies GP2 and H8 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).

02 The proposed development would result in demonstratable harm on the living condition of any future occupant due to insufficiently sized kitchen, contrary to the aims of Policy GP2 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

03 The development would have a significant adverse impact upon interests of acknowledged importance, namely it represents an unsustainable form of development which fails to be mitigated by contributions towards affordable housing. As such, the scheme is contrary to the Planning Obligations SPG dated January 2020 and policies SP1, SP13 and H4 of the Newport Local Development Plan 2011-2026 (Adopted January 2015).

NOTE TO APPLICANT

01 This decision relates to plan Nos:

- Rear & Side Boundary Walls (Drawing ref: 2709-PA-1-14)
- Bike Storage (Drawing ref: 2709-PA-1-12)
- Proposed Elevations (Drawing ref: 2709-PA-1-11)
- Existing Elevations (Drawing ref: 2709-PA-1-10A)
- Proposed Roof Plan (Drawing ref: 2709-PA-1-09)
- Proposed First Floor Plan (Drawing ref: 2709-PA-1-08)
- Proposed Ground Floor Plan (Drawing ref: 2709-PA-1-07)
- Existing Roof Plan (Drawing ref: 2709-PA-1-06)
- Existing First Floor (Drawing ref: 2709-PA-1-05)
- Existing Ground Floor (Drawing ref: 2709-PA-1-04)
- Proposed Site Plan (Drawing ref: 2709-PA-1-03)
- Site Location Plan (Drawing ref: 2709-PA-1-02)
- Planning Statement (Ref: 2709-PA-1-01)

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, GP2, GP4, GP6, H8, T4 and W3 were relevant to the determination of this application.

03 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.



Appeal Decision

by Nicola Gulley MA MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 13/06/2025

Appeal reference: CAS-03975-Y8V2G1

Site address: 12 Queens Hill, Newport, NP20 5HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Holtlant Properties Limited against the decision of Newport City Council.
 - The application Ref 24/0372, dated 30 April 2024, was refused by notice dated 24 October 2024
 - The development proposed is the change of use from a dwelling to a 6-bedroom house in multiple occupation (C4 use).
 - A site visit was made on 12 May 2025.
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Decision

1. The appeal is dismissed.

Main Issues

2. The Council raises no objection to the proposal on the basis of its impact on the living conditions of the occupiers of neighbouring properties or highway safety. The main issues are therefore the impact of the proposed development on the character and appearance and social cohesion of the area.

Preliminary Matters

3. At my request the Council has submitted information which confirms that Nos. 22, 24, 32 and 38 Queens Hill are all licenced houses in multiple occupation (HMO) in accordance with the requirements of Housing Act 2004; and that No. 30 Queens Hill does not have an HMO license.
4. In addition, the appellant has submitted a revised plan showing the 50-metre radius around the appeal site and an amended threshold calculation for the proposal.

Reasons

5. The appeal site comprises a modest mid terraced dwelling with a small front and rear garden set in a small block of similarly proportioned properties. The site is situated in a

predominantly residential area close to the city centre and within walking distance of a range of commercial, educational, community and public transport related services.

