
Appeal Decision

Site visit made on 24 July 2025

by S Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 28 July 2025

Appeal Ref: APP/G4240/W/25/3365634

**31, Clarence Arcade, Stamford Street Central, Ashton-Under-Lyne,
Tameside, OL6 7PT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Joseph Robertson (JJRH Commercial Ltd) against the decision of Tameside Metropolitan Borough Council.
 - The application reference is 25/00027/FUL.
 - The development proposed is for the conversion of vacant office space to a 6 bed house in multiple occupation (HMO), 7 bed HMO and 3 bed HMO with associated residents' coworking space, cinema room, bin storage, cycle storage and minor external alterations.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of vacant office space to a 6-bed House in Multiple Occupation (HMO), a 7-bed HMO, and a 3-bed HMO, with associated residents' coworking space, cinema room, bin storage, cycle storage and minor external alterations at 31, Clarence Arcade, Stamford Street Central, Ashton-Under-Lyne, Tameside, OL6 7PT, in accordance with the terms of the application reference 25/00027/FUL and subject to conditions set out in the attached schedule.

The proposed development and its context

2. The proposed development relates to a discrete part of Clarence Arcade, which is a large, three storey, mainly red brick development constructed in the late nineteenth century in what is still the heart of the town centre and within the Ashton Town Centre Conservation Area (CA), though the building itself is not listed. Surrounding land uses are typical of a town centre, with a mix of commercial and retail uses and residential accommodation on upper floors. The part of the building which is the subject of the appeal was last used mainly for offices but is now vacant.
3. The proposal is to retain part of the ground floor for commercial use, but otherwise to convert the rest of the three storey element into three separate HMOs, as outlined in the banner heading, with their own individual community spaces, but also with additional facilities for the occupiers of all three HMOs in the basement including a gymnasium, a meeting room and a cinema room. There would also be communal space for bin and cycle storage.

Main Issues

4. The main issues are (i) the land use principle of the development with reference to resultant housing mix in the area; (ii) the adequacy of the proposed living conditions including internal arrangements and external amenity space; (iii) whether the proposal would preserve or enhance the character or appearance of the Ashton Town Centre Conservation Area (CA) and (iv) the adequacy of bin storage.

Land use principle

5. The proposal is for sixteen bed spaces in total. The local planning authority (LPA) considers that the proposed room sizes of the HMOs are such that they might accommodate up to thirty two residents and as such there would be the likelihood of frequent disturbance including noise from loud music, parties, footsteps, conversations and household activities to the extent that this would lead to adverse changes to the character of the area. It is claimed that such a change would be exacerbated by the more transient nature of the occupiers and which would lead to a higher incidence of anti-social behaviour and an unbalanced housing mix to the area.
6. However, I have no evidence before me to indicate that the sort of behaviour envisaged by the LPA would likely occur on a regular basis, whether the HMOs were occupied by up to thirty two people. Noise levels within the building would be controlled by insulation requirements under the Building Regulations and could also be mitigated by way of a planning condition. So far as any external noise levels are concerned, the site is within a town centre area where existing noise levels are more likely to be higher and to be more expected than in a quiet suburb or rural area.
7. In any event, the appellant insists that the rooms would all be for single person occupancy and would be willing for this to be controlled by way of a condition, as with other appeal decisions which he quotes.
8. Equally, I have no evidence before me to support the assertion that the proposed development would unbalance the housing mix in the area and thereby adversely affect its character. The appellant states that, after interrogating the planning register of the LPA, no other HMO has been found within a one hundred meter radius of the proposal. The LPA has not dissented.
9. Therefore, I conclude that there are no grounds for resisting the proposed development on land use principle grounds or because of any harm that may be caused to the housing mix and the effect upon the character of the area.
10. I conclude that the proposed development would therefore accord with policy JP-H3 of the Places for Everyone Joint Development Plan Document for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan 2024 (PfE) which seeks to incorporate a range of dwelling types and sizes across the plan area.
11. It would not conflict with policy 1.3 of the Tameside Unitary Development Plan 2004 (UDP) which requires high quality design sensitive to the character of the local area, while it would accord with its policy 1.5 which advocates the prioritising of the re-use of empty or underdeveloped buildings. By introducing greater spending power into the area, the proposal would accord with policy 1.7 of the

UDP which aims to support the town centre. There would be no conflict with policy H10(a) of the UDP which aims to provide a safe environment which complements the character of the area. It would accord with paragraph 135 of the National Planning Policy Framework 2024 (as amended) (the Framework) which also requires development to be sympathetic to local character.

12. PfE policy JP-S1, quoted by the LPA in its decision notice and in relation to this matter, is not relevant as it is concerned primarily with climate change and carbon reduction.

