

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/25/3365376

208 Market Street, Droylsden, Tameside, M43 7AZ

- 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 Safeer Raja against the decision of Tameside Metropolitan Borough Council.
 - The application reference is 25/00093/FUL.
 - The development proposed is the construction of a new 8 No. bedroom HMO.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Different proposed plans have been submitted with the appeal with the same reference number on them. One such plan indicates a five- bedroom House in Multiple Occupation (HMO) and the other eight bedrooms. The main parties have confirmed that it is the latter plan for eight bedrooms, reference No. 2507/02, upon which the appeal is based.

Main Issues

3. The main issues are (i) the land use principle of the development including the intensification of the proposed use; (ii) the proposed design of the development and internal arrangements; (iii) the adequacy of external amenity spaces for prospective occupiers; (iv) the effect of the proposal upon biodiversity; (v) whether there would be adequate bin storage and waste disposal and (vi) whether there would be adequate space for the storage of bicycles.

Land use principle

4. The appeal site is vacant land at the junction of Market Street and Albert Street and on the edge of Droylsden town centre. It abuts an existing two storey building with a use as a hot food take-away. On its other sides are commercial and industrial premises including a car tyre garage immediately to the rear. Opposite the site on the other side to Market Street is informal open space, with houses to the north.
5. The local planning authority (LPA) considers that the proposed development would not be compatible with the surrounding commercial uses and that its presence might restrain and limit those commercial activities.

6. Policy 1.12 of the Tameside Unitary Development Plan 2004 (UDP) states that the following should be avoided ie *'conflicts between industrial or commercial operations and the enjoyment of a clean and quiet residential environment'*.
7. In addition, paragraph 200 of the National Planning Policy Framework 2025 (the Framework) states that *'planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.'* Paragraph 201 adds that *'the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions'*.
8. While the LPA is concerned with potential conflicts with the existing businesses which the proposed development might introduce, and with subsequent restrictions which might also then result to such businesses, no specific concerns or examples are given, and the above quotations emphasise where the balance should lie in planning terms should such conflicts occur. However, I recognise that such a balance might differ under other legislation.
9. To my mind, the issue is not so much the impact upon existing businesses but on their impact upon the living conditions of the occupiers of the proposed HMO and therefore, whether the latter is an acceptable use of land.
10. In 2023, planning permission was granted for a new building consisting of two shops on the ground floor with an independent two-bedroom apartment above them on the first floor¹.
11. This is a recent planning approval, and like the proposed HMO, introduces a residential element into the mainly commercial area. It adds substantial weight to the appellant's case that, in principle, residential development is suitable in land use principle terms. I do not consider that I can attribute significant weight to the more intensive use as an HMO as against a two bedroom apartment where the land use principle is essentially the same.
12. Nevertheless, specific factors concerning the exact juxtaposition of the proposed development to land uses immediately around it are important in the assessment of its suitable land use. On my site visit, I was able to view the appeal proposal in the context of the car tyre sales and fitting garage immediately to the rear of the site with its large access doors facing the appeal site.
13. The proposed HMO would be a larger building than that approved for the two shops and an apartment above, and the former's rear elevation would include at least one of the two proposed rear facing bedrooms being closer to the garage than the kitchen/dining area of the extant planning approval. I emphasise that there would appear to be a discrepancy between the rear elevation drawings of the extant approval which includes two first floor windows whereas the layout plans which show just the one window.

¹ 18/00048/FUL

14. The closeness of the rear elevation of the HMO to the garage is significantly different to the extant approval for the appeal site. The closeness is such that noise levels from the garage are likely to have an adverse effect upon occupiers, such that the HMO would not be acceptable in land use terms. This is especially to be the case when the facing, large doors of the garage are open.
15. I have no information before me to indicate that there would be suitable mitigation measures in place, as referred to in the Framework.
16. Therefore, I conclude that the proposed development would not accord with UDP policy 1.12, or with paragraph 200 of the Framework which aim to ensure compatible, adjoining land uses.

Living conditions - internal arrangements

17. The LPA considers that the proposed communal space and internal room arrangements are inadequate to cater for the needs of up to eight occupants, with at least half of the bedrooms having a contrived design, with an absence of any built-in storage facilities.
18. However, I have no space standards before me with regard to the amount of communal space, though the submitted plans include seating for nine people and also with a table with eight places.
19. So far as bedroom sizes are concerned, I have no reason to believe that these would not meet the minimum standards of the Nationally Described Space Standards (2015) (NDSS). While the submitted plans do not show built in storage spaces, by their sizes, I have no reason to believe that there would be inadequate spaces for their provision.
20. I appreciate that such NDHS apply to dwellings rather than specifically to HMO's, and that space standards for the latter are typically set by Council licensing standards. However, I have no such licensing standards before me and therefore no reason to conclude that any such standards are not met by the proposal.
21. The LPA, in its decision notice, refers to policy RD18 of its Residential Design Guide Supplementary Planning Document 2010 (SPD), but this refers to the overall sizes of houses and not to bedroom sizes, and for dwellings with up to five bedrooms only. SPD policies RD11 and RD12, referred to in the decision notice, are concerned with external amenity space rather than with internal arrangements.
22. I find that the internal links between bedrooms and the communal areas, together with the general proposed internal design, to be acceptable.
23. Therefore I conclude that, so far as the proposed internal arrangements of the HMO are concerned, there would be no conflict with SPD policy RD11, or with paragraph 135(f) of the Framework, the latter of which requires a high standard of amenity for existing and future users.