6. Policies GP2 and H8 of the adopted Newport Local Development Plan (2015) (LDP), seek, amongst other things, to ensure that proposals for new development do not have an adverse impact on residential or visual amenity, respect the character and appearance of the area and do not result in an over concentration of HMOs.
 7. Additional guidance is contained in the Council's Supplementary Planning Guidance on HMOs (2017) (SPG). The SPG includes a two-tier threshold for the assessment of proposals for the development of HMOs in Newport which makes clear that proposals which would increase the number of properties in multiple occupation, considered as a proportion of the total housing stock, above a specified threshold will not be supported. In this case, the SPG seeks to ensure that no more than 10% of the housing stock within a 50-metre radius of the appeal site would be in multiple occupation.
 8. The appellant contends that: the Council's reason for refusal is based on the incorrect interpretation of the requirements of the SPG; there are 34 dwellings within a 50-metre radius of the appeal site, of which 3 would be HMOs; and this would equate to 8.82 % and, as such, would comply with the 10% threshold set out in the SPG.
 9. Conversely, the Council has expressed concern that the proposal would result in the over concentration of HMOs in the locality of the appeal site which would, in conjunction with other similar developments, have an adverse impact upon the social cohesion, character and general amenity of the area. These concerns are shared by local residents, who also point to the number of existing HMOs in the locality and the potential for the development to result in an increase in noise levels, litter, parking issues and place additional strain on local services.
 10. Whilst I note the evidence submitted by the appellant, I am mindful that the SPG requires that only those residential properties where the entire principal elevations (normally the front walls) within the radius of the site should be included in the threshold calculation. When this requirement is applied to the proposed development, it's clear that there are 24 dwellings within the radius, of which 3 or 12.5% would be HMOs and, as such, the 10% threshold set out in the SPG would be exceeded.
 11. Although this level of exceedance is not significant, I am mindful that in addition to the 3 HMOs in the 50-metre radius there are 2 further dwellings in multiple occupancy within the short block of terraced houses in which the appeal site is situated. When taken together, this would mean that just over a quarter of the dwellings in this part of Queens Hill would be HMOs.
 12. Based on my observations at the recent site visit, it is clear that the area around the appeal site does not currently exhibit any of the characteristics often associated with a high concentration of HMOs, such as disrepair, littering or anti-social behaviour. However, I am conscious that the development of an additional HMO will alter the balance between single and multiple occupancy dwellings in this location and, in my view, would start to erode the quality of the living environment and level of social cohesion that is currently present in the area surrounding the appeal site.
 13. As such, I consider that the proposed development would have an adverse impact on the character, appearance and social cohesion of the area contrary to the requirements of Policies GP2 and H8 of the LDP and the SPG.
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Conclusion

14. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.
15. I have also had regard to all the matters raised in support of the scheme. However, none of these factors are sufficient to alter my overall conclusions that the proposal would have an adverse impact on the character, appearance and social cohesion of the area and be contrary to the requirements of local and national planning policy.
16. For the reasons given above, I conclude that the appeal should be dismissed.

Nicola Gulley

INSPECTOR



Appeal Decision

by L. Hughson-Smith LLB MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 11/09/2025

Appeal reference: CAS-04178-T5C7L8

Site address: 133 Stow Hill, Newport, NP20 4FZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Bowes, BW3 Estates Limited, against the decision of Newport City Council.
 - The application 24/0948, dated 22 November 2024, was refused by notice dated 5 February 2025.
 - The proposed development is described as the 'change of use from retail unit on the ground floor (to remain) and maisonette above to 5 Bed HMO'.
 - A site visit was made on 8 July 2025.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs has been made by Bowes, BW3 Estates Limited against Newport City Council. This application is subject to a separate Decision.

Procedural Matters

3. The name of the appellant, as stated on the appeal form, differs to that on the original application form. As the right to appeal is reserved solely for the original applicant, the appeal will proceed in the name of the applicant as stated on the original application form.

Main Issue

4. This is whether the proposal would conflict with planning policies that seek to secure and maintain sustainable and balanced communities.

Reasons

5. The appeal property is a three storey, semi-detached mid-terrace house located on Stow Hill. The proposal seeks to change the use of the upper floors of the appeal property to a 5-bedroom house in multiple occupation (HMO), with the ground floor and basement remaining in commercial use.

