



Appeal Decision

Site visit made on 1 April 2025

by **Sarah Manchester BSc MSc PhD MEnvSc**

an Inspector appointed by the Secretary of State

Decision date: 20th May 2025

Appeal Ref: APP/N2345/W/25/3358487

169 Sharoe Green Lane, Preston, Lancashire PR2 8HE

- 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 M Patel of Sapphire Properties Investments Ltd against the decision of Preston City Council.
 - The application Ref is 06/2024/0787.
 - The development proposed is change of use from retreat centre to 31 no. bed HMO.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my visit, the appeal site did not correspond to the existing site plan insofar as much of the garden area and planting to the frontage and north of the building group has been removed and replaced with hardstanding. Notwithstanding, I have determined the appeal on the basis of the submitted proposed plans which illustrate substantially similar outdoor space.
3. The draft Central Lancashire Local Plan (CLLP) was formally submitted for consultation between 24 February and 14 April 2025. Given the early stage of preparation, limited weight is afforded to the emerging policies including, of relevance to the appeal, HS10 – Houses in Multiple Occupation.
4. The decision notice and appeal statements refer to the proposal as a 30no. bed house in multiple occupation (HMO). However, the Council's officer report notes 22 bedrooms at ground floor, 7 at first floor and 2 at second floor, which corresponds to the plans. Consequently, I have adopted the description of the development from the planning application form in the banner heading above.

Main Issue

5. The main issue is the effect of the proposal on the residential amenity and character and appearance of the area.

Reasons

6. No 169 comprises a former farmstead, with farmhouse and converted farm buildings arranged around a courtyard. The building group is set in from the boundaries of the large plot, which is illustrated as comprising extensive hardstanding and gardens. The appeal site has a wide road frontage and it is bordered to the north, south and west by ordinary residential dwellings. There is parking for around 29 vehicles between the buildings and the southern boundary. It

- is in a residential area characterised by largely detached dwellinghouses, with Preston Hospital around 160m away and also colleges and schools in the area.
7. The proposal would be a large HMO, comprising generous single occupancy bedrooms most of which would be en-suite. Residents would share kitchen and lounge facilities. The internal layout of the buildings would be reconfigured and there would be new windows and doorways. There would be 31 car parking spaces, 2 of which would be for disabled persons, and cycle storage.
 8. The HMO would be occupied by a large number of unrelated adults, including young professionals working at the nearby hospital and students. There would also be domestic and commercial visitors, including deliveries. As such, the proposal would result in the comings and goings of a significant number of people on a daily basis. Future occupiers and their visitors would also use the outdoor amenity space for sitting out and socialising, with this recreational activity concentrated to the rear and north side of the buildings close to the rear gardens of neighbouring dwellings.
 9. Based on the size of the HMO, the comings and goings and the intensity, frequency and duration of use of the garden would far exceed that arising from the ordinary dwellings typical of the residential area. Particularly during the evenings and weekends when the weather was nice, neighbouring occupiers would be subjected to significant noise and disturbance from the social activity of a large number of people close to their gardens and dwellings. This would be detrimental to the living conditions of nearby residents.
 10. The existing parking spaces around the buildings are currently leased to NHS staff. However, even if this does not already disturb the neighbours, the occupation of the HMO would not be limited to NHS staff and vehicle activity would not be limited to the timing of shifts. Even accepting that some occupiers would walk to the hospital or colleges for work and study, the increased number of residential occupiers would result in a far greater number of vehicle movements on a more frequent and regular basis. Particularly during the quieter times of the day and week, the neighbours would be exposed to significant noise and disturbance from the headlights, engine noise and slamming of car doors associated with the parking and manoeuvring of a large number of vehicles.
 11. I note the suggestion that not all future occupiers would have vehicles, but this would not be guaranteed and there is little evidence that not all parking spaces would be fully and permanently occupied by residents or visitors. The parking provision would meet the Council's parking standards and the increase in vehicle movements would not be expected to have a severe impact on the local highway network. Nevertheless, the increased vehicular activity would contribute to unacceptable adverse effects on residential amenity.
 12. No 169 was formerly in use as a religious retreat with 12 bedrooms together with halls and meeting rooms, lounges, sitting room, study, and kitchen/dining rooms. The former prayer meetings, teacher conferences and retreats would have resulted in pedestrian and vehicular activity. Even so, the activity of around 30 permanently resident, unrelated young adults and their visitors would be markedly different to that of the scholars, teachers, preachers, worshippers and staff associated with the former use. Even accepting that a theoretical alternative use such as a yoga or well-being retreat provides a realistic fallback at this site, there is similarly little evidence that it would be indistinguishable from the operation of a large HMO in

terms of the frequency, intensity or duration of pedestrian, recreational or vehicular activity. As such, other uses do not provide a justification for the proposal.

13. The evidence refers to “amenity garden areas, all as existing” and states that the existing garden areas will be retained to the north and rear of the building. However, much of the garden to the front and north of the buildings has been replaced with hardstanding and the site is not well screened from the surrounding area. Even if vegetation was not temporary such that it could be relied upon to screen development from view, the operation of a large HMO would be conspicuously out of character and it would dominate the surrounding residential townscape. Although details of replacement planting could be secured by planning condition, I am not satisfied that the adverse visual impacts, noise and disturbance could be adequately mitigated by landscape planting.
14. A HMO management plan (MP) has been provided, which could be secured by planning condition. This states that the conduct of tenants will be monitored but it does not explain what behaviours would or would not be acceptable, who would be responsible for monitoring, or when or what action would or could be taken if conduct was deemed unacceptable. The MP refers to excessive noise particularly between 11pm and 8am and other antisocial or unreasonable behaviour, but does not specify what would be deemed excessive or unreasonable. While there would be a manager’s officer, there is little detail in relation to its hours of operation.
15. The contact details of the licence holder or property manager would be provided to the immediate neighbours for use in the event of emergencies or matters of concern. However, the MP does not appear sufficiently precise so as to provide certainty to the neighbours in relation to the types of behaviour or level of noise that they could reasonably expect or that any complaints made to the licence holder would be acted upon or when. Therefore, the submitted MP is not demonstrably adequate to mitigate the adverse impacts on local residential amenity.
16. A planning condition could be imposed requiring a revised MP. However, it has not been demonstrated how or even if the appellant could control the noise and disturbance associated with around 30 residents, their visitors and guests. As I cannot be certain that unacceptable adverse impacts on residential amenity could be avoided, this is not a matter that could be satisfactorily left to planning condition.
17. Therefore, I conclude that the proposal would harm the residential amenity and character and appearance of the area. It would conflict with Policies AD1 and HS7 of the Preston Local plan 2012-2026 Site Allocations and Development Management Policies Adopted July 2015. These require, among other things, that proposals avoid detrimental impacts on local residential amenity and the character and appearance of the area as a result of the over intensification and overconcentration of use of the site.

Other Matters

18. The National Planning Policy Framework supports the government’s objective of significantly boosting the supply of homes and addressing the needs of different groups in the community including students and those who rent their homes. In this regard, HMOs contribute to the mix of housing, providing lower cost and flexible living accommodation for people including young professionals and students. Notwithstanding the absence of evidence of demand for a HMO in this location, the

proposed single occupancy rooms would collectively make a small contribution to the supply of housing, which weighs to a limited degree in favour of the scheme.

19. I note the appellant considers the proposal would fully comply with Policy HS10 of the draft CCLP. However, this policy requires proposal for HMOs to comply with draft Policy EN4, which relates to amenity. As discussed above, I have found harm in this regard and in any case the emerging policies currently carry limited weight.
20. The appeal site is in a residential area, which is an accessible location having regard to services, facilities and public transport. The site is within walking distance of Preston College Campus and Royal Preston Hospital, which are the appellant's target tenant market. The proposal would provide an adequate standard of living accommodation for future occupiers. Compliance with policy in these and other regards is not a benefit of the scheme.
21. No ecological survey has been provided with the appeal. However, third parties refer to bats and bat roosts at the site which have already been adversely affected by the installation of security lighting and the removal of trees and garden clearance. Bats and their roosts are legally protected and, in this regard, potential breaches of legislation are a matter for the police and not for the appeal.

Conclusion

22. For the reasons set out above, I conclude that the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict.
23. Therefore, I conclude that the appeal should be dismissed.

Sarah Manchester

INSPECTOR