

Delegated Decision Report

Application No:	25/1101	Statutory Period Expires:	17th February 2026
Site:	78 Caerau Road Newport NP20 4HJ		
Proposal:	PROPOSED CONVERSION TO 6NO. INDIVIDUAL BEDSIT HMO UNITS WITH SHARED COOKING FACILITIES AND INDIVIDUAL SHOWERING FACILITIES		
Applicant:	Carter & James		
Type:	Full	Ward:	Allt-yr-Yn
Decision:	REFUSED		

1. BACKGROUND

- 1.1 It is noted that the description of development includes reference to *bedsits*, however based upon the reference to a *House in Multiple Occupation* and the proposed layout including shared lounge and kitchen areas, this indicates the use of the building for residential purposes with shared facilities. As such, the application has been considered to function as a HMO, therefore, the relevant HMO policies form the assessment of this scheme.

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. bedsit HMO to accommodate 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

None.

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: Contributions required.

6.3 Environmental Health Officer: I have no objections to the proposed development; however the following condition should be attached to any permission granted;
Noise Assess Required.
Waste Storage and Recycling
Construction Environmental Management Plan

6.4 HMO Licencing Officer: No response.

6.5 Gwent Police: No response.

6.6 Waste Manager: We would anticipate the property receive a single 180l bin for kerbside collection with recycling bags, boxes for kerbside collection also with one council tax paid on the property as a whole. From April 1st 2020, developers or owners of all new residential units will be required to purchase bin provision for each unit serviced to meet the Council's specification. 120L, 180L, 240L and 360L wheeled bins must be purchased/obtained from Newport City Council. 660L and 1100L bins can be purchased elsewhere but it is strongly recommended to speak to NCC Waste Management Refuse Management beforehand to ensure the bins fit the Refuse Department collection vehicles safely. Failure to purchase correct bin(s) will result in collection being suspended with the Council reserving the right to refuse collection until suitable bin specifications are met.

6.7 Newport Access Group: No response.

6.8 Highways Officer: Holding objection and not policy compliant.

Highway Comments:

The site is located on a classified (B) road which is within an area accepted as being sustainable in transport terms. The proposals include bike and bin storage however these obstruct the access/turning area so must be relocated.

The detail of the cycle storage is not shown although a shelter is referenced. Full detail is needed to demonstrate that the shelter is weatherproof and secure. This could be addressed via condition, but a location /size should be agreed prior to determination. This results in a holding objection pending amended / further detail. If this is not addressed there is a reduction in parking of at least two spaces, which would trigger further objection.

The extant use is A2 and would require 5 spaces to meet SPG requirements. The proposed use would require 7 spaces to be policy compliant. Only two spaces are indicated on site and there is currently additional space to turn as the site is on a classified road and at least one space is not orientated appropriately for direct access/egress.

In policy terms there is therefore a theoretical impact of an additional two spaces. These could be available on street and HMO car ownership is known to be low, so may never be needed.

In summary the proposals are not parking policy compliant, but subject to appropriate bin and cycle storage location there are no formal objections on highway related grounds

- 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 29th December 2025 and a Site Notice was put up on the 9th January 2026.

7.1 NEIGHBOURS: 1no. objection received (summarised):

- Blocking access at rear leading to 77 and 76 Caerau Road
- Access potentially blocked during construction phase.
- Proposal may impact pedestrian alley access to side of 77
- Future occupants may trespass using alley owned by 77.
- Incompatible with neighbouring uses.
- Transient occupants raises concerns of patient and staff safety.

7.2 COUNCILLORS:

7.2.1 Councillor Evans: No response.

7.2.2 Councillor Fouweather: No response.

7.2.3 Councillor Drewett:

I write to formally object to the current application for a House in Multiple Occupation (HMO) at the above-mentioned property. The site lies within a long-established residential area that is demonstrably well maintained and widely recognised for its high standards of cleanliness, order, and civic pride. Please give careful consideration to examining the means by which these existing standards will be safeguarded and preserved if this application is approved? In practical and enforceable terms, how will the Council ensure that the long-standing objective to *Keep Wales Tidy* is not compromised?

