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APPEAL STATEMENT

SITE: 86 Belgrave Road, Manchester, M40 3SU

APPEAL AGAINST REFUSAL OF: Change of use from single house (C3) to 5 person House in Multiple Occupation (C4)

LOCAL AUTHORITY: Manchester City Council

PLANNING APPLICATION NUMBER: 141214/FO/2024

APPELLANT: Idowu Akindele

Introduction

The appeal is against a refusal of planning permission by Manchester City Council for the *Change of use from single house (C3) to 5 person House in Multiple Occupation (C4)* at No.86 Belgrave Road, Manchester, M40 3SU.

The appeal is lodged pursuant to s.78 of the Town and Country Planning Act 1990 on behalf of the Appellant.

The property is a semi-detached, two-storey dwelling in a predominantly residential area of Manchester. The appeal site is well-connected and serviced by public transport, in a practical and sustainable location to support the growth of Manchester.

The appellant used the property as Airbnb accommodation originally and then decided to convert it into a small HMO which they believed was permitted development. However, in September 2024 they were informed that, due to an Article 4 Direction covering the area, permission was required to convert the property from C3 to C4.

Manchester City Council do not appear to have a published HMO register as prescribed under the Housing Act 2004 s.232(1) and the requirements of The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006. However, a copy of the 2022 HMO register can be found as part of a Freedom of Information request that confirmed that in 2022 there were no licensed HMO properties in the Moston Area. In addition to this, a search on Manchester City Council's Planning Website, confirms that there has only been 1 permission granted within the M40 postcode for HMO accommodation and therefore the creation of an HMO here will not result in an overconcentration of such accommodation in the area. Unauthorised HMOs, if there are any in the locality, cannot be considered here as they should have to apply retrospectively and in turn be assessed on the individual merits of the case.

The case is presented that this change of use makes effective use of land and increases densification on a property that has ample room to accommodate the development in a sustainable location. Care has been taken to ensure that the proposal is in line with other properties in this area and adheres to the street scene. A modern, 5-bedroom HMO will be created, helping meet the demand for housing and therefore also benefit future generations.

HMOs play an important role in meeting the housing needs by providing shared accommodation that is affordable. They generally provide accommodation for a range of people such as young professionals, students (it is noted that Manchester hosts three universities) and temporary workers. Without HMOs, many people would not be able to afford to live there.

In support of this appeal, the following statement has been constructed to demonstrate the suitability of this site for this proposal and evaluate its accordance with national and local planning policy along with supplementary design guidance.



Refusal Reason

The Notice of refusal was dated 4th December 2024 and contained the following reason(s) for refusal:

- 1) The change of use from single family dwellinghouse to a house in multiple occupation would result in the loss of quality residential accommodation, which would reduce the supply and availability of family housing. The development would thereby fail to positively respond to an identified housing need and thereby undermine the formation of cohesive and sustainable neighbourhoods where people would choose to live. The development would thereby be contrary to policies SP1, H1, H3 and DM1 of the Core Strategy for the City of Manchester.

The Article 4 Direction aims to manage, not prohibit, the provision of HMOs. The surrounding area does not exhibit a high concentration of HMOs and so approving this proposal would not disrupt the community or balance of tenure. The property would continue to serve residential purposes, ensuring that the character of the area remains intact.

Manchester's growing population creates a demand for diverse housing options, including HMOs, to accommodate young professionals, students, and individuals seeking affordable, flexible living arrangements. The proposed change meets this demand and aligns with the city's strategic growth objectives. Given the property's location and public transport links, its use as a 5-person HMO supports sustainable urban development and efficient use of existing infrastructure.

The proposal does not represent a significant loss of family housing stock, as it involves only one semi-detached property in a wider residential area. It is important to emphasise that the property was previously used as Airbnb accommodation, and it was not operating as a single-family dwelling. Considering this prior use, the need for single-room accommodation and the broader housing availability in Manchester, this small-scale conversion would have minimal impact on the supply of family homes.

- 2) The change of use from single family dwellinghouse to a house in multiple occupation would result in an over intensive use of the application dwellinghouse and result in a consequential increase in the levels of noise and disturbance and activity through its occupation as a house in multiple occupation (HMO) with limited usable amenity space. Occupation as an HMO would undermine the formation of sustainable communities, have a detrimental impact upon the amenity of neighbouring residents and thereby be contrary to policies H11, DM1 and SP1 of the Core Strategy for the City of Manchester.

The property's use as a 5-person HMO does not constitute over-intensification. With proper property management and tenancy agreements in place, issues of noise, disturbance, or strain on local amenities can be effectively mitigated even if assuming, which it would be wrong to do, that having an HMO creates noise etc when there is no evidence that such is the case. Where there is no evidence of such then it is wholly wrong to refuse a planning application for that reason. Moreover, these issues can pertain to family accommodation and rental accommodation and are not specific to HMOs.

