



Appeal Decision

Site visit made on 19 May 2025

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 June 2025

Appeal Ref: APP/G4240/W/25/3359504

The Bulls Head, 4 Knowl Street, Stalybridge SK15 3AJ

- 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 Mt T Mushtaq against the decision of Tameside Metropolitan Borough Council.
- The application Ref is 24/00948/FUL.
- The development proposed is change of use from public house to 8 bedroom/person House of Multi Occupancy (HMO).

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal makes adequate provision for waste facilities and collection;
 - Whether the proposal would provide acceptable living conditions for future residents; and
 - The effects of the proposal on the living conditions of occupiers of neighbouring properties with particular reference to noise and disturbance.

Reasons

Waste facilities

3. It is unclear from the evidence before me how conflicts between vehicle parking and waste would be managed. Two vehicle parking spaces are proposed in a stacked arrangement, meaning that a vehicle parked in space one, would need the vehicle parked in space two, to be moved. Moreover, both vehicles would need to be moved to allow waste to be collected and returned to the courtyard.
4. The appellant indicates that a management plan would ensure waste would be collected and bins not left on the street. But in the absence of firm details of how this would be effectively managed in practice, and given the parking arrangements, I am not convinced that the scheme would function well. Moreover, whilst waste from the Public House would have been collected, the previous use would not have had the same situation as the appeal proposal with stacked parking from potentially different occupiers.
5. I therefore find that the proposal would not make adequate provision for waste facilities and collection. As such, I find conflict with the requirements of Policy JP-

P1 of the Places for Everyone Joint Development Plan and paragraph 135 of the National Planning Policy Framework (the Framework). These say, amongst other things, that decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

Living conditions – future occupiers

6. The appellant contends that the proposal would meet or exceed the Tameside Landlords Guide to Houses in Multiple Occupation (TLGHMO), which establishes minimum standards including in relation to bedroom sizes. The Council has not disputed this but notes that the purpose of the planning system goes beyond the scope of this document.
7. The layout of the proposal would result in three bedrooms on the ground floor. Bedrooms one and three would have windows directly on to the footway and are positioned adjacent to the main entrance door to the HMO. In this regard, occupiers of both rooms would be subject to the noise and disturbance from comings and goings associated with the HMO and along the street.
8. Bedroom two would be positioned with its window facing onto the shared outdoor amenity space, near the refuse area, rear door, vehicle and cycle parking space resulting in a poor outlook and an increased sensitivity to noise and disturbance from the different patterns of movement of occupiers within the HMO. Given the number of occupiers within the proposed HMO this would, in my view, lead to noise and disturbance. The more modest sized rooms of bedroom one and two, even if they comply with the minimum standards in the TLGHMO, add to my concerns regarding the quality of the living conditions within these rooms.
9. The proposed ground floor layout would also result in a kitchen and dining space with two modest windows in one single corner. This would have the effect of a room with low levels of natural light, further adding to my concerns regarding the quality of the living conditions within the scheme.
10. Externally, the shared outdoor amenity space would be dominated by refuse and cycle storage needed to meet the number of occupiers. This would not create a high-quality environment eroding the potential for the space to serve the future occupiers of the HMO as amenity space.
11. Moreover, matters relating to the stacked parking arrangement, how this and waste would be managed, and whether there would be adequate space for cycles to pass any parked vehicles, lead me to conclude that the proposal would not function well overall, further diminishing the living conditions.
12. The Council raises concerns regarding the location of the ground floor lounge being divorced from the main property. However, it would be linked to the property, would be of a generous size, and its location would minimise noise and disturbance from its use to other occupiers in bedrooms. On balance therefore this does not add to the harm I have identified.
13. The absence of harm in relation to other aspects of the design, including the size and layout of the first-floor rooms and natural light within the bedrooms does not alter my findings of harm elsewhere. Moreover, I have no reason to doubt the

quality of the furnishings, or that the number of occupiers would accord with what is proposed.

14. Individually, my findings of harm in the above elements are not determinative, and I accept that some aspects of the design, such as bedrooms onto the footway, maybe found elsewhere. However, taken together these elements lead me to conclude that future occupiers would not have acceptable living conditions.
15. I therefore find that the proposal would not provide acceptable living conditions for future residents. As such, I find conflict with the requirements of Policy H10 of the Council's Unitary Development Plan (UDP) and paragraph 135 of the Framework. These say, amongst other things, that decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Living conditions – neighbouring occupiers

16. The appeal premises lies in a tightly knit built environment with neighbouring residential properties and commercial properties nearby. Although a snapshot in time, during my site visit Knowl Street was busy with cars and larger vehicles travelling along the road. Parking is available on parts of the street though restrictions also apply in other parts. I saw no evidence of the flow of vehicles being restricted.
17. Whether the premises are used as a Public House or as a HMO there would be the potential for vehicle parking demand and noise and disturbance. The Council indicates that the Public House would have only operated in the evening for most of the week and from the afternoon to the late evening during the weekend. However, I have no firm evidence that it didn't operate for longer hours during the day.
18. The appeal premises are positioned near the end of Knowl Street toward the junction with Mottram Road. The main entrance door is to the front, centrally within the building, and in this location the comings and goings of future occupiers or visitors to the premises would not cause a degree of disturbance that would be harmful to living conditions of occupiers of neighbouring properties. In this regard, I am also mindful that the use of the building as a Public House would have generated a not insignificant amount of activity, including patrons entering and leaving the premises to the front, with potential occurrences of high-spirited individuals and groups of customers.
19. Whilst future occupiers could use the external space to the rear of the courtyard, given its small size and as it would be dominated by cycle parking and refuse storage, I am not convinced it would be an attractive space to use by the future occupiers. Indeed, such a matter has contributed to the harm I have already identified. Accordingly, whilst I recognise that it may be used, I am not convinced that the level of activity would be such that it would cause significant levels of noise and disturbance.
20. The site is in a sustainable location near services and facilities in the centre, including public transport options reducing the need for private vehicles. Moreover, there is no substantive evidence before me to demonstrate that levels of parking stress in the area are such that the proposed development would lead to conflicts with occupiers of existing properties that would harm their living conditions.

21. Moreover, as two off street parking spaces are proposed, the activity from these two spaces would not likely be significant. The conflicts from the stacked parking arrangement are, in my view, likely to lead to conflicts between occupiers of the HMO rather than with neighbouring occupiers.
22. Overall, I accept that the tightly knit environment is such that occupiers of properties would be aware of the comings and goings of occupiers and visitors of the proposed HMO. However, considering my findings above I am satisfied that this would not translate to noise and disturbance that would cause unacceptable harm to living conditions.
23. I therefore find that the proposal would not unacceptably harm the living conditions of occupiers of neighbouring properties with particular reference to noise and disturbance. As such, I find no conflict with the requirements of Policy H10 of the UDP or paragraph 135 of the Framework, when taken together and in so far as they relate to this main issue. These seek, amongst other things, no unacceptable impact on the amenity of neighbouring properties through noise, loss of privacy, overshadowing, or traffic.

Other Matters

24. Given the proposal involves a change of use of the premises with little alterations to the front facing façade, I agree with the parties that there would be no harm to the Conservation Area. The proposal would adapt the existing building sympathetically. The appellant's have delivered this type of development before. However, this, the lack of objections from statutory consultees, or the absence of harm in relation to other matters, such as the Conservation Area and highway safety, does not alter or outweigh my findings of harm that I have set out in the main issues. Concerns regarding the processing of the application are not issues that I can assess as part of this appeal and do not affect the planning merits of the proposal before me.

Conclusion

25. The proposed development would conflict with the development plan and there are no material considerations which indicate that the decision should be made other than in accordance with it. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Mr R Walker

INSPECTOR