While I acknowledge that HMOs can, in appropriate circumstances, contribute to meeting housing demand, I have serious concerns that granting this application without stringent, clearly defined, and enforceable conditions placed upon the landlord would give rise to predictable and well-documented problems relating to refuse storage, waste disposal, and the general cleanliness and visual amenity of the surrounding area. What specific controls are currently proposed to prevent these outcomes, and on what basis can you be satisfied that they are sufficient for a six-person HMO in this location?

Evidence from comparable developments consistently shows that HMOs generate significantly greater volumes of household waste than single-family dwellings. Where management is inadequate or oversight weak, this routinely manifests in overflowing bins, refuse bags left on pavements, and waste stored in inappropriate locations for prolonged

periods. These conditions are not only visually detrimental but also unhygienic, attracting vermin, generating odours, and posing potential public health risks. What evidence demonstrates that this property will not contribute to these established and foreseeable issues?

This neighbourhood has, over many years, maintained a clear and consistent standard of cleanliness and presentation. This is not incidental; it reflects a shared commitment by residents to well-kept streets and responsible waste management. These values align closely with the principles promoted through “Keep Wales Tidy” and “Caru Cymru”, which emphasise not minimum compliance, but the proactive maintenance of litter-free, hygienic, and visually pleasant environments. Do you accept that approving developments which materially increase the risk of refuse mis-management and litter would be contrary to these principles and to the established character of the area?

It is therefore a serious concern that approval of this application, in the absence of strict and enforceable conditions, would undermine the very standards that currently define the neighbourhood. The nature of HMOs means that, without rigorous control, refuse is more likely to be mismanaged, leading to accumulation in front gardens, side passages, and on the public highway. Such outcomes are directly at odds with the “Keep Wales Tidy” ethos and would erode the clean and orderly character of the street.

These concerns extend well beyond matters of appearance. Poor waste management has direct implications for public health, environmental quality, and residential amenity. Once established, such problems are often difficult to remedy. Permitting avoidable deterioration would conflict with the Council’s statutory duty to protect residential amenity and promote safe, clean, and well-managed neighbourhoods. Residents who have consistently maintained a litter-free environment should not bear the burden of failures arising from inadequate planning conditions. How do you reconcile this duty with approving an application that, as submitted, lacks clear and enforceable waste management assurances?

If you are minded to approve the application, this should only occur subject to exceptionally high and explicit waste management conditions, firmly aligned with the principles of “Keep Wales Tidy”. These conditions must be precise, enforceable, and actively monitored, and should include:

- The provision of sufficient, secure, and clearly designated refuse and recycling storage facilities appropriate to the maximum number of occupants. How will the adequacy of this provision be assessed, and by whom?
- A mandatory, written waste management plan, enforced by the landlord or managing agent, setting out clear obligations for tenants and management alike. Will this plan be subject to scrutiny and periodic review?
- Strict controls preventing refuse from being placed outside the property, including in front gardens or on pavements, except within designated collection times. What mechanisms will ensure day-to-day compliance?
- A clear and ongoing responsibility placed on the landlord for monitoring and enforcement, recognising that cleanliness is a management duty, not a discretionary tenant behaviour. What consequences will follow should this responsibility not be met?

Crucially, any such conditions must be supported by meaningful and enforceable sanctions. Without active enforcement, conditions are of limited practical value. Persistent failure to meet required standards should trigger formal intervention or penalties. Upholding “Keep Wales Tidy” principles requires accountability, not aspiration. How can you be certain that such enforcement measures will be actively applied rather than merely available in principle?

In conclusion, this objection is made in order to protect an area that has consistently demonstrated pride in being clean, orderly, and free from litter. These standards benefit residents, visitors, and the wider community. Any development that risks diminishing them should only proceed where it can clearly demonstrate its ability to meet — and sustain —

the high standards already in place. Can you be satisfied that this application, as currently presented, meets that threshold?

Thank you for considering these representations. I trust that you will give appropriate weight to the importance of maintaining a clean, litter-free environment and ensuring that the principles of “Keep Wales Tidy” are meaningfully reflected in its decision-making.

8. **ASSESSMENT**

8.1 **Principle of Development:**

8.1.1 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.

8.2 **Impact upon Amenity and HMO Criteria**

8.2.1 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.

8.2.2 It is noted that the proposed elevation drawings show the existing side extension is to be altered reducing its width. However, when comparing and contrasting the existing and proposed floor plans, the alterations proposed to the existing side extension show this filling the available space against the common boundary. Despite the inconsistencies across the plans on this matter, either arrangement would not represent significant levels of harm to warrant a refusal on this matter.