The surrounding area does not accommodate a high concentration of HMOs, and any approval of this appeal would therefore not be detrimental to the community balance.

Meeting the housing demand for a youthful, densely populated city requires HMO developments, providing affordable individual accommodation in practical locations to access work and education in the city. In the present climate, few are in a position to afford to buy, or even rent, their own property. These individuals require affordable single room accommodation such as is being proposed here.

The proposed change would not adversely affect the amenity of neighbouring residents or the overall neighbourhood character. It includes sufficient living and amenity space to accommodate the proposed number of tenants, ensuring their comfort and adherence to national space standards.

Finally, the property's central and well-connected location supports sustainable urban living, reducing reliance on private cars and encouraging public transport use. This aligns with Manchester's broader objectives for sustainable communities and efficient housing solutions. By offering well-managed HMO accommodation, the proposal can enhance the area's housing diversity without compromising its residential quality.

Planning Officer Report

To assist in the consideration of the Appeal, some of the paragraphs from the report from the Planning Officer are included below with appropriate commentary in **bold** on the relevant parts:

Description of site/building and area

84 Belgrave Road relates to a semi-detached property situated within a mixed row of terraced and semi-detached properties. The property lies within a predominantly residential area of

Moston in the North of Manchester. The property benefits from garden area to the front and rear. **Note: the property is No.86 Belgrave Road, note No.84.**



Photograph 1 Application Site as outlined in red.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of development

The applicant is seeking planning permission to allow for change of use from single house (C3) to 5 person House in Multiple Occupation (C4)

Consultations & Notification Responses

Local residents/public opinion – Notification letters were sent to the properties listed in appendix 1.

There has been a total of 25 representations of which 24 have objected to the application and 1 neither supporting nor opposing the development.

In addition, two petitions, both objecting to the proposal have also been received with 36 signatures on a handwritten petition and an online petition with 282 names.

The comments raised by the one representation neither supporting nor objecting to the proposal raised matters relating to the maintenance of the property.

The concerns raised by the objectors includes:

- Concerned that the development will increase the demand and competition for on street carparking.
- Property isn't suitable for an HMO type property.
- Noise from the property would have a negative impact on the area;
 - Residents have experienced noise and disturbance from the property being used for short-term holiday rental accommodation (i.e Airbnb)
 - Occupiers would leave at all hours and gave no consideration to the occupiers of the other dwellinghouses in the street.
 - Lack of consideration when parking vehicles.
- Increase the amount of waste generated at the property.
- Concerned that by allowing this property to become an HMO it will encourage other change of uses from dwellings to HMOs.

Those comments that are materials planning matters are dealt with in the body of the report.

Other Matters

Some of the comments received included concerns that the development would have a negative impact on the value of their dwellinghouses. As this is not a planning matter it cannot be taken into consideration.

Ward Members – Councillor Dar objects to the proposal for the following reasons:

I wanted to bring to your attention some significant concerns raised by residents during a recent advice surgery I held. Many attendees voiced their objections regarding an unofficial HMO operating in the area. The impact on the neighbourhood was a common theme, with residents expressing frustration over issues such as increased noise, parking challenges, and general disruption to the community.

Given the strong concerns from multiple residents, I would appreciate any guidance on the steps they might take to address this issue formally. Additionally, it would be helpful to understand what actions, if any, the Planning Department could take in response to this matter.

Highway Services – Highways have raised the following comments and have objected to the application.

