

Appeal Decision

Site visit made on 2 September 2024

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2024

Appeal Ref: APP/G4240/W/24/3338279

Stocks Inn Public House, 8 Stocks Lane, Stalybridge, Tameside SK15 2LW

- 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 Steven Higginbottom of Morada Property Management Ltd against the decision of Tameside Metropolitan Borough Council.
 - The application Ref is 23/00853/FUL.
 - The development proposed is change of use from Public House (A4) to an HMO (sui generis) providing 8 x no. units.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from Public House (sui generis) to an HMO (sui generis) providing 8 x no. units at Stocks Inn Public House, 8 Stocks Lane, Stalybridge, Tameside SK15 2LW in accordance with the terms of the application, Ref 23/00853/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of the development in the banner heading is taken from the application form. However, the wording used on the decision notice and appeal form is "Change of use from Public House (sui generis) to an HMO (sui generis) providing 8 x no. units". I consider this to be a more accurate description of the appeal proposal, and I have therefore used it in my formal decision.
3. Since the appeal was submitted, the Council has adopted the Places for Everyone¹ Joint Development Plan (PfE Plan) as part of the Development Plan for Tameside. The main parties were given the opportunity to comment on this adopted plan, and I have taken into account any comments raised.
4. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. Whilst a direction of travel has been outlined within the Written Ministerial Statement, which is a material consideration of very significant weight, the weight I give to the changes in the draft Framework is limited given that no

¹ Places for Everyone Joint Development Plan Document for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan 2022 to 2039, Adopted 21 March 2024.

final document has been published and it is subject to potential change in the future.

5. In any event, the policies that are material to this decision are not subject to any fundamental changes, and I am satisfied that this has not prejudiced any party. Consequently, in reaching my decision I have therefore had regard to the Framework published on 20 December 2023.
6. The appellant has confirmed that an amended "Proposed Floor Plans and Elevations" drawing was submitted to the Council during the planning application process. However, the drawing revision number² on that amended plan was the same as that provided on the plan submitted with the original application. As such, and in the interest of clarity, as part of this appeal the appellant has provided a revised amended drawing³ which now includes a different revision number to differentiate between the original and amended plans. The main parties have both agreed on this approach and I have thus accepted this revised amended drawing as part of this appeal.

Main Issues

7. The main issues are:

- the effect of the proposal on highway safety and the living conditions of the occupiers of nearby dwellings, with particular regard to car parking; and
- whether future occupiers would have access to adequate areas of outdoor amenity space.

Reasons

Highway safety, living conditions and car parking

8. The appeal relates to a vacant Public House (PH), occupying an almost triangular plot of land at the junction of Stocks Lane and Compton Street. The appeal proposal seeks to convert the existing building into an 8no. bedroom House in Multiple Occupation (HMO).
9. Whilst my attention has not been drawn to any specific car parking standards in relation to HMOs, there appears to be no dispute between the parties that this proposal for an 8no. bedroom HMO would create a demand for 4no. additional car parking spaces. I have therefore proceeded on this basis.
10. The proposed development would not include any in-curtilage car parking provision, however the appellant states that there is on-street parking capacity on surrounding streets to accommodate the 4no. cars arising from the proposed development. In support of this claim the appellant has provided a Car Parking Survey (CPS).
11. The CPS was carried out over a three-day period, including two weekdays and a Saturday, between the hours of 06:00 – 10:00 and 16:00 – 20:00. The CPS includes a table documenting the available on-street parking spaces during the aforementioned periods, as well as some photos of the surveyed streets.

² 2023 066 000 002 revision 01

³ 2023 066 000 002 revision 02

The submitted CPS concludes that there is sufficient on-street parking provision in this area to accommodate the additional 4no. vehicles arising from this development.