8.2.3 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.

8.2.4 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.

8.2.5 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 floor plans include the provision of a rear door leading into the rear garden and parking area. As such, future occupants have a convenient access through the building itself to access the front and rear as they wish without using the alley way on the neighbouring site.

8.2.6 The proposal includes the provision of a private amenity space to serve future occupants. This is proposed to be formed of a 0.9m wall, with 0.9m of fencing set above. No elevation details have been provided or ground level details 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.

8.2.7 Each bedroom unit would be served by a window allowing for sufficient levels of daylight and sunlight to enter.

8.2.8 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 the separate kitchen measuring 2.5sqm per person using those facilities; based upon twelve potential occupants, this equates to 30sqm.

8.2.9 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 30sqm for a kitchen to serve 12no. 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.

8.2.10 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.

8.2.11 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



8.2.12 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.

8.2.13 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).

8.2.14 It is noted that the bicycle and waste storage are located forward of the principal elevation and would be visible from Caerau Road and near the bedroom window serving Unit 2.

8.2.15 It is considered that the regular visits to these facilities by occupants near the bedroom window of Unit 2 would result in an unacceptable impact upon the privacy and amenity of any future occupant. Furthermore, the scale of the cycle storage building may result in the loss of daylight and sunlight entering the bedroom window further reinforcing the adverse impact upon residential amenity by siting the storage areas in this location.

8.3 Highways and Parking

8.3.1 The Highways Officer notes 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 Highways Officer notes the sites sustainable location near public transport nodes and amenities and finds the amount of parking provided and availability of off street parking acceptable.

8.3.2 Turning to cycle storage, additional details have been provided of the cycle store. While this may be secure and partially weather proof, it is considered that as the side elevations are formed of open mesh, this would not afford suitable long-stay cycle storage to an adequate standard. To address this, a condition could be added to the recommendation should all other matters be considered acceptable.

8.3.3 The third party comments received raise concerns regarding access through the rear car park/yard area; the proposed layouts do not include any form of obstruction across the vehicle access. The proposed area to be enclosed forming the rear amenity area would not impact vehicles being able to enter and leave the area of land.

8.4 Impact upon the Character and Appearance of the Area

8.4.1 It is noted that the bicycle and waste storage are located forward of the principal elevation and would be visible from the classified Caerau Road. The design of the bicycle store is considered unacceptable in such a prominent location as the materials do not positively contribute toward the overall appearance and placemaking agenda.

8.4.2 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.

8.4.3 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.

8.5 Waste and Recycling

8.5.1 The Waste Officer raises no concerns with the scheme and the size of the waste and recycling storage area is likely to be acceptable in terms of its size; however its position, as set out above, is unlikely to be acceptable depending on the materials.

8.5.2 Cllr Drewetts' comments on refuse management are taken into account as mismanaged refuse can cause great distress to residents and consequently have impacts upon character and appearance of the area and public health.

8.5.3 The role of the Local Planning Authority is to ensure that suitable facilities are provided which accord with adopted planning policies; in some cases these policies cannot mitigate for poor behaviour and mismanagement. Therefore, as long as the Local Planning Authority ensure the site has an adequate area for the storage of waste and recycling, the policy requirements are considered to have been fulfilled.

8.6 Drainage

- 8.6.1 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.

8.7 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:

In this case, the developer has provided information in relation to the viability of the planning obligations relevant to the scheme...(officers must explain what information received, what viability issues raised and our assessment of them, how has this affected the planning obligation agreed by officers)?

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.	Agreed.	No.

HEADS OF TERMS AGREED BY APPLICANT

Section 106 Planning Obligations **(Without prejudice & subject to contract)**

1. Introduction

Based upon a net development of 1 x 6 bed dwelling, the following S106 planning obligations are required to mitigate the impact of the development.

2. Affordable Housing

Commuted sum payments for affordable housing will normally be sought on developments of 1 to 2 dwellings anywhere in Newport. The site lies within the Housing Target Area of Newport West. Newport West requires the delivery of 30% affordable housing on new development. The equivalent commuted sum generated is £2,064

This sum will be paid prior to occupation and index linked to the RPI

3. Fees

Administration Fee

In accordance with the Planning Obligations SPG (2025), a £300 administration fee is charged for monitoring the S106 agreement. This is to be paid upon signing of the legal agreement.

