



Appeal Decision

Site visit made on 14 February 2024

by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 April 2024

Appeal Ref: APP/W4325/W/23/3329220

Devonshire Manor, 38-40 North Road, Tranmere CH42 7JF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Matt Cosy of Cosy Homes Ltd against the decision of Wirral Council.
 - The application Ref is APP/22/00812, dated 10 May 2022, was refused by notice dated 8 March 2023.
 - The development proposed is change of use and conversion of a 16 bed Residential Care Home (Use Class C2) to a 15 bed House in Multiple Occupation (HMO) (Use Class Sui generis).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the proposed development is for the change of use to a 15 bed House in Multiple Occupation (HMO). The statement of case suggests that the scheme was amended during its consideration to omit a bedroom on the first floor and put an additional communal kitchen in its place. As such, I have assessed the proposal as a 15 bed HMO as described in the Council's decision notice, replicated above.
3. I am aware of the emerging Wirral Local Plan 2021 – 2037 which has been submitted for examination. This is a material consideration and I give this moderate weight. However, the Wirral Unitary Development Plan 2000 (UDP) remains the development plan.

Main Issue

4. The main issue is the effect of an additional HMO on the local housing mix and character.

Reasons

5. The appeal site is located within the Devonshire Park Neighbourhood Plan area. Policy 2 of the Devonshire Park Neighbourhood Plan 2014 – 2030 (DPNP) is the planning policy most relevant to this proposal and its location. The purpose of Policy 2 is to preserve and enhance the current stock of family housing in Devonshire Park, through the control of the proliferation of HMO properties within the Devonshire Park area.
6. Policy 2 of the DPNP seeks to control the concentration of HMO premises on the basis that the 2011 Census data showed a significantly higher proportion of converted flats in Devonshire Park, when compared to the wider borough.

Applications for additional flats and shared houses will only be permitted where the criteria listed in Policy 2 is met. This is to preserve the existing stock of family housing and its character. Criteria 1 of this policy requires the demonstration of a clear local need within Devonshire Park for additional small flatted accommodation and HMOs.

7. The appellant has provided evidence such as the 2020 Strategic Housing Market Assessment (SHMA), a news article which discusses the demand for rental accommodation and a letter from a lettings agent which suggests that these properties would be filled by tenants immediately once on the market. The SHMA is an evidence base which covers the full borough, with a breakdown of each suburban area. This does not include a breakdown of the Devonshire Park Neighbourhood Plan area. The SHMA demonstrates that the Birkenhead Suburban Area highlights a high number of households which are in need of housing.
8. The DPNP had regard to the 2011 Census data, which noted that flats and bedsits contributed to a high percentage of the total stock of housing types within Devonshire Park. The appellant provides further evidence of the housing stock within the Prenton area of the Wirral, in which Devonshire Park is situated. This suggests that flats and bedsits do not contribute to a high percentage to the total of properties in the area. The appellant also assesses the individual enumeration districts in which North Road is situated, highlighting that most properties are dwellings. Additionally, comparisons are made to the neighbouring centres of Rock Ferry and Birkenhead.
9. This leads to the suggestion by the appellant that the immediate area is not over-concentrated with HMOs. However, I note from the evidence before me that through the use of the 2021 Census, the proportion of flats within the Prenton ward and enumeration districts containing Devonshire Park has increased. The evidence provided does not concern the overall area of Devonshire Park itself, nor does not identify a clear local need for an increase in flat or bedsits in the DPNP area. Therefore, the proposal does not meet criteria 1 of Policy 2 of the DPNP.
10. It is not unreasonable to expect that in a family dwelling, such as those found within Devonshire Park, members of a family would have their own working hours, a difference in behaviour and comings and goings. However, taking into account the size of the appeal property, the activity generated by 15 persons living independent lives, with separate routines, and their attendant comings and goings along with those of their visitors, would lead to a level of activity that would be more marked and intensive than that which could reasonably be expected to be associated with a single house. This would change the character of a locality and make it an area which is unattractive to family units.
11. I recognise that the previous use of this property was a residential care home which would result in a greater number of residents and care staff at any one time. This is a fallback position established by the appellant which could be utilised. However, the comings and goings of this use would have been largely limited to staff and visitors. This proposal would contribute to a shift from an overall pattern of behaviour associated with family dwellings in Devonshire Park to an intensification of comings and goings, routines and activities associated with a HMO property. As such, the proposal does not meet criteria 3 of Policy 2 of the DPNP.

12. The appellant further notes that viability issues prevent the continued operation of a care home facility. However, I have not been presented with a robust case in the evidence provided to conclude on this matter. I therefore ascribe this minimal weight.
13. The appearance and the effect on the living conditions on occupants of neighbouring properties or future occupiers of the HMO would remain same. As such, the proposal would comply with criteria 2 and 4 of Policy 2 of the DPNP.
14. To conclude, I find that the proposal would be harmful to the local housing mix of Devonshire Park and no clear need for a further HMO is demonstrated. Furthermore, this proposal would also be harmful to the local housing mix and the character of the villa estate. As such, conflict is found with criteria 1 and 3 of Policy 2 of the DPNP. Policies HS4 and HS14 of the UDP relate to new housing development and HMOs, stating that proposals must not result in a detrimental change in the character of the area, or lead to a concentration of HMOs. The result in this change to the immediate locality would have a harmful effect upon the character of the area. As such, the proposal would also conflict with the UDP.

Planning Balance and Conclusion

15. The National Planning Policy Framework (the Framework) refers to significantly boosting the supply of housing. The provision of 15 HMO rooms would make a valuable contribution to that supply. The appeal site is in an urban area, would use previously developed land, with access to sustainable modes of transport. Economic benefits would arise during construction and from future occupiers making use of local shops and services. These benefits weigh in favour of the grant of planning permission. I also find that the absence of external changes would ensure a lack of harm to the grade II listed St Joseph's RC Church situated opposite the appeal site. I further note that no objections were received from the Council's Environmental Health, Highways and Housing teams. Finally, the proposal would satisfy the requirements of Policy URN1 of the UDP. This policy requires proposals to make full and effective use of previously developed land. These matters weigh in favour of the proposal.
16. The appellant contends that the Council do not have a 5 Year Housing Land Supply (5YHLS) and that the emerging local plan would make provision for a large number of new homes. The Council disagree, however, neither party has provided evidence to demonstrate this point and therefore the evidence presented does not enable me to reach a definitive finding on the 5YHLS position. In such a case, paragraph 11d) ii of the Framework applies. Notwithstanding, even if I were to take the appellants position, the adverse impacts identified in my reasoning above to the housing mixture and to the character of the villa estate would significantly and demonstrably outweigh the benefits of delivering this number of HMO bed spaces.
17. The proposal would not accord with the development plan as a whole. There are no material considerations to outweigh that finding. Consequently, for the reasons given, the appeal is dismissed.

J Smith

INSPECTOR