12. The Council has questioned the results of this CPS, stating that members of the Highway Team have visited the site to validate the results of the survey and observed there is a high demand for parking in this area. I also acknowledge that a number of interested parties have raised concerns in respect of demand for parking in this area.
13. Nevertheless, the claims of the Council are not supported by any detailed analysis of the existing parking situation in the area. Consequently, there is no substantive evidence before me to demonstrate a current shortfall in spaces, or details to indicate the extent to which the development may affect demand for roadside parking or how it would exacerbate local on-street parking stress.
14. During my site visit, on a weekday morning, I noted there were a significant number of unoccupied spaces on the surrounding streets of Stocks Lane, Tatton Street, Elgin Street and Lindsay Street, as well as a small number of spaces along the short highway of Compton Street. Whilst I appreciate my site visit is a single snapshot in time, and parking demand will likely fluctuate at different time so the day, my observations on site were not dissimilar to the findings and evidence detailed within the submitted CPS. As such, and in the absence of any detailed information to the contrary, I find the appellant's submitted CPS to be a material consideration in the determination of this appeal.
15. Consequently, on the evidence before me, as well as my own observations on site, I find that it is likely that there would be an adequate number of on-street car parking spaces available in the vicinity of the appeal site to cater for the additional parking demand arising from the proposed development.
16. I acknowledge the Council's comments in relation to the extra demand resulting in vehicles parking on both sides of the highway, thus restricting the passage of large vehicles and resulting in such vehicles having to reverse on the highway. I have limited information before me in respect of the existing road widths to demonstrate that cars parked on both sides of the highway would restrict the passage of large vehicles. Moreover, during my site visit I observed vehicles parked on both sides of the highways of Stocks Lane, Tatton Street, Elgin Street and Lindsay Street and this did not appear to restrict any vehicle passage, including larger vehicles.
17. I note that the one-way highway of Compton Street appears to be narrower in width and vehicles parking on both sides of this road would likely restrict the passage of larger vehicles. However, I observed on site that the vehicles parked on Compton Street were all situated on the same side and there is limited evidence to suggest that occupiers of the appeal proposal would illegally double park on Compton Street and restrict access, especially given the number of available spaces I observed on other streets in the vicinity of the appeal site.
18. The Council have also commented that the access serving the neighbouring development would need to be left clear of obstruction. Again, there is no

substantial evidence that occupiers of the appeal proposal would park in such a way as to block this access.

19. I appreciate interested parties comments that cars parking on footways would restricts pedestrian movements. However, I observed various cars in this area parked with their wheels overhanging the footway and thus this is an existing issue in this area, as is the concern raised in respect of issues arising from delivery vehicles parking in this area. Nevertheless, given the amount of available on street parking spaces I observed, and as detailed within the submitted CPS, I do not find that the additional parking demand arising from the proposed development would unduly impact upon these existing situations.
20. Furthermore, the established use of the property as a PH, with residential accommodation above, would itself result in additional demand for on-street parking in this area should this former use of the currently vacant building be re-instated.
21. In light of the above, I conclude that the proposal would not adversely affect highway safety and the living conditions of neighbouring residential properties, by unduly adding to on-street car parking stress in the area. Therefore, the proposal would comply with Policy H10 of the Tameside Unitary Development Plan (2004) (UDP) and Policy JP-C8 of the PfE, where these policies seek to ensure, among other things, that proposed developments provide suitable arrangements for parking provision, do not unacceptably impact upon the surrounding highway network and do not have an unacceptable impact upon amenity of neighbouring occupiers.
22. The proposal would also comply with the Framework where it states development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Outdoor amenity space

23. The Tameside Residential Design Supplementary Planning Document (2020) (SPD) relates to all new residential development and seeks to promote high quality design in residential developments. The "Private Amenity Space" section of the SPD states that the Council believes all residential properties should have access to private or communal outdoor space what ever the type or location.
24. Policy RD11 of the SPD requires all residents to have access to functional, enclosed amenity space, whether communal or private. SPD Policy RD12 states that communal areas of amenity space should be a private space for residents and that spaces should enable multi-resident use.
25. Whilst there is some ambiguity as to whether SPD policies RD11 and RD12 relate to conversion schemes for HMOs, I have had due regard to these SPD policies in my consideration of this appeal. I have also had regard to the requirements of UDP Policy H10 which requires development to be high quality and meet the needs of potential occupiers.
26. Given the surrounding built up urban nature of the immediate surroundings, there is very little provision of outdoor amenity space for future occupiers within the appeal site, save for areas which are largely proposed to be used for the storage

of external refuse facilities and cycles. The proposal would therefore not adhere to the requirements of SPD Policies RD11 and RD12.