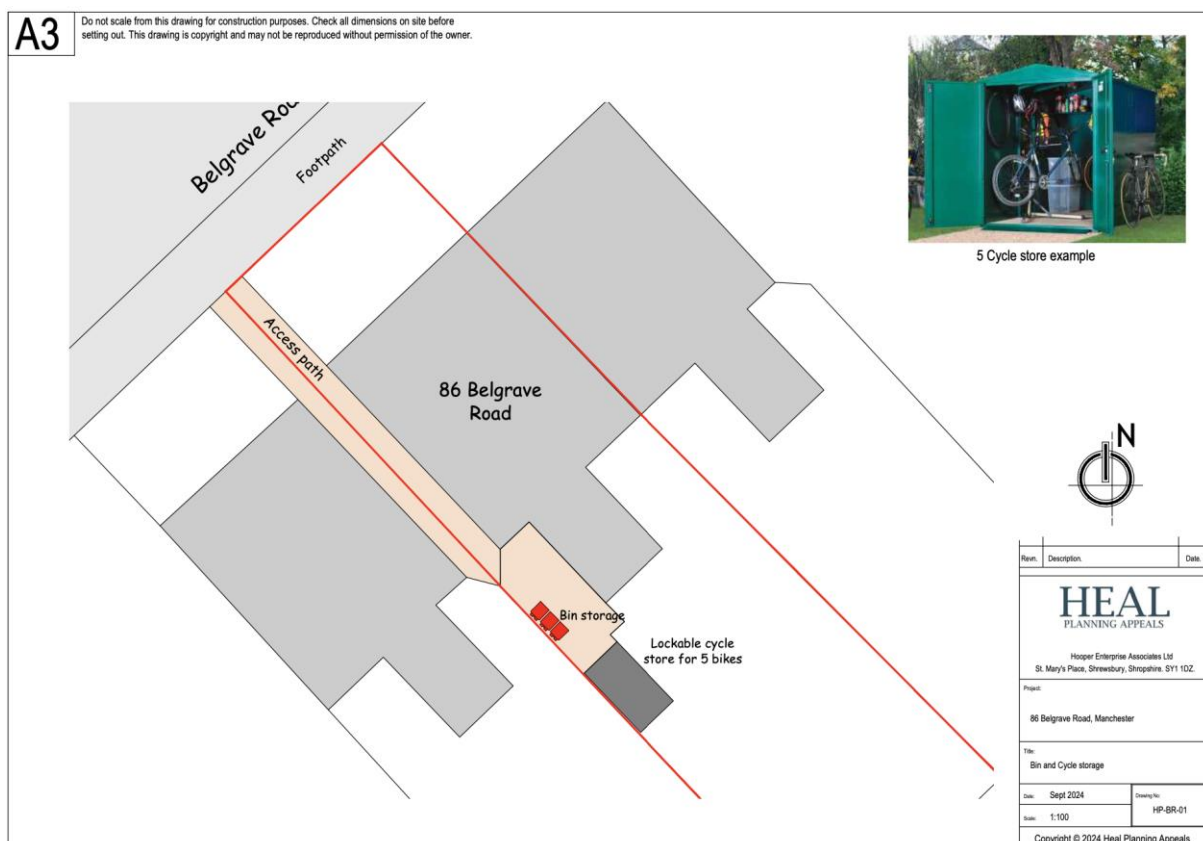
The site is located adjacent to 20mph adopted highway Belgrave Road.

No kerbside restrictions are present in the immediate vicinity of the site.

The site is located in a reasonably accessible location with various bus services operating within walking distance of the site along Moston Lane East.

Highways Services have objected to the fact that there is no on-site parking provision is proposed and so any resident parking demands will take place on-street. Given that the local area can already experience significant levels of on-street parking, Highways have concerns regarding the potential increase in on-street parking demand associated with the proposed HMO. **Whilst there is no on-site parking provision proposed, the current dwelling offers no on-site parking provision. Given its sustainable location it is appropriate for car-free development.**

Plans show sheltered and secure cycle parking located within the site curtilage. This is considered acceptable by Highways. **See these plans below for reference:**



Plans show a bin storage area located within the site curtilage with an access route for servicing from Belgrave Road. Further waste/bin storage/provision information is required as Highways would have concerns with a high number of additional bins placed out onto the footway for servicing. **Note: the idea that there would be a 'high number of additional bins' is pure supposition.**

Environmental Health – No objection, requested a condition requiring a scheme for the storage and disposal of refuse to be submitted by the applicant,

Local Policy

Manchester Core Strategy Development Plan Document (2012) - The Core Strategy was adopted on the 11th July 2012 and replaces a large number of policies in Manchester's Unitary Development Plan.

The Unitary Development Plan (UDP) for the City of Manchester (1995) - The Unitary Development Plan for the City of Manchester was adopted in 1995 and has largely been replaced with the policies contained within the Core Strategy. However, there are a number of policies that are extant.

The relevant Core Strategy policies for this application are as follows:

SP1 – Spatial Principles

DM1 – Development Management 1

T2 - 'Accessible area of opportunity and need'

H3 – North Manchester

H11 – Houses in Multiple Occupation

Places for Everyone (Joint Development Plan) – The places for Everyone Plan is a strategic Plan for nine boroughs of the ten boroughs in Greater Manchester and forms part of the city's development plan.

National Policy

National Planning Policy Framework (NPPF) - The NPPF sets out broad national policies on themes such as housing, historic environment, town centres, design, climate change and the Green Belt.

Central to the broad policy direction contained within the NPPF is the notion of sustainable development; development which effectively balances economic, social and environmental factors.

Local and National policy compliance will be addressed separately within the appeal statement.

