
Appeal Decision

Site visit made on 4 January 2017

by B.S.Rogers BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 January 2017

Appeal Ref: APP/B4215/C/16/3151690

74, Devonshire Street South, Manchester, M13 9JP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Usman Sadiq against an enforcement notice issued by Manchester City Council.
 - The enforcement notice, numbered ENF/13042/15, was issued on 5 May 2016.
 - The breach of planning control as alleged in the notice is without planning permission, the material change of use from a dwellinghouse (Class C3) to a house in multiple occupation (Class C4).
 - The requirement of the notice is to cease the use of the property as a House in Multiple Occupation (Class C4).
 - The period for compliance with the requirements is six months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. The application for planning permission deemed to have been made under section 177(5) of the Act as amended also falls to be considered.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The appeal on ground (a) and the deemed application

2. The appeal property is a modern, 3 storey town house within an area known as "Grove Village", an area subject to a major housing regeneration programme by a consortium acting on behalf of the Council. In this area, the Council's objective is "to create a well-managed, mixed tenure urban village, transforming not only the physical environment through housing refurbishment, clearance, new builds and environmental creativity, but also through community engagement, targeting unemployment and increasing the life chances and integrity of the diversely rich community".
3. The main issues are the impact of the use on the housing strategy for the area and on the living conditions of neighbouring residents.
4. The Council's Core Strategy aims to deliver thousands of additional homes, with a priority given in Policy H5 to family housing. Policy H11 would resist the change of use from a C3 dwelling house to a C4 HMO in areas where there is a high concentration of HMO and student occupation. A stringent approach is to be applied to locations such as this which have benefitted from specific

regeneration activity aimed at increasing the provision of family housing. The Council has made an Article 4 Direction, removing permitted development rights for the conversion of C3 dwellinghouses to C4 HMO; this came into force in October 2011.

5. There is clear evidence from the Council of very substantial unmet demand for 3 bedroom housing from eligible families on the social housing register. In addition to those households which are in need, there are many others who want, but do not need, to move.
6. The continuing use of the appeal property as a house in multiple occupation would result in the loss of a 3 bedroom dwelling that is suitable for family housing in an area where the Council has the specific policy intention of increasing the amount of family housing and controlling the loss of such housing. Allowing this appeal would be contrary to this policy and would also be likely to be seen as a precedent which would encourage other such changes of use.
7. The appellant indicates that the properties were marketed by the developer as suitable for letting to multiple tenants, being close to Manchester University, Manchester Royal Infirmary and the City Centre. However, that is not a matter to which I can attach much weight. It is the responsibility of the appellant to ensure he obtains any required permission.
8. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. I have found no material considerations of sufficient weight as to alter my conclusion that the use of the appeal premises as a house in multiple occupation unacceptably conflicts with the aims of the development plan and, in particular, Policies H5 and H11.
9. The occupation of the appeal premises by multiple, unrelated tenants, and their visitors, appears to me likely to result in a greater intensity of activity than would be expected from single family occupation. There is the potential for residents with different patterns of work, such as shift work, and varying social/leisure activities to cause disturbance to neighbouring residents. I note that the appellant seeks to manage his tenants in a responsible way but this may not be the case in the event that the property was to be disposed of.
10. To my mind, the use conflict with Core Strategy Policies SP1, H11 and DM1 which seek to ensure a high standard of development that makes a positive contribution to neighbourhoods.
11. I conclude that the appeal on ground (a) and the deemed application should fail.

B.S. Rogers

Inspector