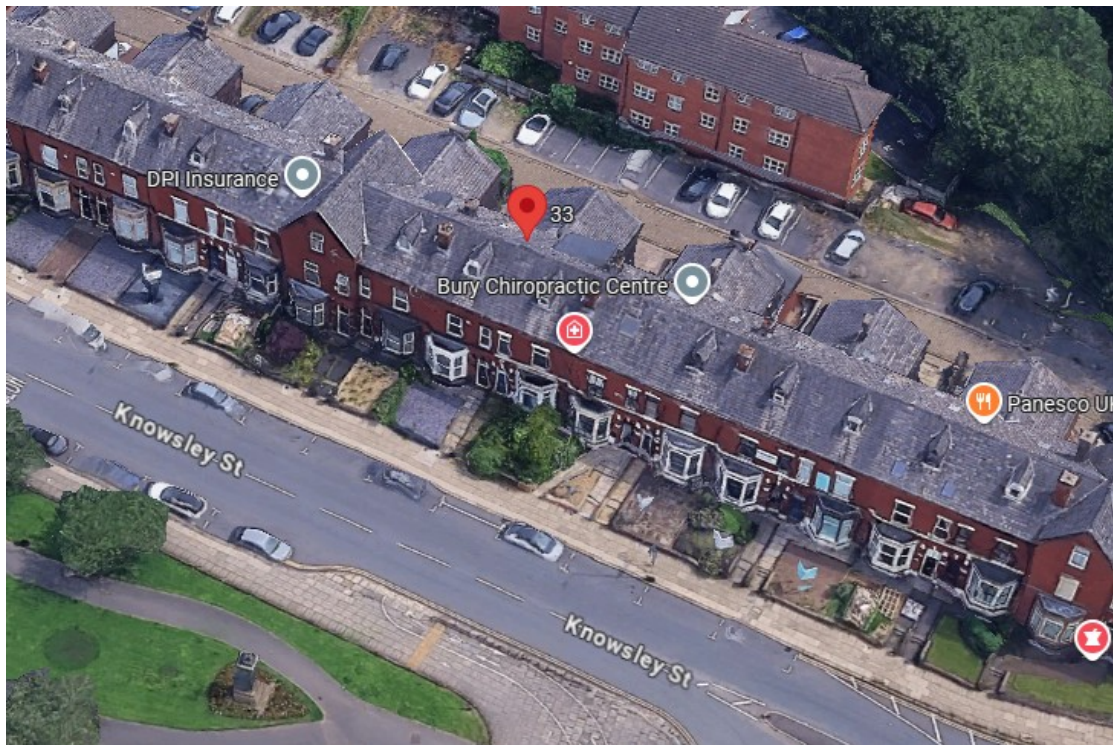


Appeal by AJ & MH Properties Ltd

33 Knowsley Street, Bury, BL9 0ST



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1 Appeal References

- 1.1 Planning Inspectorate reference: 72985
- 1.2 Local Authority reference: 6013609

2 The Appeal Site and its Location

- 2.1 The application relates to a mid-terraced property located on Knowsley Street. The premises has a small yard area to the front, and an open yard area to the rear fronting onto Ashlor Street.
- 2.2 The site is located within Bury Town Centre, and within Zone 1 for parking.

3 Description of the Proposal

- 3.1 Planning permission is sought for the change of change of use from a 6 bed/6 person HMO (Use Class C4) to a 7 bed/7 person HMO (Sui Generis).

4 Relevant Planning History

02713/E - Change of use of vacant office premises (Class E(g)(i) to residential (Class C3) - Enquiry completed 27/05/2022

68845 - Change of use from office (Class E) to residential (Class C3) - Approve with Conditions 22/11/2022

71010 - Change of use from an office (Class E) to a 7 bed/7 person house in multiple occupation - Refused 24/03/2025

5 Relevant Policies, Plans and Strategies

- 5.1 With regard to the application that is subject to this current appeal, the decision to refuse planning permission was made in accordance with the National Planning Policy Framework, the adopted Bury Unitary Development Plan (UDP), the adopted Places for Everyone Joint Development Framework (PfE) and Supplementary Planning Documents (SPD).
- 5.2 The Council have listed the relevant policies within the Officer Reports for the Planning Application. Relevant policies are also included within the decision notice. The Officer Report also clarifies the aims of the policies against which the proposal has been assessed.

6 The Council's Case

- 6.1 The Council's case has been set out within the Officer Report.

7 Response to the Appellant's Grounds of Appeal

- 7.1 As set out within the Officer Report, it is unclear if the use of the property as a 6no. bed HMO is lawful. The existing lawful use needs to be fully established and this has never been applied for.
- 7.2 No information has been submitted by the appellant in terms of whether the site is suitable for retention as an employment use. As set out in the Officer Report, and re-iterated above the appellant has not demonstrated that the existing HMO use is lawful.

- 7.3 Supplementary Planning Document 13: Houses in Multiple Occupation (SPD 13) is clear that the concentration threshold applies to proposals to increase the number of bedrooms within existing HMOs. The threshold has therefore been applied correctly, and in accordance with the adopted SPD. For clarity the wording on page 8 of SPD 13 states:

HMO Concentration Threshold

Planning permission will not normally be granted for new HMOs, or for proposals to increase the number of bedrooms within existing HMOs, where:

- a) Proposals would result in more than 10% of properties (residential and commercial) or more than four properties (whichever is the fewer) being classed as HMOs within a 100m buffer of the application property; or*
- b) The number of HMOs already exceeds 10% of properties or four HMOs within a 100m buffer of the application property.*

- 7.5 Contrary to paragraph 4.4.3 within the appellants statement Bury Council has an Article 4 direction in place withdrawing the permitted change of use of a building from a use falling within Class C3 (dwellinghouses) of the Town and Country Planning (Use Classes) Order 1987 (as amended) to a use falling within Class C4 (houses in multiple occupation).