Use and Article 4 – The Council made an Article 4 Direction on 7th October 2010 which means that planning permission will be needed for a change of use from a use falling within Class C3 (Dwellinghouse) of the Schedule of the Town and Country Planning (Use Classes) Order 1987 to a use falling within Class 4 (House in Multiple Occupation) The Direction was confirmed in January 2011 and came into force on 8th October 2011.

For the remainder of this report houses in multiple occupation will be referred to as HMO's.

The Council will use Core Strategy Policy H11 to control further changes of use from a C3 to a C4 and 'sui generis' HMOs.

In terms of the threshold figure referred to in policy H11 of the Core Strategy Development Plan Document, the application site lies within an area where the 10% threshold for HMO's would not be exceeded by any approval of this application. Where the threshold is under the 10% figure policy H11 advises that there will be a presumption against change of use where the lack of family housing has threatened the sustainability of the community to the extent that regeneration activity with the specific intention of increasing the amount of family housing has taken place. Changes to alternative uses, including C4 and HMOs with more than six occupants, will only be acceptable where it can be demonstrated that there is no reasonable demand for the existing use. **The existing use, an Airbnb, has already been emphasised.**

Two of the Core Strategy Spatial Objectives for housing and economy seek to achieve balanced sustainable communities and to provide high quality housing. This includes avoiding over concentrations of accommodation types which could have a detrimental impact on the amenity of residents. **It has already been noted that there is no overconcentration of HMOs in this area. Quite the contrary.**

The surrounding area does not accommodate a high concentration of HMO's and any approval of this application would therefore not be detrimental to the balance of tenure in the area.

This objective does, however, needs to be weighed against other policy considerations including the HMO threshold, loss of a family house, residential amenity, car parking, the provision of waste and recycling facilities and the character of the area.

The application form states that the property has been in use as an HMO as recently as 24th September 2024 accommodating 5 individual adults.

Housing Balance and the Loss of Family Accommodation

Core Strategy policy H3 sets out the new housing development requirements in the northern part of the City. This policy is informed by the Housing Need and Demand Assessment (2010), which highlighted a significant need for 3 and 4 bedroom family homes within the City. Despite the assessment being several years old, the demand for family housing in the area remains strong. **It is important to emphasise that the property was previously used as Airbnb accommodation under permitted development and not operating as a single-family dwelling, the use as an HMO can therefore not be considered as the loss of a family dwelling.**

The justification for this policy emphasises the importance of fostering a mixed and diverse community by retaining and attracting economically active households. This approach aims to create a balanced neighbourhood that supports families and enhance the overall community vitality. **In promoting a balanced neighbourhood and emphasising the importance of fostering a mixed and diverse community**

The application site is located on Belgrave Road, with the area consisting predominantly of terraced properties; this single type of dwelling accounting for 52% of the dwellings in the immediate locality. The housing tenure is predominantly either owned outright or owned with a mortgage, these two types accounting for 75% of the dwellings (source: www.streetcheck.co.uk/postcode/m403su).

There is a huge demand across the city for larger family homes, as demonstrated in the waiting list for social housing, which has over 15,000 live applications on the Manchester Housing Register, with demand significantly outstripping supply.

Manchester Move (www.manchestermove.co.uk) advertises ready-to-rent homes for around 18 not-for-profit landlords, including Manchester City Council, local housing associations, housing trusts, and management organisations. Applicants bid for them (it's called 'bidding' but there's no money involved; it's how applicants register an interest for a home) the landlord then decides who gets them based on their allocations policy. Most landlords use the re-housing rules of Manchester City Council to decide who gets the homes they advertise on Manchester Move.

The table below shows the number of households on the Manchester Housing Register, by their band and the size of property that they need:

Bedroom Need	Band 1	Band 2	Band 3	Band 4	Band 5	Total
1	581	2780	144	3863	129	7497
2	217	3020	62	1902	23	5224
3	88	1679	924	923	16	3630
4	147	748	256	101	3	1255
5	45	141	8	5	1	200
6	18	9	0	1	0	28
7	1	1	0	0	0	2
Total	1097	8378	1394	6795	172	17836

*Information correct as at 15.10.2024

Image 1 The Housing Register Source: homes.manchestermove.co.uk/choice/content.aspx?pageid=13

As described in the planning statement submitted by the applicant the property was originally purchased as a four-bedroom property, three located on the first floor and one in the attic space.

Looking at the table this shows that for a four-bedroom property there were 1,255 applicants waiting for this type of property on the 15th October 2024. **In that case, it should be noted**

that the table shows a 1-bedroom property to have 7497 applicants. This must also translate to single-room accommodation.

According to the Manchester Move website the average waiting times for applicants in Band 2 with an award date after 2021 for 4 bed and larger family homes will be well in excess of 6 years and may be as high as 10-12 years for those that have recently been placed in this band.

