

Delegated Report

Planning Reference 26/00079/FUL
Applicant(s) Mr Daniel Green
Ward Hinckley DeMontfort



Hinckley & Bosworth
Borough Council

Application Site 148 Factory Road, Hinckley

Proposal Change of use from a 6no. HMO (C4) to 9no. bed HMO (Sui Generis)

Case Officer Ashleigh Gade (Senior Planning Officer)

1. Recommendations

1.1. Refuse planning permission subject to:

- Planning reasons detailed at the end of this report.

2. Planning Application Description

- 2.1. This application seeks full planning permission for a change of use from a six-bedroom House in Multiple Occupation (HMO) (Use Class C4) to a nine-bedroom House in Multiple Occupation (HMO) (Sui Generis) at 148 Factory Road, Hinckley.
- 2.2. This proposal does not involve any internal or external alterations to the existing building. To facilitate the proposed additional occupants, three existing rooms on the second floor level will be changed from office and storage spaces to bedrooms.
- 2.3. It is noted that the proposal is supported by existing recent extensions and alterations to the building which the Applicant considers to have been undertaken within Permitted Development rights. While included on the submitted plans, the description of development does not relate to these works, which are therefore separate to this application solely considering the change of use of the land. The lawfulness of the works as Permitted Development is the subject of an ongoing enforcement matter with the Local Planning Authority (LPA)'s Enforcement Team.
- 2.4. It is also noted that the application relies upon the lawfulness of the existing use of the building as a House in Multiple Occupation (HMO) for six persons, Use Class C4. The associated Certificate of Lawful Proposed Use relating to this matter has not been determined. However, the C4 use is understood to have commenced 16 April, prior to an Article 4 Direction restricting changes of use to HMOs coming into force. As such, the existing lawful use is C4, an HMO up to 6 persons.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is located within the settlement boundary and the town centre area of Hinckley. It is located on the south-eastern side of Factory Road.
- 3.2. The application site comprises a two-storey end of terrace property which has recently been extended at ground floor level and second floor level as loft space. The existing building has a rendered finish to the front and rear elevation and red facing brick on the side elevation. The building has a tiled roof and a tiled finish to the walls of the box dormer forming part of the second floor extensions. The site has a small private garden space to the rear.
- 3.3. There is no vehicular access to the site, however pedestrian access is gained from Factory Road. Factory Road is an adopted and unclassified road subject to a speed limit of 30mph. There are parking restrictions in the form of double yellow lines on the north western side of the road and directly to the south-west of the application site on the south-eastern side of the road.
- 3.4. The application site is located at the north-eastern end of a row of terraced buildings fronting Factory Road. Most of the buildings within the terraced row are in use as dwellings, however there is one double-fronted retail premise within the row at 142 Factory Road.
- 3.5. To the north-east of the site is a residential building containing flats managed by Hinckley & Bosworth Borough Council. To the north-west across Factory Road are further residential properties as well as an employment site containing a range of commercial and industrial tenancies. To the rear of the site is another employment site comprising the Ashby & Mann car dealership and associated car parking area.

4. Relevant Planning History

4.1 25/01154/CLP

- Certificate of proposed lawful development for the change of use from a dwelling house (C3) to HMO (C4)
- Pending Decision

4.2 26/00148/CLE

- Certificate of existing lawful development for the erection of a single storey rear extension and loft conversion with rear dormer
- Withdrawn

- 4.3 The application site is also the subject of an active Enforcement Case 26/00031/UNBLDS related to building works being undertaken at the property.

5. Publicity

- 5.1 The application has been publicised by sending out letters to local residents.

5.2 Five responses were received from individual households. All five responses objected to the proposal.

5.3 The concerns raised in the objections are summarised below:

- The development would be out of place.
- The extensions to the building are an eyesore.
- HMO's have negative reputations.
- HMO's bring increased crime.
- Everyday services will be impacted.
- The development is next to flats for vulnerable adults and family homes.
- The building is unsuitable for nine adults and will be overcrowded.
- The development has already occurred without permission.
- Building works on the site have caused disruption to traffic and parking, and rubbish has been left.
- The development would have negative impacts on local community.
- The development would exacerbate parking issues.
- The development would cause rubbish collection issues.
- There would be an increase in noise from the property.
- The new rear dormer overlooks neighbouring rear gardens.
- The application details are not consistent with the level of building work actually undertaken on the site.
- Neighbouring properties would be severely negatively impacted.

6. Consultation

6.1 Leicestershire County Council (LCC) Highways, the Local Highway Authority (LHA), advised that there had been twelve Personal Injury Collisions (PICs) recorded within 500m of the site within the most recent five-year period, of which seven were slight in severity and five were serious. Notwithstanding this, given the town centre location and circumstances of each incident, the LHA consider the proposed development would not exacerbate the likelihood of further such incidents.

