
Appeal Decision

Site visit made on 28 January 2025

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th February 2025

Appeal Ref: APP/U4230/W/24/3346413

1 Peel Mount, Salford M6 6AF

- 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 Ben Eckstein against the decision of Salford City Council.
 - The application Ref is PA/2024/0511.
 - The development proposed is change of use from C3 to a nine person HMO.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's agent (the agent) has confirmed that the applicant's name on the original planning application form was incorrect. Consequently, the agent has now confirmed the appellant's name, which is now included in the banner heading above.
3. The Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024 and updated on 7 February 2025. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.
4. Since the date of decision, the Council has published a 'Houses in Multiple Occupation' (HMO) Supplementary Planning Document (SPD), adopted on 4 June 2024. The Council refer to the SPD in their statement, which the appellant has had an opportunity to comment on.

Main Issue

5. The main issue is whether the proposed development would result in cumulative harm to the residential character of the area due to an over-concentration of Houses in Multiple Occupation (HMOs).

Reasons

6. The appeal property is a large, two storey detached dwelling located within a spacious plot. The dwelling is set amongst residential properties on Peel Mount and Strawberry Hill, within a mixed-use area also comprising commercial and industrial buildings and land, as well as large areas of open space.
7. The area is covered by an Article 4 direction, which was imposed in order to manage potential amenity and character impacts from the existing concentration of

HMOs. Concerns about the negative impacts that can result from high concentrations of HMOs include anti-social behaviour, noise and nuisance, and imbalanced and unsustainable communities.

8. My attention has been drawn to the high concentration of properties in use as HMOs on Strawberry Hill. There is also one property on Peel Mount which is occupied as an existing HMO and the proposal would result in another HMO on the small road. As a result, the proposal would further contribute to the high concentration of HMOs in the immediate locality. Indeed, the Council identify that the proposed development would result in 32% of properties within a 100-metre radius of the site being in use as HMOs. As a result, the proposal would be contrary to the guidance of the SPD, which at Policy HMO1, sets out that planning permission will not normally be granted for new HMOs where the proportion of HMOs already exceeds 10% of all residential properties within a 100-metre radius of the application property.
9. Consequently, the loss of a family dwelling and an additional HMO in the area would further unbalance the mix of property types in the immediate area. It would also introduce nine more unrelated occupiers into the area, who tend to be more transient. The higher turnover rate would therefore further weaken community cohesion and stability in this area, further altering and harming the character of the area. The increased activity of nine unrelated occupiers within the building, and use of the outside spaces, would also be markedly different and more intensive than that of a single household. As would the increased comings and goings associated with nine unrelated occupants, including visitors and deliveries.
10. While the appellant suggests that no objections were received from interested parties during the planning application, concerns about the effect of HMOs in the area has been raised by a neighbouring occupier during the appeal. The Council also continue to set out its concerns in respect of the effect of the proposed development on community stability and social cohesion, as well as general amenity impacts.
11. For the reasons given above, I conclude that the proposed development would result in cumulative unacceptable harm to the residential character of the area due to an over-concentration of HMOs. Therefore, it would conflict with Policies F3, H1 and H10 of the Salford Local Plan: Development Management Policies and Designations, 2023, and the SPD, which together and amongst other things, seek to ensure that developments sustain a distinctive local character, contribute to a broad mix of housing and ensure that the positive character of neighbourhoods are protected.
12. There would also be conflict with the objectives of the Framework which, amongst other things, seek to ensure that development supports strong communities that does not undermine community cohesion.

Other Considerations

13. The Council identify the building as a non-designated heritage asset (NDHA). However, mindful that no external alterations are proposed, and having regard to the existing use of the building, I consider that there would be no harm to the significance of the heritage asset.

14. The Framework states that the planning system should be genuinely plan led. The development plan is the starting point for decision making and I must make my decision in accordance with it unless other considerations indicate otherwise. In this case, the identified conflict with local policy set out in the main issue draws the scheme into conflict with the development plan read as a whole.
15. The site lies within the Crescent Innovation North, which is subject to a major redevelopment scheme, which now has outline planning permission (the redevelopment scheme)¹. The redevelopment scheme provides illustrative phasing arrangements, over a 15-year period, and the main parties accept that the appeal site is identified in the final phase of the proposed demolition. Furthermore, condition 4 of the outline planning permission requires the submission and approval of a detailed site-wide phasing strategy for demolition and redevelopment proposals.
16. I am not aware that a detailed phasing strategy has been submitted for approval and it is likely to be some time before construction activities and demolition of the appeal property commence. Nonetheless, the redevelopment scheme would undoubtedly result in disturbance and visual implications within the locality and to the remaining residential properties during construction activities. I also acknowledge that the redevelopment scheme results in uncertainty for the appellant and financial viability implications, particularly in respect of future investment in the property. As such, an interim use for the building as a HMO, before demolition, would provide some flexibility for the appellant, as well as commercial and economic benefits. Similarly, the maintenance of the NDHA would provide social benefits until the building is demolished. However, the appeal property is in use as a C3 dwelling and it is not clear, on the evidence before me, why similar benefits would not arise from the existing C3 use. Likewise, there is no substantiated evidence which demonstrates whether any other avenues have been explored which could provide alternative investment opportunities before the potential redevelopment of the site and area. Therefore, I find that the benefits of an HMO use, compared to the continued use as a C3 dwelling would in this instance be relatively balanced and I attach limited weight to these benefits.
17. Taking the above matters into consideration, the benefits would not outweigh the identified cumulative unacceptable harm to the residential character of the area. As such, the other considerations before me do not indicate that I should make a decision other than in accordance with the development plan.

Conclusion

18. For the reasons given above the appeal should be dismissed.

N Bromley

INSPECTOR

¹ 23/81238/OUTEIA - Outline planning application (with all matters reserved except for Access) for the comprehensive phased regeneration of "Crescent Innovation North" including phased demolition of existing buildings and subsequent mixed-use development.