



Appeal Decision

Site visit made on 19 February 2020

by S R G Baird BA (Hons) MRTPI

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

Decision date: 02 March 2020

Appeal Ref: APP/V4250/W/19/3240881

Hayes and Associates (Leigh) Limited, Lonsdale House. Cook Street, Leigh WN7 4BT

- 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 Mr A Malik against the decision of Wigan Metropolitan Borough Council.
 - The application Ref A/19/87001/CU, dated 3 April 2019, was refused by notice dated 3 July 2019.
 - The development proposed is changing the use of the building from Office Use (Class B1(a) to a large house in multiple occupation "sui generis".
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Preliminary Matter

1. The decision notice refers the former use of the building as falling within Use Class A2. The appellant confirms that the last use of the building was as an accountants' office. Accordingly, I have determined this appeal based on a change of use from an accountants' office (Class B2) to a 7-bed House in Multiple Occupation (sui generis) with associated car parking.

Decision

2. The appeal is allowed, and planning permission is granted for a change of use from an accountants' office (Class B2) to a 7-bed House in Multiple Occupation (sui generis) with associated car parking at Hayes and Associates (Leigh) Limited, Lonsdale House. Cook Street, Leigh WN7 4BT in accordance with the terms of the application, Ref A/19/87001/CU, dated 3 April 2019, and the plans submitted with it, subject to the following conditions:
 - 1) the development hereby permitted shall begin not later than 3 years from the date of this decision;
 - 2) the development hereby permitted shall be carried out in accordance with the following plans; TQRQM19091140306656 – Location Plan and Drawing Nos. 1 to 6.

Main Issue

3. The effect on the character of the area.

Reasons

4. The Council asserts that this proposal would, in combination with other similar developments in the central Leigh area, result in a material change in the character and residential mix of the area making it less popular and contribute to its decline. On this basis it is asserted in the Council's statement that the proposed use would conflict with Core Strategy (CS) Policies CP 6 - Housing,

CP 17 – Environmental Protection and SD 1 – Presumption in Favour of Sustainable Development. The planning officer's report refers comments by the Housing Policy Officer (HPO) who refers to a DCLG¹ report that identified potential problems associated with Houses in Multiple Occupation (HMO). These are: negative impacts on the physical environment; pressures on parking; crime; imbalanced and unsustainable communities; anti-social behaviour; noise and nuisance. The HPO goes on to identify that central Leigh contains some 20 HMOs and reports that, *"A further increase in the number of HMOs on the street would be detrimental to the character, housing mix and sustainability of the area"*.

5. The appellant's grounds of appeal identify that there are no HMOs on Cook Street and there are 12 HMOs located in the residential streets to the west of Cook Street, with the majority (8) located on Railway Street. The Council do not challenge the reliability of the appellant's evidence on the location or number of HMOs in this area. As such, I consider it forms a reasonable basis to conclude on the merits of this case.
6. The issues identified by the 2008 report must be viewed in the context that they are generic and since then there have been significant changes in the regulations that govern the creation and management of HMOs. Moreover, the Council do not provide any evidence to show that the existing HMOs either individually or cumulatively have resulted in increases in, crime, anti-social behaviour, noise and disturbance or pressure on car parking. In these circumstances, there is nothing to suggest that this proposal would conflict with CS Policy CP 17 criterion 7, which seeks to avoid unacceptable impacts on amenity or the quality of life.
7. CS Policy CP 6 seeks to ensure there is sufficient housing to meet people's needs and support a good quality of life by, amongst other things, ensuring that provision is made for an appropriate mix of house types, sizes, tenures and affordability. The CS indicates that Core Policies are not intended to be read in isolation. Rather, they are to be read in the context of the spatial policies that set the overall direction for the Borough. This strategic approach to the policies, is consistent with the introduction to the CS which says that it is intended to set the framework for an Allocations and Development Management Local Plan, that will set out detailed planning policies. No such plan has been produced.
8. The above indicates to me that Policy CP 6 is a Borough wide strategic policy designed to ensure enough housing of an appropriate mix across the district and not a development management policy. Paragraph 9.39, which seeks to explain this part of the policy, does not refer to a specific area of the district. Rather it indicates that the requirement for a mix in type, size and tenure refers to development schemes. This confirms my conclusion that Policy CP 6 is not a development management policy and criterion 7 is not a development management criterion to be applied to a scheme of this type. Even if I am wrong, there are no HMOs on Cook Street and I estimate that the nearest HMO is on Twist Lane some 125m away, and the next nearest is in Wilkinson Street at some 170m and the concentration on Railway Street is between some 250 and 480m away. This spread and degree of separation does not suggest that there is an unacceptable concentration of HMOs in the immediate or wider area

¹ Department for Communities and Local Government, Evidence Gathering – Housing in Multiple Occupation and Possible Planning Responses – Final Report.

that would lead to a material change in its character or would materially affect the mix of house types and tenures, particularly as the Council do not provide any breakdown of the house types and tenures in the area. As such, even if it is a relevant policy, there would be no conflict with CS Policy CP 6 and, by definition, Policy SD 1.

9. The planning officer's report indicates that there would be no conflict with CS Policies CP 10 – Design, CP 7 – Accessibility and saved Unitary Development Plan Policy A1S – Parking in New Development. I have no reason to disagree with those conclusions.
10. For the above reasons, the proposed use of the property as an HMO would not result in a material change in the character of the area in conflict with the development plan when read as a whole. Therefore, having taken all other matters into consideration, the appeal is allowed.

Conditions

11. A condition specifying the approved plans is reasonable and necessary in the interests of certainty.

George Baird

Inspector