Manchester Move (www.manchestermove.co.uk) confirms that the average waiting times for applicants in Band 2 with a 2022 to 2024 award date for 1 bed general needs homes will be in excess of 3.5 years. Whilst this is less than for a larger family home, it is still considerable and there is evidently still a deficit for social housing of this type. The appeal, however, relates to the private sector, where HMOs are in considerable demand due to a growing population and rising house prices.

Although these figures are based on the supply of social housing, there is inevitably an intrinsic relationship between the availability of family homes for sale or rent in the private sector, and the demand for housing.

Therefore, the application property is therefore a dwellinghouse that is suitable for a family and the proposal in this case would see the loss of such. **Again, the site was not operating as a single-family dwelling, the use as an HMO can therefore not be considered as the loss of a family dwelling. It is important to note that, should such a time arise when the appellant sells the property or no longer wishes to operate it as an HMO, it can easily be used as a single-family dwelling again without the need for any physical alterations or a change of use planning permission in place.**

Policy H11 of the Core Strategy is concerned specifically with changes of use to HMOs. The policy sets out different approaches for different parts of the city, depending on the extent to which HMOs are already concentrated and seeks to manage changes of use from C3 dwellinghouses to C4 HMOs.

In this case, the application site lies within an area where the 10% threshold for HMO's would not be exceeded by any approval of this application, however the loss of a further family house in this area would conflict with this aspiration, undermine the policy objectives for the area and increase the threat of existing families being driven out of the area, or from being attracted to the area, due to a shortage of appropriate accommodation. Whilst the effect of the loss of a single home on the overall mix and balance of housing in the area would be limited, it would nevertheless contribute to the short fall. **See comment above regarding the existing use of the site and the emphasis on creating diverse communities.**

In demonstrating the need or demand for single room affordable accommodation, the applicant has referred to an online article published in 2023 and whilst the article was not provided a quick search on the internet reveals it is an article from 4th May 2021 that appears on the Edward Mellor estate agent website. The article provides an overview of Article 4 in

Greater Manchester and guiding landlords in investing in HMO properties but it is vague on the facts on the demands. The aforementioned article can be found at <https://edwardmellor.co.uk/news/article4/#:~:text=Over%20recent%20years%2C%20the%20demand,is%20a%20piece%20of%20legislation> for reference.

Impacts on Residential Amenity

Policies DM1 and SP1 of the Core Strategy indicate that consideration should be given to the effects of development upon the amenity, living conditions and the well-being of residents.

The Council have concerns in relation to the over-intensive use of the property as a consequence of 6 unrelated people living together.

Whilst the City Council has no control over who can occupy a property, it can help prevent properties from being over intensively used, by restricting the number of occupants and the creation of certain types of accommodation. The applicant has already increased the number of bedrooms from 4 to 5 by converting the front living room into a bedroom. HMO accommodation, can often cause problems in residential neighbourhoods due to the levels of activity associated with unrelated people living together, as opposed to traditional family occupancy, which normally involves the manifestation of different patterns of behaviour and less frequent levels of activity. **This is conjecture.**

A collective group of individuals with different lifestyles and different patterns of behaviour can result in frequent comings and goings, with associated noise and disturbance. The property has been used previously for short term holiday accommodation and representation received by neighbours have raised that they have experienced noise and disturbance from the property. **Firstly, Belgrave Road, by virtue of its proximity to local facilities, main roads and being a dense residential street, is busy and subject to the frequent movements of pedestrians, cars and residents. The proposed increase of occupants living at the appeal site would not therefore amount to a level of noise and disturbance dissimilar to that already experienced along the street or generated by the existing occupants of the appeal site.**

Secondly, the property has been used as Airbnb accommodation and whilst some residents raised complaints this was permitted development. It is considered more likely that holidaymakers would cause noise and disturbance than residents who make it their home, regardless of whether it is a family or unrelated individuals. This, however, like the suppositions above, is pure conjecture. On the whole, the notion that the behaviours of individuals living in an HMO cause inherently more noise and disturbance than a large family in a dwelling house is wholly uncorroborated. The behaviour of HMO residents is not a material consideration to granting planning consent.

This in turn can have an adverse impact upon the living conditions of neighbouring residential occupiers, to the detriment of their amenity. The principal effects include, noise nuisance, negative impacts upon the physical environment and streetscape due to inadequate

management of refuse storage and pressure upon local parking provision. **In relation to the residential amenity of surrounding occupiers, it is considered that the use of the property as a five-person HMO would not result in a material increase in the amount of activity outside of, or within, the appeal property compared to its lawful use as a four-bed family dwellinghouse or Airbnb. Notions regarding anti-social behaviour are wholly unsubstantiated. Car parking and bin storage are addressed below. In addition, as the application does not propose any extensions or external alterations, the proposal would not result in the obstruction of the habitable room windows associated with surrounding properties. In light of this, it is considered that the proposal would not have a detrimental impact on the residential amenity of surrounding occupiers by way of noise, disturbance or overlooking, or by way of a loss of light, outlook and privacy.**

Car Parking

Notwithstanding the relative accessible location of the property, car ownership by prospective occupants cannot be precluded.

