
Appeal Decision

Site visit made on 6 July 2020

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 21st August 2020

Appeal Ref: APP/C4235/W/20/3252508

250 Wellington Road South, Heaviley, Stockport SK2 6NW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of approval required under Article 3(1) and Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) subject to conditions.
 - The appeal is made by Mr Matthew Baker against the decision of Stockport Metropolitan Borough Council.
 - The application Ref DC/076008, dated 10 February 2020, was approved on 19 March 2020 and prior approval was granted subject to conditions.
 - The development permitted is the conversion of a B1(a) office to form 7 dwellings.
 - The condition in dispute is No 2 which states that: "Notwithstanding Class L of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the dwellinghouses hereby approved shall not be used as a Class C4 house in multiple occupation as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended)."
 - The reasons given for the condition is: "Inadequate car parking is provided to adequately support a Class C4 house in multiple occupation as confirmed by a recent planning appeal (Planning Inspectorate reference: APP/C4235/W/19/3238538). This is in accordance with the National Planning Policy Framework."
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Both parties in their appeal evidence have suggested unreasonable behaviour by the other party but no claim for costs has been submitted by either party.

Background and Main Issue

3. Prior Approval was granted for the conversion of the appeal building to flats in 2016¹. Although internal works to facilitate the change of use were undertaken before this consent expired in 2019 these were not completed, and the consent therefore expired unimplemented. A subsequent prior approval application was therefore sought for the conversion of the office building to 7 dwellings. This was granted in March 2020 subject to a number of conditions including one restricting permitted development rights for any subsequent conversion of the flats to Class C4 Houses in Multiple Occupation (HMO).

¹ Application reference DC/062964

4. The reason for this condition refers to a recent planning appeal² on the building which was for the conversion of the office building to a 22 bed HMO. This appeal was dismissed as the Inspector considered the 22 bed HMO would exacerbate existing parking issues and thus have an unacceptable effect on the safe and efficient operation of the highway network.
5. Therefore, the main issue in the appeal is whether or not the condition is reasonable and necessary in the interests of highway safety.

Reasons

6. The detached appeal building is located on the junction of Wellington Road South and Wellington Grove, the former being a busy dual carriageway leading into and out of Stockport town centre. Whilst the main road is primarily commercial in nature, Wellington Grove and other side streets in the vicinity are residential streets, comprising terraced housing with little off-road parking. Demand for parking on these streets is therefore high, something I observed at my site visit.
7. Paragraph O.2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) indicates that when determining prior approvals under Class O the transport and highway impacts of the development are matters that can be considered. Paragraph W(13) of the GPDO states that any conditions on a prior approval must be reasonably related to the subject matter of the prior approval, which therefore includes transport and highway matters.
8. The appellant has argued that paragraph W(5) of the GPDO provides clarity on what is meant by transport and highway matters. On the basis of this paragraph he suggests that it is only movements to and from an application site and the effect that these would have on the highway network that can be considered and not parking.
9. However, paragraph W(5) sets out what must be done in terms of consultation when "in the opinion of the local planning authority the development is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site". It does not provide a definition of what constitutes a transport and highway matter and does not preclude parking being able to be considered if it gives rise to a transport and highway impact. I shall deal with the appeal on this basis.
10. Under Class L of the GPDO, once the change of use of the building to 7 dwellings has become operational, it would be possible for the dwellings to be converted to Class C4 HMOs. I observed at my site visit that each dwelling contained a number of bedrooms and so, if each dwelling was converted to a C4 HMO the number of occupants of the building could be significant and not dissimilar to that considered in the recent appeal for the building to be used as a 22 bed HMO. In that appeal the Inspector considered that the potential parking arising from such a significant intensification would have an unacceptable impact on the safe and efficient operation of the highway. I see no reason why this would not also be the case should each of the 7 dwellings subsequently be converted to an HMO.

² Appeal reference APP/C4235/W/19/3238538

11. The Planning Practice Guidance makes clear that permitted development rights should only be removed in exceptional circumstances. In this case I consider that the recent appeal, and the ability to be able to convert the building to have a similar number of occupiers albeit in 7 separate HMOs, without the need for planning permission ordinarily, justifies removing the rights, even if this was not done when prior approval was granted in 2016.
12. Furthermore, whilst the ability to convert from a C3 use to a C4 HMO under Class L of the GPDO has no controlling conditions, in this case the building could be changed into 7 HMOs with a significantly higher occupancy than would be the case if it was used as 7 dwellings. This has the potential to have a far greater impact on the demand for parking than would normally be generated in the conversion of a single dwelling to a C4 HMO. This could result in indiscriminate parking in the prohibited areas close to the appeal site which would be detrimental to highway safety.
13. All in all, in the light of the conclusion of the recent appeal decision, I consider that the disputed condition restricting the permitted development rights to convert each dwelling to a C4 HMO is necessary and reasonable in the interests of highway safety. It should therefore be retained in its current form.
14. For the reasons given above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR