



Appeal Decision

Site visit made on 17 September 2024

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2024

Appeal Ref: APP/Z4718/W/24/3344577

23 Lockwood Scar, Lockwood, Huddersfield, Kirklees HD4 6BL

- 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 Paul Denham (Lockwood 23 Limited) against the decision of Kirklees Council.
 - The application Ref is 2023/62/92953/W.
 - The development proposed is the change of use from use Class C3 to a small House of Multiple Occupation (Class C4).
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from use Class C3 to a small House of Multiple Occupation (Class C4) at 23 Lockwood Scar, Lockwood, Huddersfield, Kirklees HD4 6BL in accordance with the terms of the application, Ref 2023/62/92953/W subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on highway safety.

Reasons

3. The appeal property comprises of a three-storey building which forms part of a group of 5 properties that were granted consent for student accommodation. The proposal seeks a change of use to enable it to be used by professional sharers rather than being solely restricted to students.
4. The proposal would be served by a single parking space which the Council has stated is below the recommended guideline of 3 parking spaces for this size of property that are set out in the Kirklees Highway Design Guide Supplementary Planning Document (SPD).
5. Not all future occupiers of the proposed development would have private vehicles and the appeal site is accessible to a local district centre and by public transport to Huddersfield Town Centre. However, if more than one of the six future residents would have a car, this would lead to parking overspill in a location where there is limited on-street parking availability.
6. It is common ground though between the main parties that the parking provision for the student accommodation was substandard but was considered acceptable subject to a condition controlling the keeping of motor vehicles by occupants of the development. Reference has been made to such a condition being imposed on the proposed development, which would enable car parking

to be effectively managed. The Council has raised concerns that such a condition would be unreasonable, as it could be difficult to find 5 tenants who are non-car owners. However, the proposal would introduce greater flexibility, by enabling the lawful occupation of the appeal site by professional sharers, and not just students and there is no substantive evidence that there would be difficulty in finding occupants for the proposed house in multiple occupation.

7. It is possible that future occupiers could subsequently acquire a car, but there is no reason why this could not be effectively monitored by the Local Planning Authority, given that a similar condition was imposed on the original permission for the student accommodation. There is the possibility that visitors may park on-street or on the shared driveway, but this would be no different to the current use of the site by student occupiers.
8. I therefore conclude that the proposal would not have an unacceptable adverse impact on highway safety. As such, it would comply with Policies LP21 and LP22 of the Kirklees Local Plan Strategy and Policies, the SPD and Paragraph 115 of the National Planning Policy Framework (Framework) which seek, amongst other matters, for proposals to accommodate sustainable modes of transport and to avoid a detrimental impact on highway safety.

Other Matters

9. I have considered the concern by an interested party relating to difficulties accessing refuse bins, but for the aforementioned reasons, subject to the imposition of the relevant planning condition, the appeal proposal would not have an unacceptable effect on parking and consequently no harmful effect on the collection of refuse bins.
10. Reference has also been made to rubbish on public footpaths, but there is no clear evidence before me that the proposal would give rise to a harmful effect in this regard or from excessive noise on neighbouring residential occupiers.

Conditions

11. I have considered the conditions suggested by the Council, having regard to the six tests set out in the Framework. For the sake of clarity and enforceability, I have amended the wording of these as appropriate.
12. A condition restricting permitted development rights is necessary in the interests of the character and appearance of the area and the living conditions of neighbouring residents. For highway safety reasons, I have imposed a management agreement condition relating to the keeping of motor vehicles by occupiers.

Conclusion

13. I conclude that the proposal would accord with the development plan as a whole, and there are no other considerations, including the Framework, that indicate that I should take a decision other than in accordance with this. I conclude that the appeal should be allowed.

F Rafiq

INSPECTOR

Schedule of 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 approved plans: Drawing No: LOCK23/101 and Drawing No: 11/D09/03 Rev C.
- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development including within Class(es) A, AA, B, C, D and E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.
- 4) A management agreement, including a system of control over the keeping of motor vehicles by the occupiers of the development hereby approved, shall be submitted to and approved in writing before the development is first commenced. The development shall thereafter be operated in full accordance with the approved agreement unless otherwise agreed in writing by the Local Planning Authority.

End of conditions