The LHA noted that the proposal would provide no vehicle parking, where ordinarily the Leicestershire Highway Design Guide (LHDG) would require a minimum of nine spaces. Notwithstanding this, the LHA considered that the town centre location and access to sustainable transport modes meant to that resist the proposal on parking shortfall would be unreasonable.

The LHA welcomed the provision of cycle parking spaces as part of the proposal, which they sought to be secured by way of planning condition.

6.2 Leicestershire Fire and Rescue advised that they do not provide direct comment on new domestic building developments until the building regulations stage.

6.3 Hinckley & Bosworth Borough Council (HBBC) Environmental Services (Pollution) had no objection to the development.

6.4 No further responses have been received.

7. Policy

7.1 Core Strategy (2009):

- Policy 1: Development in Hinckley

7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3 Hinckley Town Centre Area Action Plan (HTCAAP) (2011)

- Nil.

7.4 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2024)
- National Design Guide (2019)
- Planning Practice Guidance (PPG)

7.5 Other Relevant Guidance:

- Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG) (2024)
- Technical Housing Standards – Nationally Described Space Standards (2015)

8. Appraisal

8.1. The application site comprises an existing residential property located within the settlement boundary and town centre area of Hinckley. Therefore, whilst the proposal is for a sui generis use, the principle of residential accommodation within the existing residential property is considered to be acceptable.

8.2. This is subject to the assessment of all other material considerations, which are set out within subsequent sections of this report.

8.3. The key issues in respect of this application are therefore:

- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon parking provision and highway safety

Design and Impact upon the Character of the Area

- 8.4. Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design (as contained in the National Design Guide and National Model Design Code), taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 8.5. Chapter 12 of the NPPF confirms that good design is a key aspect of sustainable development, and the creation of high quality, beautiful, and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places.
- 8.6. Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.7. The Applicant states that there are no building works internally or externally to the existing building as part of this proposal. This would mean that the external appearance of the building would remain unchanged.
- 8.8. Notwithstanding this, it is noted that the proposal relies upon extant building works on the site in the form of a single storey rear extension and the construction of a large box dormer on the rear elevation of the existing roof. The Applicant considers these works to have been undertaken within the ambit of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) and therefore to constitute lawful development.
- 8.9. The application site is currently subject to ongoing Planning Enforcement investigation over the building works undertaken to extend the property to the rear at ground floor and roof level.
- 8.10. The Applicant did submit an application for a Certificate of Lawful Existing Development for the additions to the property on 18 February 2026, but elected to withdraw this application 25 February 2026 prior to any decision being made. It is noted that the plans submitted for this Certificate are largely consistent with the plans submitted for this application, which have been queried by Council's Enforcement Officer for their potential inconsistencies with both the GPDO and with the work undertaken on site.
- 8.11. In any event, the application, as stated in the application forms, is solely related to the change of use of the land and the lawfulness of these works is a separate matter.

Impact upon Residential Amenity

- 8.6 Paragraph 135(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive, and accessible, which promote health and well-being, and a high standard of amenity for existing and future users.

- 8.7 Paragraph 198 of the NPPF confirms that planning decisions should ensure that new developments are appropriate for their locations, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions, and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
- 8.8 In doing so, Paragraph 198(a) of the NPPF highlights that planning decisions should mitigate and reduce to a minimum potential adverse impact resulting from noise from new developments and avoiding noise that gives rise to significant impacts on health and quality of life.
- 8.9 Footnote 72 of the NPPF refers to the Noise Policy Statement for England (Department for Environment, Food and Rural Affairs, 2010), which recognises at Paragraph 2.14 that noise exposure can cause annoyance and sleep disturbance, which both impact on quality of life and give rise to adverse health effects.
- 8.10 Policy DM10(a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.11 The Good Design Guide requires the way buildings to relate to each other, and their orientation and separation distances, to provide and protect acceptable levels of amenity. Every application will be assessed on its own merits depending on the individual characteristics of the site such as orientation, ground levels, window positions, garden size, and shape.
- 8.12 The application site is located within the town centre area of Hinckley and is resultingly surrounded by a range of uses, including residential, commercial and employment. Notwithstanding this wider variation in surrounding uses, the site forms part of a row of terraced dwellings and is directly neighboured by a terraced dwelling within this row to the west. Further, it is directly neighboured to the east by a residential building comprising multiple flats.
- 8.13 It is noted that prior to the recent building work undertaken to the property, the application building was in use as a two-bedroom dwellinghouse (Use Class C3). The documentation submitted as part of this proposal states that the property is currently in use as a six-bedroom HMO (Use Class C4).
- 8.14 The proposed development would increase the capacity of the property beyond the limitations of Use Class C3 dwellinghouse and Use Class C4 HMO and is therefore considered to be a Sui Generis use.
- 8.15 The proposal would result in the capacity of the residential building increasing to accommodate nine individuals occupying nine separate bedrooms over three floors. This would intensify the use of the existing building and would lead to related increases to the number of movements to and from the site from residents

themselves as well as from visitors and deliveries. It is considered that this intensification would impact not only internal areas of the building but also outdoor spaces around the property both to the front and rear of the site including private amenity spaces, changing the character of the area.