6. Newport's Local Development Plan (LDP) Policy H8 permits the subdivision of a property into a House in Multiple Occupation (HMO) subject to four criteria. Criterion (ii) is the most relevant in this case and seeks to ensure the proposal does not create an over concentration of houses in multiple occupation in any one area of the city which would change the character of the neighbourhood or create an imbalance in the housing stock. LDP Policy GP2 permits development that, amongst other things, would not be detrimental to the character or appearance of the surrounding area, and seeks to design out the opportunity for crime and anti-social behaviour.
7. The Council's adopted Houses in Multiple Occupation Supplementary Planning Guidance (HMO SPG) recognises that conversions of properties to HMOs can make a valuable contribution to Newport's housing stock and provide accommodation to a wide range of groups, including young professionals. However, it also identifies that concentrations of HMOs can, amongst other things, detract from the character of an area and create issues such as reduced community cohesion. These conclusions are consistent with those of Welsh Government's 'Houses in Multiple Occupation: Review and Evidence Gathering' Report (2015) (WG report) which identified widely recognised problems associated with high concentrations of HMOs, including damage to social cohesion and increases in anti-social behaviour.
8. The appeal site lies within the HMO SPG's designated 'Defined Area', for which an upper threshold of 15% of residential properties within a 50m radius of the application site is identified, beyond which HMOs are considered to detract from the character of an area. Whilst the HMO SPG is guidance and should not be applied prescriptively, the threshold set is helpful in applying Policy H8 and assessing the cumulative impacts of HMO developments. Therefore, I am satisfied that, whilst strict compliance with the identified threshold on its own is not indicative of the acceptability of a proposal, the general approach advocated by the SPG merits weight in the determination of the appeal.
9. It may be the case that only one HMO existed in the area when the application was submitted. However, planning decisions are determined based on information available at the time the decision is made, and there is no substantive evidence which indicates the two licensed HMOs identified in the officer's report is incorrect. I have, therefore, taken this to be the case.
10. On this basis, the proposal would increase the number of licensed HMOs in the area from two to three, equating to approximately 19% of residential properties within the 50m radius. This would exceed the identified threshold, and in such cases, the SPG advises that proposals will be unsuccessful unless their implementation, judged in the light of all other material considerations, would serve the public interest.
11. During my site visit, I observed that the nearest residential properties on the opposite side of Stow Hill appeared to be mostly family housing. Overall, the street had a pleasant appearance, with well-maintained property frontages and little sign of unmanaged waste or a proliferation of letting boards. Although the road was busy, there was limited evidence to suggest a significant decline in character of the area. I also note the Council's Waste Management Department did not object to the proposal, and the Designing out Crime Officer confirmed that the area is not currently affected by significant ongoing crime trends or patterns, although I note their response refers to only one other HMO in the vicinity of the site, rather than two as stated by the Council.
12. However, some local residents have objected to the proposal, raising concerns including in relation to anti-social behaviour which they associate with existing HMOs in the area. These concerns are consistent with the issues highlighted in both the HMO SPG and the WG report. In the absence of substantive evidence to the contrary, I consider they are indicative of pre-existing problems with HMOs in the locality.

13. Taking the above factors together, the appeal property lies in an area with a good balance of residential uses which should be afforded protection in line with the objectives of LDP Policy H8. There is limited evidence before me which suggests that the cumulative effect of a further HMO would differ from the well documented problems identified in the HMO SPG and WG Report, and it is likely that the proposal would add to the issues already experienced in the area. I, therefore, conclude, the proposal would, cumulatively with other nearby HMOs, fail to maintain the existing sustainable and balanced community. This would be in conflict with the requirements of LDP Policies H8 and GP2. It would also be contrary to the objectives of the HMO SPG.

Other Matters

14. The appeal site is located within the Stow Park Conservation Area (CA). Stow Hill, the main route through the CA, is defined by a diverse mix of building styles and uses including residential, commercial and St. Woolos Hospital, the latter being characterised by prominent brick and stone buildings. The proposals involve only limited physical alterations. The retention of the commercial use at ground floor, with residential accommodation above, reflects the sites existing use and is consistent with the established mixed-use character of the CA. Bearing this in mind, along with the Council's Conservation Officer raising no objection, I consider the proposal would preserve the character and appearance of the CA.
15. I have considered the benefits of the proposal including its highly sustainable location, the provision of low-cost housing and retaining the character and appearance of the appeal building. However, given the small scale of the development, I find the scope of these benefits to be limited and do not outweigh the harm I have identified above. I also note the appellant's concerns regarding the Council's handling of the application, particularly the pre-application advice given. However, these are not relevant to the merits of the proposal, therefore, I have given this limited weight in my assessment.

Conclusion

16. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.
17. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives.

L. Hughson-Smith

INSPECTOR