27. Nevertheless, the SPD is guidance only and in this case residents would be provided with a relatively large shared communal area inside the property at ground floor level. Moreover, residents would have access to nearby areas of outdoor public open space, with the closest being an area of open space directly to the rear of the terrace properties on the opposite side of Stocks Lane, which is a very short walk from the appeal site.
28. There are also significant larger areas of public open space at the Fern Bank Recreation Ground and Cheetham Park, which I find are both within a reasonable walking distance of the appeal site. These nearby areas of public open space would provide future occupiers of the appeal proposal with recreation space and areas for sitting out.
29. As such, the lack of outdoor amenity space within the appeal site itself would not create an institutionalised environment for future occupiers, compelling them to remain in doors, as they would have good access to substantial areas of public open space within the vicinity of the appeal site.
30. In coming to the above view, I have had regard to the appeal decision⁴ referenced by the Council. Whilst each appeal must be determined on its own merits, this Inspector clearly had concerns with the proposed internal living space and stated that the areas of public open space were further from the appeal site than the appellant asserts. I have not been provided with all the relevant information in respect of the distances between that appeal site and those areas of open space to make any direct comparisons with the appeal before me. Nevertheless, for the reasons given above, I have found that future occupiers of the appeal proposal would have good access to substantial areas of public open space within the vicinity of the appeal site.
31. In view of the above, whilst I acknowledge that the proposal would provide very limited on-site provision of outdoor amenity space, in this specific case I conclude that future occupiers would benefit from good access to nearby areas of public open space. Consequently, I find no conflict with UDP Policy H10 where it requires development to be high quality and meet the needs of potential occupiers. I also find no conflict with the provisions of the Framework where it seeks to achieve well-designed places and ensure development provides a high standard of amenity for future occupiers.

Other Matters

32. A concern has been raised by interested parties that the proposed development would put extra strain on local resources. However, I have no substantive evidence that this proposal would put undue strain on local services and this therefore limits the weight I can attribute to this matter.
33. I note the comments raised by interested parties in respect of the proposed development resulting in visual harm to the area; blocking light and overshadowing nearby properties; noise disturbance; overlooking issues and that the proposed rooms are too small. However, based on my observations on the site visit and the submitted information, I agree with the assessment

⁴ Appeal Ref: APP/G4240/W/23/3330565

of the Council that the proposed development would not result in significant harm to the living conditions of the neighbouring occupiers and would provide acceptable internal living conditions for future occupiers. Nor would the proposal result in any undue harm to the character and appearance of the area.

34. Interested parties have raised concerns over the type of accommodation being provided, issues around absent landlords and the transient nature of tenants associated with HMOs, as well as highlighting the potential for anti-social behaviour. There is however no substantive evidence to suggest that any such issues would arise from the appeal proposal. Furthermore, the proposed development would accord with the provision of the Framework where it seeks to provide an appropriate mix of housing types for the local community.
35. Concerns have also been raised in respect of the community and heritage implications arising from the loss of the PH. The Council's Officer Report recognises that the existing use of the building as a PH is not providing a viable business and has a proven lack of demand, as well as referencing two other PHs located in close proximity to the appeal site. As such the Council raise no objection to the loss of the PH use and based on the information before me I see no reason to disagree with the Council's findings on this matter.
36. Interested parties have commented on the potential for the storage of waste bins on the highway. The submitted plans show that waste bins would be stored within the alleyway that runs directly to the side of the appeal building. The Council's Officer Report confirms that this alleyway is privately owned and a condition has been attached requiring details of the means of storage and collection of waste to be submitted to the Council.