External private open space

24. The proposed development takes up the vast majority of the rear amenity space of the property, leaving only a narrow strip of land to its rear, some of which is to be used for bin storage.

25. I have no specific space standard before me as to what might constitute a minimum amount of private external space for the occupants of the HMO. However, UDP policy requires designs to provide an attractive environment, while SPD policies RD11 and RD12 require that amenity spaces for houses should be of a size and an attractive form, suitable for the intended occupiers and which forms an integral element to the overall design. The policies do not state specifically that they apply to HMOs as distinct to other dwellings.
26. The proposed external amenity space, by its limited size and its use as a bin storage area, fails to meet such requirements. This is because of the size of the proposed new building in relation to the plot size and which, by the proposed size of the building itself, represents a cramped and squeezed form of development failing to integrate with an adequate external amenity area.
27. Therefore, I conclude that the proposed development would conflict with UDP policy H10 and with SPD policies RD11 and RD12. It would not accord with paragraph 135(f) of the Framework which requires development to create places with a high standard of amenities for future users.

Biodiversity

28. The application site is a vegetated area of land. The applicant has not provided any ecological assessment. In addition, in England, biodiversity net gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) and where, subject to certain exceptions, development must result in at least a 10% improved natural habitat than was there before the proposed development.
29. The applicant considers that the proposed development is exempt from the requirements of BNG, being a 'small urban site'. No other justification for its exemption is given.
30. I am not aware of any such exemption, but even if that were the case, paragraph 187 of the Framework also requires development to minimise impacts on, and to provide net gains for, biodiversity.
31. I have no evidence before me as to the current base-level BNG value of the site or how a 10% enhancement might be achieved, or indeed how any biodiversity impact of the proposed development might be mitigated or enhanced.
32. Therefore, I conclude that the proposed development would not accord with the requirements of policy JP-G8 of the Places for Everyone Joint Development Plan Document for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan 2024 (PfE) which requires development to provide a net enhancement of biodiversity, including as appropriate, a gain of no less than 10%, or with paragraph 187 of the Framework.

Bin storage and waste management

33. Bin storage is proposed in the rear amenity space. The LPA considers that insufficient details have been submitted regarding the required quantity and capacity of bins necessary for the HMO or how waste might be then disposed.
34. While I have no specific details before me as to the required capacity for bin storage, this would be dependent in part upon the frequency of their emptying,

which might be either by the Council or by a private contractor and, at least with the latter option, could be of such frequency as would be required.

35. Had I been minded to allow the appeal, these are matters which may have been capable of being dealt with by way of the imposition of a condition to prevent bins being stored on the highway and for waste to be removed expeditiously.
36. Subject to the implementation of such a condition, I conclude that the proposed development would accord with policy JP-P1 of the PfE, policy RD14 of the SPD, and UDP policy H10 which are concerned to ensure the adequacy of bin storage and waste disposal, and with chapter 12 of the Framework which requires well designed places.

Bicycle storage

37. PfE policy JP-C8 states that new development should be located and designed to enable and encourage walking, cycling and public transport uses to reduce the negative effects of car dependency. Point 9 of the policy states that one of several ways of achieving the aims of the policy is by the provision of secure and covered cycle parking to meet long term demand from occupiers and visitors.
38. The appeal site is located within walking distance of the town centre services and facilities and is close to bus services and therefore can be said generally to meet the aims of the policy. So far as covered cycle storage provision is concerned, the proposed plans show no such facility. Nevertheless, by the location of the site, opportunities exist for reducing the negative effects of car dependency by walking and by the availability of public transport.
39. Therefore, I conclude that the proposed development would promote opportunities for sustainable transport modes, in accordance with the general aim of PfE policy JP-C8 and section 9 of the NPPF.

Conclusion

40. I have found that the proposed internal spaces would be adequate both in terms of bedroom sizes and communal areas, that the development would be sustainably located in terms of different accessibility modes, and that the provision of bin storage and waste disposal could be controlled by conditions. However, these matters do not outweigh my conclusions regarding the potentially adverse conflict in land use terms, the absence of an adequate, attractive private amenity space for future occupiers, and the absence of biodiversity enhancement.
41. 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 dismissed.

S. Hartley

INSPECTOR