Policy DM1 in particular states, that for all development, regard should be made to parking provision.

There is no off-road parking available at the address, therefore it is likely that the occupiers would appeal to young professional who may also have access to a car and would likely want to park close to the site, this in turn will add to existing the problem as identified by residents in their objections to the application.

During a visit to the site the case officer also observed both on pavement and grass verge parking as shown in photographs 2 and 3.

Highways Services have objected to the fact that there is no on-site parking provision is proposed and so any resident parking demands will take place on-street. Given that the local area can already experience significant levels of on-street parking, Highways have concerns regarding the potential increase in on-street parking demand associated with the proposed HMO.



Photographs 2 and 3 Pavement and Grass Verge Parking in the immediate area on Belgrave Road and Belding Avenue

It is therefore believed that the lack of off-road car parking provision would have a harmful impact upon highway users and neighbouring occupiers due to increased competition for on street spaces and this would undermine the living conditions of neighbouring occupiers. **Subject to ensuring cycle storage provision, there should be no objections on parking grounds as it is not considered the proposed change of use will have a notable impact on traffic and parking demand at this location. While parking demand can be typically heavy within the vicinity it must be acknowledged there are good public transport links. Lack of private parking intends to encourage more sustainable alternatives.**

Waste Management

Whilst the submitted drawing show bins stored within the rear garden, the site photograph clearly show that they are stored in the side passage between the applicant site and 84 Belgrave Road which provides access to the rear garden. From a visual amenity perspective this placement has a negative impact on the street scene.

In addition, the placement of the bins in this location may also act as a deterrent/hinderance in the occupiers using the proposed cycle storage. **There is a paved garden to the front of the property and a pedestrian access to the rear garden to the side. Secure cycle parking and wheelie bin storage is provided to the rear of the property, and the side access allows for easy external access to this area. The wheelie bins are dragged to the curb side on the day of collection. This arrangement is adequate. Unfortunately, the behaviour of residents and their choice of bin placement is out of the control of the appellant, regardless of whether the residents are a family, unrelated individuals or Airbnb guests.**



Photograph 4 Waste Bins stored in the narrow passage between properties and encroaching onto the pavement.

Accordingly, the photo above has nothing to do with the conversion of the property to an HMO. Bins could just as easily encroach onto the pavement if it were a single-family dwelling.

Conclusion

Considering all the issues in detail it is considered that the conversion of a property for use as a house in multiple occupation would result in the loss of a family house in an area where there is insufficient parking available for the number of unrelated occupants who can be accommodated in the property and potential disturbance to residential amenity from general comings and goings associated with an intensely populated property, would have a detrimental impact on the amenity and character of the area. **See comments above.**

National Planning Policy Framework

It is important to respectfully draw to the inspector's attention to relevant sections of the NPPF that have either been overlooked, misinterpreted or not given due weight and consideration within the decision-making process. The following sections in particular are highlighted as requiring attention.

There is a presumption in favour of sustainable development at the heart of the planning system, which should be central to the approach taken to both plan-making and decision-taking. Local planning authorities should plan positively for new development and approve all individual proposals wherever possible.

The underlying principle of determining living space and meeting the need of people is set out in Section 5: Delivering a Sufficient Supply of Homes. Within this context, paragraph 63 states "the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes." **The site is within a sustainable location and therefore ideally located for accommodation such as this. There is a recognized need for single room accommodation in Manchester with all existing rooms currently occupied. The proposal will contribute to that need and the mix of housing available in the locality and, if such a time comes when the need is no longer there, the property can easily be used as a single-family**

dwelling again. Therefore, it is meeting the needs of the current occupants of the property but is not so specific that it will compromise the needs of any future occupants.