Conditions

37. The Council has provided a list of suggested planning conditions, which I have considered against paragraph 56 of the Framework, and the advice contained in the Planning Practice Guidance, and I have edited to improve precision and enforceability.
38. In addition to the standard time limit condition (1), I have attached a condition specifying the approved plans to provide certainty (2). I note the Council suggested that the plans condition include the submitted "Parking Plan" which shows vehicles parked on the streets directly outside the appeal building. However, as all car parking would be provided on-street it is out of the appellant's control to ensure that cars associated with the appeal scheme park in the spaces specifically shown on this plan. As such I have not included the "Parking Plan" as an approved plan, as to do so would make this condition unreasonable and unenforceable.
39. A condition requiring the provision of the cycle storage facilities (3), as shown on the approved plan, has been included to support the use of sustainable modes of transport. A condition requiring the new window opening for proposed Unit 2 to be installed prior to occupation (4) is necessary to provide acceptable levels of natural light and an outlook for future occupiers of this unit.

40. Furthermore, a condition requiring the existing ground floor windows facing the side access passage, serving proposed Unit 2, to be obscurely glazed (5) prior to occupation has been included. This condition is necessary to ensure future occupiers of this unit receive an acceptable level of privacy. To protect the living conditions of neighbouring properties a condition has been attached restricting the hours of operation during the construction phase of the development (6).
41. Conditions have been attached requiring details of the means of the storage and collection of waste (7) to be submitted for the written approval of the Council, as well as details of new security gates which are to be installed at either end of the side access passage (8). These conditions are required to safeguard the visual amenity of the area and the living conditions of neighbouring occupiers through the provision of acceptable waste storage areas.

Conclusion

42. For the reasons given above, and having regard to all matters raised, the proposed development would accord with the development plan when taken as a whole and there are no material considerations that indicate it should be determined other than in accordance with it. I therefore conclude that the appeal should be allowed.

R Major

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development must be begun not later than the expiration of three years beginning with the date of this permission.
- 2) The development hereby approved shall be carried out in accordance with the following approved plans:
 - Location/OS Plan (scale 1:1250)
 - 2023 066 000 002 - Revision 02
- 3) The development hereby approved shall not be occupied until the cycle storage facility (2 tier bike dock system – providing 8no. cycle spaces), and the heavy duty access gates, as indicated on approved drawing no. "2023 066 000 002 - Revision 02" have been installed in accordance with the approved details. The cycle storage facility, and access gates, shall be retained and remain available for use at all times thereafter.
- 4) Hereby approved proposed Unit 2 shall not be occupied until the new ground floor window opening, as indicated on approved drawing no. "2023 066 000 002 - Revision 02", to serve proposed Unit 2 has been installed in accordance with the approved details. The new window frame shall be of a material and colour to match the existing window frames within the building. The duly installed window shall then be retained at all times thereafter.
- 5) Hereby approved proposed Unit 2 shall not be occupied until the existing 3no. ground floor windows in the southwest facing elevation of the building, facing towards the side access passage, that will serve proposed Unit 2, are fitted with obscure glazing to a height of 1.7m above the internal floor level of the room each window serves. The obscure glazing shall be to at least Level 3 on the Pilkington Levels of Privacy (or the equivalent level) and once installed the obscured glazing shall be retained as such thereafter.
- 6) During the demolition and construction phases of the development hereby approved, no work (including vehicle and plant movements, deliveries, loading and unloading) shall take place outside the hours of 07:30 - 18:00 Mondays to Fridays (inclusive) and 08:00 - 13:00 Saturdays. No work shall take place on Sundays and Bank Holidays.
- 7) The development hereby approved shall not be occupied until details of the means of storage and collection of the refuse generated by the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include scaled plans showing the location of the required number of bins to be stored and/or any communal bin storage areas, including scaled plans of the means of enclosure of all bin stores, including materials and finish. The bin storage arrangements

shall be implemented in accordance with the approved details prior to first occupation of the development and retained as such thereafter.

- 8) Notwithstanding any description or details of boundary treatments within the submitted application, or as detailed on the approved plans, the development hereby approved shall not be occupied until details of security gates / fencing to be fitted at either end of the side access passage have been submitted to and approved in writing by the Local Planning Authority. The details shall include the specification of all materials and an elevation drawing of the gates / fencing. The gates / fencing shall be installed in accordance with the approved details prior to first occupation of the development hereby approved, and retained as such thereafter.

*****END OF CONDITIONS*****