- 8.16 The Applicant's Planning Statement makes references to supported accommodation and states in Paragraph 6.5 that the application site would best support a basic form of supported accommodation where 'floating' support is received by residents from support workers. There is no further clarification provided within the Planning Statement as to the intent to offer supported accommodation within this HMO or as to the intensity of this service provision.
- 8.17 It is noted that the Planning Officer sought further details on the potential for support workers to be visiting the site to better understand how this would contribute to the intensity of movements to, from and within the site. The response received from the Applicant was that this detail was no longer relevant to the proposal, based on the current occupants of the building. Notwithstanding this, the response also then mentioned visits from support workers such as councillors on an "infrequent basis".
- 8.18 It is noted that in Appeal Decision APP/K2420/W/24/3339777 the Inspector took the view that the intensification of a former Use Class 3 residence to a large HMO in Sui Generis use had the capacity through number of persons, movement of persons and cars, deliveries, and rubbish collection, to have a detrimental impact upon the quality of life of neighbouring properties.
- 8.19 Notwithstanding that APP/K2420/W/24/3339777 pertained to a ten-bedroom HMO with two care staff on rotation, the residence related to that Appeal Decision was also located on a larger site in a large, detached dwelling separated from surrounding dwellings by substantial landscaping. It is considered that these impacts can reasonably be applied to this proposal despite comprising one less bedroom, given that the residential neighbours of the application site are located in significantly closer proximity to the application building.
- 8.20 It is therefore considered reasonable to conclude that the use of a property by a single household is demonstrably and materially different to the use of a property by nine individual occupiers with potential infrequent support worker visits, by way of its impact upon neighbouring amenity.
- 8.21 The Applicant has addressed potential noise impacts within a Noise Mitigation Strategy which details acoustic treatments and insulation designed to mitigate noise impacts from areas within the dwelling.
- 8.22 The LPA acknowledges these mitigation measures and that there was no objection to these measures from HBBC's Environmental Services officers. Notwithstanding this, whilst these measures may address internal noise sources, they will not mitigate noise and disturbance within outdoor spaces resulting from the independent activity of nine individuals nor the change in the character of the area arising from this new use.

- 8.23 It is therefore considered that the intensification of occupancy within the application site would, given the close spatial relationship between the site and neighbouring dwellings, change the character of the area and result in an unacceptable impact upon the living conditions of neighbouring occupants by way of noise and general disturbance. As a result, the proposal would have a negative impact on the residential amenity of neighbouring occupiers.
- 8.24 To support the residential amenity of future occupiers of the scheme, Regulation 2 of the Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licenses) (England) Regulations 2019 within the amended Schedule 4 of the Housing Act 2004 requires the floor area of any room within a HMO used as sleeping accommodation by one person aged over 10 years to be a minimum of 6.51 square metres.
- 8.25 HBBC Private Sector Housing HMO Standards also require HMO's occupied by six to ten people to be provided with a kitchen with a minimum size of 10 square metres and an additional living room or dining room with a minimum size of 16.5 square metres. Alternatively, there must be a kitchen dining area with a minimum size of 19.5 square metres.
- 8.26 The proposal compiles with minimum floor space requirements for single person bedrooms and for a combined kitchen and dining area as detailed by the Housing Act and HBBC HMO requirements.
- 8.27 To comply with the Good Design Guide, properties with three or more bedrooms should provide a minimum of 80 square metres of private outdoor amenity space with a minimum length of 7 metres.
- 8.28 Despite the Good Design Guide guidance being for Use Class C3 dwellinghouses, the principle of the necessity for a high standard of residential amenity is supported by Paragraph 135 of the NPPF and Policy DM10 of the SADMP. Therefore, the LPA are of the view that the provision of sufficient private amenity space should be a consideration within the determination of this application.
- 8.29 The total size of the private amenity space on the application site is 35 square metres. However, this figure includes the area set aside for bin storage as well as the proposed bicycle parking area.
- 8.30 Excluding the bike and cycle storage areas, which would not provide any functional area for individuals to enjoy within the space, the private amenity area reduces to 27 square metres. The functional width of the area between the rear extension, the bin storage and the site boundary is only 1.6 metres and the maximum dimension of the space to the rear of the cycle parking is only 3.4 metres.
- 8.31 The private amenity areas for the proposal are therefore in significant shortfall of the Good Design Guide standards by way of total area and minimum dimension. It is also considered evident based on the layout and level of enclosure of the amenity space, that this area is highly constrained and of insufficient quality to functionally serve nine individuals in everyday usage.