Section 2. Achieving Sustainable Development

7. The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. **This proposal meets the current need for affordable single room accommodation and no alterations are required, therefore it is not so specific that it would compromise the ability of future generations to meet their own needs. If at any point in the future the demand for HMO accommodation decreases the property can easily be used as a single dwelling again.**

8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a. an economic objective– to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure; **The proposed HMO is meeting an economic need in relation to affordable, single room accommodation to meet the needs of young professionals, students and single people living, studying and working within Manchester and the wider areas, which contributes to the supply of labour and demand for such accommodation. HMOs form part of the housing stock, particularly providing low-cost housing which is recognised as needed in both the local and national housing context.**
- b. a social objective– to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; **As mentioned this meets the social objective by helping meet the demand for this type of accommodation. Without such accommodation there will be a requirement for even more dwellings to be constructed. The social support provided as well in HMOs to others living within the property is beneficial not just to those people but also in supporting community requirements by not displacing time and resource that may otherwise be required.**
- c. an environmental objective– to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy. **This proposal utilises an existing property to meet an existing demand for this type of**

accommodation so there is no environmental cost or new provision required. The very fact that the property has rooms which can provide for up to 5 people is an opportunity to use an existing dwelling for such use rather than having to use materials in construction for providing alternatives. There is no harm to any ecology.

9. These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

Para 38 relates to decision-making of Local Planning Authorities and all other levels. It states that decision-takers at every level should seek to approve applications for sustainable development where possible. **In the spirit of decision-makers seeking to ‘approve applications for sustainable development where possible’, there are more arguments in favour of the development than may be posited against it.**

Para 55 states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable precise and reasonable in all other aspects. **The appellant would accept relevant conditions to render the proposal acceptable.**

Local Planning Policy Context

The relevant parts from the Core Strategy Development Plan Document (2012) with commentaries under each are set out below.

In line with paragraph 11 of the NPPF, the most important policies for determining the appeal need to be identified. It is clear from the judgement *Wavendon Properties Ltd v SoSoHCLG & Milton Keynes Council* [2019] EWHC 1424 (Admin), that the collection of most important policies should be considered in the round.

Most important policies should only be those that govern the development proposed in a particular area. More generic policies that can apply to multiple types of development should not logically be considered as most important policies. This approach is adopted in the below assessment of the refusal policies.

The most important policies for assessing this appeal are identified as follows.

Policy H 11

Houses in Multiple Occupation

Change of use from a C3 dwelling house to a C4 HMO will not be permitted where there is a high concentration of residential properties within a short distance of the application site falling within one or more of the following categories:

- Exempt from paying Council tax because they are entirely occupied by full time students.
- Recorded on Private Sector Housing's database as a licensed HMO.
- Any other property which can be demonstrated to fall within the C4 or sui generis HMO use class.

In cases where the concentration of such properties is significant but less high, the Council will examine property type and resident mix in more detail when considering an application for a change of use.

In areas of high concentration, extensions to HMOs (as defined in the Housing Act 2004) would not be permitted where this could reasonably be expected to lead to an increase in the level of occupation.

In parts of Manchester which do not have a high concentration of HMO/student housing but where the lack of family housing has threatened the sustainability of the community to the extent that regeneration activity with the specific intention of increasing the amount of family housing has taken place, there will be a presumption against changes of use which would result in the loss of a dwelling which is suitable for a family. Changes to alternative uses, including C4 and HMOs with more than six occupants, will only be acceptable where it can be demonstrated that there is no reasonable demand for the existing use.

The approach above will also be used for change of use to a HMO which is classified as 'sui generis'.

Notwithstanding the policy requirements set out above, all proposals for change of use of existing properties into houses in multiple occupation, and all proposals for conversion of existing properties into flats (which might not necessarily fall within Class C4), would be permitted only where the accommodation to be provided is of a high standard and where it will not materially harm the character of the area, having particular regard to the criteria in policy DM1.

The site is surrounded predominantly by single dwellings, there are no other licensed HMO properties within the locality and no planning permissions showing for HMO properties that may not require licenses. It is therefore safe to consider that there is not a high concentration of such accommodation in this area and that there is sufficient family accommodation.

The Article 4 Direction is not intended to prohibit HMOs but to manage their concentration. The surrounding area does not have a high density of HMOs, and the proposal would not disrupt the balance of tenure or community cohesion in the neighbourhood.

The accommodation provided is of high quality and meets all the necessary internal space standards.

It is therefore clear that this proposal fully complies with this policy insofar as it relates.

Policy H 1

Overall Housing Provision

Approximately 60,000 new dwellings will be provided for in Manchester between March 2009 and March 2027. This equates to an average of 3,333 units per year, however the rate of delivery of units will vary across the lifetime of the Core Strategy. Based on the availability, suitability and achievability of developing capacity sites in Manchester's Strategic Housing Land Availability Assessment, and the current economic situation, the trajectory overleaf provides an indication of the timescale over which development is likely to come forward. The delivery boxes following show how this breaks down for each Strategic Regeneration Framework area.

Policy H1 of the Manchester Core Strategy focuses on providing a mix of housing types to meet the diverse needs of the city's population. It emphasises ensuring housing developments are of a high standard, contributing to sustainable neighbourhoods, and support the city's growth objectives.

