



Appeal Decision

Site visit made on 11 November 2025

by E Fawcett BA (Jt Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd December 2025

Appeal Ref: APP/U4230/W/25/3371757

158 Derby Road, Salford M5 5BB

- 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 Ms McKay of Hart Property Solutions Limited against the decision of Salford City Council.
 - The application Ref is PA/2025/0951.
 - The development proposed is described on the application form as “Full Planning Application (Retrospective) for Conversion of Existing Dwelling to C4 HMO”
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of existing dwelling to C4 HMO at 158 Derby Road, Salford M5 5BB in accordance with the terms of the application, Ref PA/2025/0951, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted relates to the following approved plan: (20)A010 (Proposed location plan, block plan, floor plans and elevations).
 - 2) Within 1 month of the date of this decision, details of secure cycle parking for 2 cycles shall be submitted to and approved in writing by the Local Planning Authority. Within 2 months of the details being agreed, the cycle parking shall be implemented in full and made available for its intended use in accordance with the approved details and shall be retained as such at all times thereafter.

Preliminary Matters

2. I have amended the description to omit wording that is not a description of development. Both the Council and the appellant have confirmed that the change of use has commenced, and I have determined the appeal on this basis.

Main Issue

3. The main issues are the effect of the proposal on:
 - community stability and social cohesion, having regard to relevant development plan policy and other material considerations; and
 - the living conditions of the occupants of 77 Derby Road, with particular regard to noise and disturbance.

Reasons

Community Stability and Social Cohesion

4. The appeal property comprises a large 2-storey building situated on Derby Road, forming the end of a continuous terrace which fronts Wythburn Street. The site is positioned at the periphery of a clearly defined area of traditional back-to-back terraced housing, which gives a compact and dense urban grain. In contrast, the land to the west and northwest, beyond the opposite terrace, exhibits a markedly different character, being generally of lower density, predominantly comprising semi-detached dwellings with rear gardens.
5. The area is covered by an Article 4 Direction which removes permitted development rights for the change of use of residential dwellings (Use Class C3) into small Houses in Multiple Occupation (HMO) (Use Class C4) and came into effect in November 2018. The removal of permitted development rights does not suggest that all HMOs are inappropriate, only that proposals should be assessed against the development plan and other material considerations.
6. The most relevant development plan policy is H10 of the Salford Local Plan: Development Management Policies and Designations (January 2023) (Local Plan). The aim of the policy is to ensure that a good supply of houses is maintained within Salford and to protect the positive character of neighbourhoods. The policy stipulates that conversions to HMOs will only be permitted where they would not have an unacceptable impact on the positive residential character of the surrounding neighbourhood and would not result in any single dwelling being immediately adjacent to more than one property in this use, including those directly opposite.
7. The Council adopted its Houses in Multiple Occupation Supplementary Planning Document (SPD) in June 2024. To safeguard the established residential character of an area, Policy HMO1 of the SPD provides that planning permission will not normally be granted for the creation of a new HMO where the proportion of such uses exceeds 10% of all residential properties within a 100m radius of the application site.
8. The Council has identified 24 HMOs, including the appeal property, within a 100m radius of the site. This equates to 11.2% of properties, which exceeds the threshold set out in the SPD. The officer report includes a map showing the location of these HMOs, which are generally distributed across the area but concentrated around the terraced properties. The appeal property is positioned towards the edge of the denser development, with the northwest part of the radius containing comparatively few HMOs. Although the percentage of HMOs within the 100m radius exceeds the SPD threshold this is marginal and, when considering the overall distribution of these within this area and the appeal property's relative position, I am not convinced that the conflict gives rise to an imbalance in the community or undermines social cohesion and stability.
9. The proposal results in more than 1 HMO being located adjacent to 77 Derby Road, which is a dwellinghouse. No 75 is already in use as an HMO and the appeal property lies opposite No 77. As such, the proposal conflicts with a specific requirement of Policy H10 of the Local Plan. However, the Council's mapping indicates that No 77 is positioned at the northern end of the cluster of HMOs on the western side of Derby Road. Beyond this point, to the north and west, the prevailing

character changes, and no HMOs are identified. This context, together with the considerable physical separation provided by the highway, is likely to limit the impact of the proposal on the occupants of No 77. I have dealt with the effect on the living conditions of this neighbouring property as a separate main issue.