Legal Fee

Planning Obligations can be contained in Unilateral Undertakings or s.106 Agreements. Unilateral Undertakings are usually drafted by the developer's solicitors, whereas s.106 Agreements are usually drafted by the Council's in-house solicitors (but there is no general objection to developers arranging for their own solicitors to draft the s.106 Agreement with prior agreement). Either way the developers will be responsible for the Council's legal costs incurred in relation to the process of drafting, approving and completing the s.106 Agreement and Unilateral Undertakings, including costs of title investigation which is necessary to ensure the correct parties enter into the Deed. There is a minimum contribution to legal costs of £700, although more time-consuming and complex documents would require an increased contribution to legal costs.

Please Note:

Planning Obligations can be contained in Unilateral Undertakings or Agreements. Unilateral Undertakings are usually drafted by the developer's solicitors, whereas Agreements are usually drafted by the Council's in house solicitors (but there is no general objection to developers arranging for their own solicitors to draft the Agreement if preferred). Either way the developers will be responsible for the Council's legal costs incurred in relation to the process of drafting, approving and completing any Deed of Obligation, including costs of title investigation which is necessary to ensure the correct parties enter into the Deed.

You are required to agree to these Heads of Terms in writing. In doing so you also agree to an extension of time for the determination of your proposal in accordance with the Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits)(Wales) Regulations 2015 and the Town and Country Planning (Development Management Procedure)(Wales) Order 2012. This will extend the statutory period for determination of your application by 16 weeks from the date the Local Planning Authority resolve to grant your planning permission (i.e. the Planning Committee date or the delegated Agenda date) subject to a legal agreement. This extension of time is required to enable completion of the section 106 Agreement (although the Local Planning Authority will endeavour to determine your application as soon as possible prior to this date).

Once your written agreement to the Heads of Terms for section 106 has been received by the Authority and a resolution made on the basis of such agreement, the Local Planning Authority will NOT enter into any negotiations that seek to alter the Heads of Terms in terms of discounting agreed figures due to, for example, viability reasons before the final Notice of Decision is issued. It is important that you check the Heads of Terms you receive thoroughly and if you have any

questions regarding the figures included or the justification for them, you must raise these and satisfy yourself that the request is reasonable, relevant and necessary, prior to providing your written agreement to the Terms.

Any negotiations must take place before Heads of Terms are agreed by you and if you seek to discuss or re-negotiate section 106 Heads of Terms having agreed them in writing and having received a resolution (but not a decision notice), your application must be withdrawn to enable re-negotiation to take place. Failure to sign a section 106 within 3 months of any resolution being made may lead to your application being refused. Alternatively, you may proceed to complete the section 106, receive a Notice of Decision and then make a new submission to the Authority that will enable altered terms to be negotiated. Please be advised that any such re-submission will likely attract a new planning application fee.

- 8.7.1 Notwithstanding the applicants agreement to the draft Section 106 terms, as the application is being refused for other planning reasons, the proposal does not benefit from a signed Section 106 agreement securing the above contributions. As such, this technically forms a further reason for refusal, however this issue can be suitably addressed via a signed Section 106 should all other matters be acceptable.

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 levels of daylight and sunlight entering the bedroom window of Unit 2, and 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, absence of details of the enclosed rear garden area and the siting of the cycle store in close proximity to the bedroom window of Unit 2 resulting in a reduction of daylight and sunlight entering the window, 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:

- Cycle Store Details (Drawing ref: 2709-PA-12)
- Proposed Site Plan (Drawing ref: 2709-PA-03A)
- Proposed Elevations (Drawing ref: 2709-PA-11)
- Existing Elevations (Drawing ref: 2709-PA-10)
- Proposed Roof Floor Plan (Drawing ref: 2709-PA-09)
- Proposed First Floor Plan (Drawing ref: 2709-PA-08)
- Proposed Ground Floor Plan (Drawing ref: 2709-PA-07)
- Existing Roof Plan (Drawing ref: 2709-PA-06)
- Existing First Floor (Drawing ref: 2709-PA-05)
- Existing Ground Floor (Drawing ref: 2709-PA-04)
- Site Location Plan (Drawing ref: 2709-PA-02)
- Planning Statement (Ref: 2709-PA-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