- 8.32 The nearest public open space to the application site is Hollycroft Park which is located 500 metres to the south-west. Whilst this provides a functional and accessible option for access to open space, it is not considered this can overcome the harm to the residential amenity of future occupiers to the scheme by way of lacking private amenity space.
- 8.33 Further to the above, it is also noted that both the Kitchen/Dining area and proposed Bedroom 8 have access to only one window. The window in the Kitchen/Dining area has a glass pane surface area of 0.4 square metres. The window in Bedroom 8 has a glass pane surface area of 0.45 square metres.
- 8.34 It is considered that these windows risk the insufficient provision of natural light to the habitable rooms which they will serve.
- 8.35 By virtue of the constrained private amenity space and impacted access to natural light in habitable rooms, it is considered that the proposal represents an overdevelopment of the site which fails to provide sufficient amenity for future occupiers of the scheme.
- 8.36 It is therefore concluded that the proposed development would significantly intensify the use of the site resulting in significant harm to neighbouring residential amenity while also representing an overdevelopment of the site which would fail to provide a high level of residential amenity to future occupiers. The proposal is therefore considered to be contrary to and in conflict with Policy DM10 of the SADMP, Paragraphs 135 and 198 of the NPPF, and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.37 Paragraph 1115(b) of the NPPF states that planning decisions should ensure that developments provide safe and suitable access to the site for all users. In accordance with Paragraph 115(d) of the NPPF, any proposal should ensure that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.
- 8.38 Ultimately, development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios in accordance with Paragraph 116 of the NPPF.
- 8.39 To support this, Policy DM17 of the SADMP states that development proposals need to demonstrate that there is not a significant adverse impact upon highway safety, and that the residual cumulative impacts of development on the transport network are not severe. Policy DM18 of the SADMP requires that new development provide an appropriate level of parking provision.

- 8.40 All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority, currently this is the Leicestershire Highway Design Guide (LHDG) (2024).
- 8.41 Table 28 of the LHDG requires residential Sui Generis uses such as Houses in Multiple Occupation with more than six residents to provide a minimum of one off-street car parking space per resident, excluding any visitor parking.
- 8.42 The application site does not have vehicle access and does not provide any off-street car parking. There is no change proposed to this existing situation as part of this proposal and therefore the development is in shortfall of LHDG standards by nine car parking spaces.
- 8.43 Notwithstanding this, the LHA have reviewed the proposal and taken into consideration the town centre location where local facilities can be reached by sustainable transport modes. Given this, the LHA have concluded that it would be unreasonable to seek to resist the proposals based on lack of vehicular parking.
- 8.44 By virtue of these factors, whilst the proposal does not provide off-street vehicle parking consistent with LHDG guidance, in light of the site-specific circumstances and the lack of objection from the Local Highway Authority, it is considered that the proposal does not create an unacceptable impact upon highway safety or the road network in accordance with Policies DM17 and DM18 of the SADMP.

9. Equality Implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 9.3 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data

Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission is refused.

11. Recommendation

- 11.1 **Refuse planning permission** subject to:

- Planning reasons detailed at the end of this report.

11.2 Reasons

1. The proposal would significantly intensify the residential use of the site which would change the character of the area and result in noise and disturbance that would be detrimental to the residential amenity of the site's neighbours. The development is therefore contrary to Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraphs 135 and 198 of the National Planning Policy Framework (2024).
2. The proposal results in the overdevelopment of the site, failing to provide adequately sized or functional private outdoor amenity space and sufficient ingress of natural light to all habitable rooms. This results in insufficient levels of residential amenity that would cause significant harm to future occupiers of the development. The development is therefore contrary to and in conflict with Paragraph 135 of the National Planning Policy Framework (NPPF) (2024), Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the Council's Good Design Guide (2020).

a. Notes to Applicant

1. The application has been determined in accordance with the following submitted details:
 - Application Form (submitted: 28.01.2026)
 - Planning Statement (submitted: 28.01.2026)
 - Existing Elevations, Floor Plans, Block, Site Location Plan, Drg No. 25/144/P11 (submitted: 14.04.2026)
 - Existing, Proposed Elevations, Section Floor Plans, Block, Site Location Plan, Drg No. 25/144/P09 Rev A (submitted: 05.03.2026)

- Noise Mitigation Strategy (submitted: 28.01.2026)
- Fire Strategy Plans, Drg No. 25/144/P07 (submitted: 28.01.2026)