10. Both parties accept that the HMO use of the appeal property commenced in 2019. The appellant has highlighted that, since that time, other properties on Derby Road have been granted permission for use as HMOs, including No 75, and this has not been disputed by the Council. The SPD also confirms that HMOs are identified through the landlord licensing requirements. It is therefore reasonable to conclude that the Council was aware of the HMO use at the appeal property when determining previous planning applications for similar proposals.
11. The Council has indicated that the continued use of 158 Derby Road as an HMO intensifies common issues caused by the concentration of transient housing, including increased noise and disturbance, as well as waste management problems. Nevertheless, the property has operated in this manner for approximately 6 years, and no substantive evidence has been provided to demonstrate that such issues have arisen during this period.
12. The appellant has referred to correspondence with the Council prior to the implementation of the Article 4 Direction, in which they were advised that it would be sufficient to commence the works required to implement the change of use before the Direction came into effect. Whilst such advice is not binding on the Council, had different advice been provided, it is likely that the appellant would have pursued an earlier planning application with a potentially different outcome, particularly given that other permissions have been granted in the vicinity.
13. Overall, I conclude that while there is some conflict with Policy H10 of the Local Plan and the SPD, I am satisfied that sufficient evidence has been provided to justify a departure from the development plan in this particular instance, and the development does not cause harm to community stability and social cohesion. The development also accords with Policy F3 of the Local Plan, which seeks to secure a diverse mix of housing. The Council's reason for refusal also cites Policy H1 of the Local Plan. As this focusses on situations where there is a net increase in dwellinghouses, outside city and town centres, it is not determinative in respect of this appeal, and I find no conflict with this policy.

Living Conditions

14. For the purposes of Policy H10 of the Local Plan, the appeal property is regarded as adjacent to No 77. However, it is situated opposite this neighbouring property, is set back from the highway which increases the separation distance between the buildings, and does not result in No 77 being sandwiched between 2 HMOs. In addition, there is no substantive evidence to indicate that the occupation of the appeal property as an HMO over the past 6 years has led to unacceptable levels of noise or disturbance affecting the residents of No 77. I also have no reason to conclude that this would likely change going forward. Accordingly, I am satisfied that the proposal does not cause material harm to the living conditions of the occupants of this neighbouring property.
15. I therefore conclude that the proposal does not unacceptably harm the living conditions of the occupants of 77 Derby Road, with particular regard to noise and disturbance, and therefore does not conflict with the requirements of Policy H10 or

Policy F3 of the Local Plan which, amongst other things, requires development to provide an environment free from excessive noise pollution.

Conditions

16. I have not included the standard time condition as the change of use has already taken place. For the avoidance of doubt and in the interests of certainty, I have imposed a condition requiring that the development relates to the approved plans.
17. I have considered the conditions suggested by the Council in the context of the Framework and Planning Practice Guidance. I agree that a condition requiring secure cycle storage would be reasonable and necessary to ensure that sufficient parking is made available and to encourage more sustainable modes of transport. There is a clear strict timetable for compliance as the use has commenced and to ensure enforceability. I have not imposed a condition limiting the number of residents as this would be covered by a separate licensing regime.

Other Matters

18. An interested party has raised concerns regarding the potential for anti-social behaviour arising from an additional HMO in this area. This matter is already addressed within the main issues, and no specific evidence has been provided of anti-social behaviour linked to similar properties nearby. As a result, this does not alter my overall conclusion.

Conclusion

19. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Planning Practice Guidance advises that a material planning consideration is one which is relevant to making the planning decision in question. In coming to my decision, I have had full regard to the conflict of the proposal with part of Policy H10, and the SPD. However, for the reasons set out above, I find that the proposal does not result in an imbalance within the community or undermine social cohesion or cause harm to living conditions and there are material considerations that justify a departure from the development plan in this particular instance.
20. I therefore conclude that the appeal should be allowed.

E Fawcett

INSPECTOR