- 7.4 The appellant considers that the internal arrangement of rooms is not a planning matter. SPD 13 is clear that HMOs should provide a good standard of accommodation for their occupants. In order to make this assessment the LPA is required to review the internal arrangements of the proposed HMO. SPD 13 paragraph 4.11 confirms that rooflights that only face the sky are not considered to provide a reasonable outlook and prospect. The proposal seeks to add an additional bedroom, only served by a rooflight and no sections have been supplied to indicate that this window would provide any sort of outlook for the future occupant/s. The internal

arrangement of rooms was also considered to be a determining factor in Appeal Ref: APP/T4210/W/25/3372781, that considered existing bedrooms in a basement. This appeal confirmed that *the proposal would fail to provide an acceptable standard of accommodation for existing and future occupants of the basement bedrooms*. This same consideration needs to be applied to other HMO layouts.

- 7.5 Increasing the property from 6no. persons, to 7no. persons would increase the pressure exerted on existing communal facilities. Only one shared kitchen/dining area is proposed for all occupants of the property. There is no separate living room within the property. Appeal Ref: APP/T4210/W/23/3324587 considered the addition of 1no. additional person to an existing HMO in relation to pressure on existing shared kitchen/dining room and concluded that *The proposed occupancy level would significantly restrict the functionality of this communal room, to the detriment of the living conditions of occupiers*. This same consideration can be applied to this property, particularly as it would lead to the loss of a room that could potentially be utilised as a shared communal space to relieve pressure on the only existing communal room.

8 Conclusions

- 8.1 On the basis of the above evidence, the Council considers that the appeal proposals are in conflict with policies of the adopted Places for Everyone Joint Development Plan, Bury Unitary Development Plan and the National Planning Policy Framework. Accordingly, it is the Council's view that this appeal should be dismissed.

9 Suggested Conditions and Planning Obligations

- 9.1 Notwithstanding the Council's case, should the Inspector be minded to allow this appeal, the Council would respectfully request that this be done subject to planning obligations and a series of conditions.

Suggested Conditions

- 9.2 Should the Inspector be minded to allow the appeal, it is requested that the following conditions be added to any granting of planning permission:

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings numbered Location Plan PP-14768614vI, GSS22070.3 002 Rev 3, GSS22070.4 003 Rev 1, GSS22070.4 004, TBSC_8SpAmazonEco_Swing_DR_00-1 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan and Places for Everyone Joint Development Plan listed.
- 3 The premises to which this approval relates shall be used as an HMO for a maximum of 7no. persons within 7no. bedrooms.
Reason. To ensure the intensification and scale of uses in the property does not extend beyond acceptable levels which could

cause impact to residential amenity and highway safety in respect of the associated parking, access and servicing requirements or general activity and disturbance pursuant to Bury Unitary Development Plan and Places for Everyone Joint Development Framework Policies EN1/2 - Townscape and Built Design, H2/4 - Conversions, HT2/4 - Car Parking and New Development, JP-P1 - Sustainable Places, JP-C5 Streets for All, JP-C6 -Walking and Cycling, JP-C8 - Transport Requirements of New Development, Supplementary Planning Document 11 - Parking Standards in Bury and Supplementary Planning Document 13 - Conversion of Buildings to Houses in Multiple Occupation.

- 4 The car parking and cycle storage arrangements indicated on approved plan reference GSS22070.4 004 shall incorporate measures to prevent the discharge of surface water onto the adopted highway and be implemented prior to the use hereby approved commencing and thereafter maintained at all times.
Reason. To ensure adequate off-street car and cycle parking provision, in the interests of road safety pursuant to Bury Unitary Development Plan and Places for Everyone Joint Development Framework Policies EN1/2 - Townscape and Built Design, H2/4 - Conversions, HT2/4 - Car Parking and New Development, JP-P1 - Sustainable Places, JP-C5 Streets for All, JP-C6 -Walking and Cycling, JP-C8 - Transport Requirements of New Development, Supplementary Planning Document 11 - Parking Standards in Bury and Supplementary Planning Document 13 - Conversion of Buildings to Houses in Multiple Occupation.
- 5 The bin storage facilities indicated on approved plan reference GSS22070.4 004 shall be made available prior to the use hereby approved commencing and maintained thereafter.
Reason. To ensure adequate provision for the storage and disposal of refuse within the curtilage of the site, clear of the adopted highway pursuant to Bury Unitary Development Plan and Places for Everyone Joint Development Framework Policies EN1/2 -

Townscape and Built Design, H2/4 - Conversions, HT2/4 - Car Parking and New Development, JP-P1 - Sustainable Places, JP-C5 Streets for All, JP-C6 -Walking and Cycling, JP-C8 - Transport Requirements of New Development, Supplementary Planning Document 11 - Parking Standards in Bury and Supplementary Planning Document 13 - Conversion of Buildings to Houses in Multiple Occupation.



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