



Appeal Decision

by N Jones BA (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 13.02.2026

Appeal reference: CAS-04509-C5P8W1

Site address: 96 Erddig Road, Wrexham, LL13 7DR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant [outline] planning permission.
 - The appeal is made by Mr Shaun Myddleton against the decision of Wrexham County Borough Council.
 - The application Ref P/2025/0101, dated 4 February 2025, was refused by notice dated 8 July 2025.
 - The development proposed is the change of use of building from Class C3 dwelling to Class C4 HMO (maximum 5 person occupancy).
 - A site visit was made on 21 January 2026.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of building from Class C3 dwelling to Class C4 HMO (maximum 5 person occupancy) at 96 Erddig Road, Wrexham, LL13 7DR, in accordance with the terms of the application, Ref P/2025/0101, dated 4 February 2025, subject to the conditions set out in the schedule to this decision letter.

Main Issue

2. The main issue is the effect of the proposal on the amenity and character of the area, with regard to local policy relating to the cumulative impact of Houses in Multiple Occupation (HMOs) on maintaining sustainable and balanced communities.

Reasons

3. The appeal property is a mid-terrace two-storey dwelling located centrally within the Fairy Road Conservation Area (CA). The immediate surroundings are predominantly residential with a mix of off and on-road parking. The proposal is to change the use of the dwelling into a small House in Multiple Occupation (HMO).
4. Recognising amongst other things that conversion may provide much needed smaller accommodation, Policy H4 of the Wrexham Unitary Development Plan (UDP) permits the sub-division of dwellings subject to criteria. In relation to the first three of these, there is no dispute between the parties that the criteria would be met. I note that whilst there would be some minor alterations to the front of the building, no extensions or additions

are proposed. Accordingly, and whilst also having special regard to the desirability of preserving or enhancing the CA, I am satisfied that there would be no unacceptable changes to the visual fabric or character of the building or wider area. Adequate parking and garden spaces would be provided, and the proposal would be in an accessible location. There is no evidence before me that there would be any unacceptable effects on wildlife interests, the linguistic or cultural character of the area or from flood risk.

5. The fourth criterion of Policy H4 deals specifically with HMOs and allows for dwellings to be subdivided provided the proposals do not result in an over-concentration of HMOs to the detriment of crime levels, the social fabric of the area and the amenity of existing residents. Whilst there is disagreement between the parties regarding the concentration of HMOs locally, Local Planning Guidance Note 5 'Houses in Multiple Occupation' (LPGN 5) provides additional guidance, including how overconcentration is calculated. Utilising the method set out in LPGN 5, the Council states that the proposal would result in 12.5% of properties within a 50m radius of the appeal site being in use as HMOs. Where the concentration exceeds 10%, LPGN 5 says that planning permission will not normally be granted. Accordingly, the Council considers the proposal fails to comply with criterion d) of Policy H4.
6. However, LPGN 5 is a guidance document and recognises that there may be circumstances where the granting of planning permission is justified. I have taken into account the impacts HMOs can have on communities as listed in the document and acknowledge that concerns regarding the number of HMOs increases once concentrations of HMO households rise above 10%. However, even where the 10% concentration is exceeded, this would not automatically equate to harm. Each case must be determined on its merits and actual harm must be demonstrated in order for planning permission to be properly withheld.
7. The Council has not provided any evidence of harm arising from existing HMOs locally or any substantive evidence of any harmful effects on the community, either individually, or cumulatively with existing HMOs, which would be likely to arise from the appeal proposal. I note the concerns of neighbours and the Community Council regarding the scale of HMOs locally as well as the high turnover of residents at 86 Erddig Road. However, LPGN 5 assesses concentration in terms of the number of HMOs within the given radius, rather than their scale, and there is no cogent evidence of unacceptable amenity effects as a result of higher occupancy numbers or the frequency of tenant changes. Moreover, whilst in a densely developed urban location, it would not be unusual not to know all one's neighbours, the appeal proposal would cater for only a small number of residents who would be likely to become familiar within the close residential environment of the appeal site.
8. The Council accepts that the proposal would be unlikely to lead to any more pressure for on-street parking than would occupancy by a family. The Highway Authority raised no objection, noting that the appeal site is located in a relatively sustainable location near the city centre and likely to appeal to those people who do not own a car. Nonetheless, 2 parking spaces would be provided on the site which would assist in reducing any existing parking pressures. There is no reason to believe that the intended tenants would follow any more erratic or varying working patterns than the general population or that there would be any more noise or disturbance at night than would occur from use of the property as a family home. Accordingly, there is no reason to consider that there would be any unacceptable effect on the attractiveness of the terrace for use as family homes. Moreover, neighbour evidence suggests that the presence of a large HMO on neighbouring Bath Road has not deterred families from moving into that street. The presence of a school as well as other facilities locally would be likely to continue to attract

such residents. During my site visit I saw that whilst residential properties in the locality are in differing states of repair, it retains an overall attractive residential character. There is no cogent evidence before me to support neighbours' concerns that the appeal property would be maintained to any lesser standard than other properties locally. The level of domestic waste produced by five occupiers would be likely to be comparable to that produced by a family and on-site refuse storage facilities would be provided.

9. I note that planning permission has been granted for use of the property as two separate flats however LDP 5 recognises that HMOs can also be of benefit to an area by providing low-cost housing solutions for those who may otherwise have difficulty finding a place to live as well as accommodation for students, young professionals and health care workers.
10. I conclude that the proposal would not harm the amenity and character of the area or undermine local policy relating to the cumulative impact of Houses in Multiple Occupation on maintaining sustainable and balanced communities. It would therefore comply with UDP Policy H5 and LPGN 5 advice.

Conditions

11. I have taken into account the Council's suggested conditions with regard to the advice within Circular 016/2014 'The Use of Planning Conditions for Development Management' (the Circular). The appeal site is located within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC) which is failing to meet water quality targets for phosphorus. However, Natural Resources Wales advises that amongst developments that can be screened out as not likely to have a significant effect on a river SAC in relation to nutrient inputs, as there is unlikely to be a source of additional nutrients or pathway for impacts are those which do not increase the volume and concentration of nutrients in wastewater. Whilst I consider it would be necessary to limit occupancy to no more than 5 persons in accordance with the planning permission as sought, and to reflect the scope of the assessed amenity effects, given that occupancy of a five bedroom dwelling would not necessarily be limited to only 5 persons, it would not be reasonable to limit occupancy on the basis of effects on the SAC. It would be necessary to ensure that parking and bin storage areas were made available in readiness for use by intended occupiers and thereafter retained for those purposes for the lifetime of the development. All developments are required to provide biodiversity enhancement in accordance with Policy 9 of Future Wales: The National Plan 2040 (FW) and I have included a condition to that effect.

Conclusion

12. For the reasons given and having taken all matters into account, I conclude that the appeal should be allowed.
13. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (WBFG Act). I have taken into account the ways of working set out at section 5 of the WBFG Act and consider that the findings of this Report are in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives, as required by section 8 of the WBFG Act.

N Jones

INSPECTOR

Schedule of conditions

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.

Reason: To comply with Section 91(3) of the Town and Country Planning Act, 1990.

2. The development shall be carried out in accordance with the details shown on the approved drawings:

Figure 1: Location Plan and Figure 2 Block Plan Sheet 1;

Figure 2: Site Plan Sheet 2;

Figure 7: Bin Store and Figure 8: Cycle Store Figure 9: Cycle and Bin Store Layout Sheet 5;

Figure 5: Ground Floor and Figure 6: First Floor Sheet 4

Reason: To comply with section 71ZA (2) of the Town and

3. No more than 5 people shall be permitted to occupy the development hereby approved at any one time.

Reason: To define the scope of the permission and its effects as assessed (Policies GDP1 and H4)

4. The vehicular and cycle parking, and bin storage areas, as shown on the plan reference Figure 2: Site Plan Sheet 2 shall be fully laid out, surfaced and drained prior to first use of the development. These areas shall thereafter be retained and kept free of any obstruction and made available solely for the parking of vehicles and cycles, and storage of bins for the lifetime of the development.

Reasons: In the interests of highway safety and amenity (Policies H4, GDP1 and T8)

5. No part of the development shall commence until a plan to provide net benefit for biodiversity (NBB) i.e. a better outcome than if the site was left undeveloped has been submitted to, and approved in writing by, the Local Planning Authority. The measures as approved shall be implemented in full, prior to first occupation / use of the development, and thereafter maintained for the lifetime of the development.

Reason: To ensure the development delivers net benefit to biodiversity (FW Policy 9)