



Appeal Decision

Site visit made on 22 November 2023 by T Bennett BA (Hons) MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 January 2024

Appeal Ref: APP/N4720/W/23/3331198

75A Cemetery Road, Beeston, Leeds LS11 8SU

- 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 M Younis against the decision of Leeds City Council.
 - The application Ref 23/03460/FU, dated 6 June 2023, was refused by notice dated 27 July 2023.
 - The development proposed is described as a 'change of use from dwelling house to House in Multiple Occupation (revised scheme to application number 23/00311/FU).'
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Decision

1. The appeal is allowed and planning permission is granted for development described as a 'change of use from dwelling house to House in Multiple Occupation (revised scheme to application number 23/00311/FU)' at 75A Cemetery Road, Beeston, Leeds LS11 8SU in accordance with the terms of the application, Ref 23/03460/FU, dated 6 June 2023 and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: R983 01 Revision E.
 - 3) No part of the development hereby permitted shall be first occupied until details of (i) the provision of bicycle parking facilities and (ii) the provision of bin stores (including siting, materials and means of enclosure) have been submitted to, and approved in writing by the local planning authority. Both of the schemes shall be implemented in accordance with the approved details before any part of the development hereby permitted is first occupied and shall be retained as such thereafter.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Background and Main Issue

3. The proposed change of use would grant permission for a 5 bed House in Multiple Occupation (HMO). This type of change of use is normally permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 without the need for planning permission. However, the

Council recognises some areas in the city are highly saturated by HMOs and has taken steps to redress the balance. It has therefore introduced an Article 4 Direction to remove this permitted development right. The Direction covers the area where the appeal site is located. Accordingly, the main issue is the effect of the proposed development on the mix and balance of housing in the area.

Reasons for the Recommendation

4. Policy H6 of the Leeds Core Strategy (2014), amongst other matters, seeks to avoid the loss of existing housing suitable for family occupation in areas of existing high concentrations of HMOs, and to avoid detrimental impacts through high concentrations of HMOs which would undermine the balance and health of communities. I am mindful of the Council's concerns in this case. However, they have not provided a threshold at which the concentration of HMOs would be unacceptable, or defined what a high concentration of HMOs in a given area might be.
5. The delegated report sets out that 16 of the 67 addresses on Cemetery Road are HMOs, constituting 24%. While the adjoining property, a former public house, is a 14 bed HMO, no information on the distribution of HMOs in the wider street has been presented by the Council. The delegated report for 22/02517/FU, for a 6 bed HMO on Cemetery Road, explains that HMOs are reasonably spaced out amongst rows of family dwellings. This suggests that HMOs are not clustered on the road and aligns with my earlier observations.
6. The proposal would result in a negligible increase in HMOs over the existing situation and would leave in the region of 75% as other types. Accordingly, there seems little other conclusion to draw than that the proposed development would not result in an over-concentration of HMOs on the road and, as a consequence, would not significantly alter the existing balance or mix of housing in the area. The Council have raised no substantive concerns in relation to living conditions or parking and I have no reason to disagree.
7. The appeal scheme would therefore accord with Policy H6 of the Leeds Core Strategy (2014), the aims of which I have set out above. It would also accord with the draft Supplementary Planning Document on Houses in Multiple Occupation (2021) and the relevant sections of the Framework (the substantive parts of which have not been materially affected by the most recent changes in December 2023) where it supports strong vibrant and healthy communities, providing a sufficient number and range of homes, accessible to services.

Conditions

8. In addition to the standard time period for commencement of the development, a condition is necessary to ensure compliance with the approved plans. The Council have suggested a number of conditions, which I have considered in light of the advice in the Framework and Planning Practice Guidance. A condition requiring details of the provision of bicycle storage is required in the interests of sustainability. In the interests of the living conditions of residents and to protect the character and appearance of the area, details of waste storage is necessary. It would be sufficient to require details to satisfy these matters prior to first use or occupation of the proposed development.
9. Conditions suggested by the private sector housing team at the Council are related to space standards and living conditions and read as guidance. They

therefore fail the test of preciseness. Furthermore, the Council has raised no concerns with regards to space standards or living conditions; therefore, I do not deem such conditions necessary.

Conclusion and Recommendation

10. For the reasons given above and subject to the specified conditions, I recommend that the appeal should be allowed. It would comply with the development plan and there is nothing sufficiently compelling to find otherwise.

T Bennett

APPEAL PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is allowed, subject to the conditions set out.

John Morrison

INSPECTOR