Living conditions

13. The LPA considers that the proposed communal spaces for each of the HMOs are insufficient if each of the bedrooms were to be occupied not by one person as is proposed but by two people. However, the appellant is content to accept a condition limiting such occupation to one person. In any event, the appellant asserts that the proposed communal spaces exceed the space standards of the Council's licensing requirements. The LPA has not disputed this claim.
14. The LPA also considers that room sizes are sufficiently large to be regarded almost as self-contained apartments, rather than part of an HMO, and would lead to isolated residential spaces with little social interaction. However, I am not aware of any development plan policy which seeks to limit the maximum sizes of bedrooms in the HMOs. Moreover, I am not persuaded that the provision of large bedrooms automatically means that there would not be social interaction. Furthermore, I cannot reasonably determine this appeal on the basis of what may happen in the future, including the possibility of the bedrooms containing cooking or other day to day living facilities. It would of course be open to the LPA to investigate possible future breaches of planning control such as the formation of self-contained flats as distinct from HMOs.
15. So far as the HMO on the third floor is concerned for three people, the LPA considers that all the bedrooms and the shared facilities would be reliant upon rooflights to provide outlook and natural ventilation. However, I find that it is reasonable that natural ventilation is provided in this way and the existing rooflights would permit views from them. In addition, the LPA considers that access to two of the bedrooms would be via narrow passageways off the galley-style kitchen. However, I consider that access arrangements, as shown on the submitted plans, would be adequate.
16. The LPA is further concerned that the HMOs would provide no outdoor amenity space. This matter is referred to in policies RD11 and RD12 of the Tameside Residential Design Supplementary Planning Document 2020 (SPD). However, the SPD provides guidance only, and there is some ambiguity as to whether the SPD policies relate to conversion schemes for HMOs. An absence of such external amenity space is not unusual for schemes involving the conversion of existing buildings in a high density area. In this case, there are public open spaces nearby including Stamford Park, while the proposed availability of the basement for general communal use for relaxing goes some way to mitigate the absence of such outdoor space. While the LPA points out the absence of natural light in the basement, its use would not be for essential habitable space such as bedrooms.

17. The appellant has pointed to another appeal within the Borough for an HMO which has been allowed and where similar circumstances occur¹. I find no conflict with UDP policy H10(a), or with chapter 12 of the Framework, which require development to be of high quality to meet the needs of potential occupiers. Policy 1.3 of the UDP relating to the need for high quality design, sensitive to the character of the area is not pertinent to a consideration of the living conditions of future occupiers, nor is policy 1.5 relating to the prioritising of the reuse of empty buildings, or policy 1.7 relating to support for the town centre, or policy 1.12 regarding the development of a safe environment. Policy JP-S1 of the PfE is concerned, not with the specific issue of the living conditions of future occupiers, but with climate change and carbon reduction, while policy JP-H3 addresses the issue of dwelling types within an area.

Conservation Area

18. I have previously concluded that the proposed development would not cause harm to the character and appearance of the area and thus to the CA. Provision is included for a dedicated bin store with suitable surfaces and ventilation to provide for good hygiene standards.
19. Proposed external alterations to the building are minimal and would ensure that the character and appearance of the CA is preserved. The re-use of the vacant premises is likely to generate funds for its continuing maintenance, to the benefit of the appearance of the CA within which it is set.
20. Therefore, I conclude that the proposed development would accord with chapter 16 of the Framework which seeks to preserve and enhance heritage assets by, amongst other things, putting them to viable uses consistent with their conservation.

Bin storage and waste disposal

21. Submitted plans provide for a dedicated bin storage area, though the LPA considers that the refuse bins proposed are inadequate in terms of their size to cater for the needs of the development proposed, with the likely result that bins and bags would be deposited and stored on the public highway ahead of collection.
22. The Council's Environmental Services Manager considers that each HMO must have a trade waste contract in place. The appellant has submitted correspondence to this effect, indicating that suitable arrangements could be made using the available storage space and so as to avoid the adverse impacts suggested by the LPA. Moreover, the appellant has suggested a condition requiring details of bin storage and collection arrangements, to be agreed by the LPA prior to the first occupation of the HMOs.
23. Subject to the inclusion of such a condition, I conclude that the proposed development would accord with UDP policy 1.3 which aims for a cleaner environment, and with policies H10(a) and (b) which require development to meet the needs of its occupiers including suitable access for refuse collection vehicles. It would also accord with policy RD11 of the SPD, in so far as it is relevant to HMOs and to bin storage, that development should have adequate amenity space, and

¹ APP/G4240/W/24/3338279

with chapter 12 of the Framework which requires development to be of good design and which promotes health and well-being.

Conditions

24. The LPA has been offered opportunities to put forward conditions in the event that the appeal is allowed but no such conditions have been received.
25. I have imposed the standard time condition and, for the avoidance of doubt and in the interests of certainty, a condition relating to the approved plans.
26. The LPA has expressed concerns that with multiple tenants living in close quarters, the likelihood of frequent disturbances increases and that such disturbances can significantly alter the character and appearance of an area. While I am not satisfied that the proposal would result in unacceptable harm in this way, a condition, suggested by the appellant if considered to be necessary, to limit the number of residents to sixteen at any one time, will provide greater assurance in this regard.
27. I have imposed a condition, suggested by the appellant if considered to be necessary, to ensure that adequate arrangements are provided for bin storage and refuse disposal.

Conclusion

28. There are no material planning considerations that indicate the application should be determined other than in accordance with the development plan. Therefore, the appeal should be allowed.

S. Hartley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin no later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following plans: drawing no's 2047-10 to 2047-15 inclusively.
- 3) The development hereby approved shall be occupied by no more than 16 persons in total at any one time, and no more than one person per bedroom at any one time, unless otherwise agreed in writing by the local planning authority.
- 4) None of the houses in multiple occupation hereby approved shall be occupied until details of the means of storage and collection of refuse generated by the development have been submitted to and approved in writing by the local planning authority. The details shall include plans showing the location of the required number of bins to be stored within each plot and 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 the occupation of any part of the premises and shall be retained as such thereafter.