The conversion of the property into a 5-person HMO contributes to the mix of housing types available in the area, meeting the demand for affordable, flexible accommodation. This aligns with the goal of addressing a range of housing needs.

The property is located in a well-connected, central area with access to public transport and amenities.

The conversion optimises the use of existing housing stock, improving the site's density, to meet urban housing needs without requiring additional land or significant infrastructure changes.

The proposal ensures the property remains residential in character and provides adequate living space and facilities for its occupants. Accordingly, it complies with policy H1 in so far as it relates.

Policy H 3

North Manchester

North Manchester, over the lifetime of the Core Strategy, will accommodate around 20% of new residential development. Priority will be given to family housing and other high value, high quality development where this can be sustained. High density housing will be permitted within or adjacent to the parts of North Manchester that fall within the Regional Centre (Strangeways and Collyhurst area) and within Cheetham Hill and Harpurhey district centres as part of mixed-use schemes as well as along high frequency public transport routes.

Policy H3 of the Manchester Core Strategy emphasises the need to provide a supply of single-family homes to support balanced and sustainable communities. While the proposal involves the conversion to an HMO, it was not used as a single-family dwelling prior to this application but as an Airbnb. The HMO will reinstate the property's residential use, ensuring the character of the neighbourhood remains intact. The housing needs of families must be balanced against the city's need for diverse housing options. The surrounding area does not exhibit a high concentration of HMOs and, as such, the balance of housing types will be enhanced.

Policy DM 1

Development Management

All development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:-

- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.

- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Green Infrastructure including open space, both public and private.
- The use of alternatives to peat-based products in landscaping/gardens within development schemes.
- Flood risk and drainage.
- Existing or proposed hazardous installations.
- Subject to scheme viability, developers will be required to demonstrate that new development incorporates sustainable construction techniques as follows (In terms of energy targets this policy should be read alongside policy EN6 and the higher target will apply):-

a) For new residential development meet as a minimum the following Code for Sustainable Homes standards. This will apply until a higher national standard is required:

Year 2010 – Code Level 3;
Year 2013 - Code Level 4;
Year 2016 - Code Level 6; and

(b) For new commercial developments to demonstrate best practice which will include the application of the BREEAM (Building Research Establishment Environmental Assessment Method) standards. By 2019 provisions similar to the Code for Sustainable Homes will also apply to all new non-domestic buildings.

This proposal fully complies with these aims, it is making a positive contribution to the health safety and well-being of the occupants who require affordable single-room accommodation and meeting a community need. Due to the fact that there are no internal or external alterations proposed the built and natural environment is protected and the fact that the appellant is committed to ensuring the property is maintained and will be governed by the requirements of the HMO license will enhance the built environment.

The property is an existing residential dwelling in a built-up residential area and therefore a wholly appropriate siting. There are no external or internal alterations proposed and therefore no further details to be assessed in relation to layout, scale, materials etc.

Regarding the impact on neighbouring amenity, as the property could accommodate a large family of 6+, or holidaymakers as an Airbnb, 5 individual occupants will not necessarily result in any additional noise or disturbance to neighbouring occupants.

Refuse storage and collection will be provided to the rear of the property with pedestrian access to the side of the property to allow it to be brought to the front on collection days.

Whilst, there is currently no parking provision provided, it is not considered that the occupants of the property will require any more parking than a large family would. It is suitably located for a car-free lifestyle.

Policy SP 1

Spatial Principles

The key spatial principles which will guide the strategic development of Manchester to 2027 are:

- The Regional Centre will be the focus for economic and commercial development, retail, leisure and cultural activity, alongside high quality city living.
- The growth of Manchester Airport will act as a catalyst for the regional economy, and will also provide the impetus for a second hub of economic activity in this part of the City.
- Beyond these areas, the emphasis is on the creation of neighbourhoods of choice, providing high quality and diverse housing around district centres which meet local needs, all in a distinct environment. The majority of new residential development in these neighbourhoods will be in the Inner Areas, defined by the North Manchester, East Manchester and Central Manchester Regeneration Areas.

- The City is covered by regeneration areas including the City Centre. All development should have regard to the character, issues and strategy for each regeneration area as described in the North, East, Central and South Manchester and Wythenshawe Strategic Regeneration Frameworks and the Manchester City Centre Strategic Plan.
- The City's network of open spaces will provide all residents with good access to recreation opportunities. The River Valleys (the Irk, Medlock and Mersey) and City Parks are particularly important, and access to these resources will be improved.
- New development will maximise the potential of the City's transport infrastructure, in particular promoting walking, cycling and use of the public transport. The extension to the Metrolink network through the Oldham and Ashton lines will create key corridors for new development.

Core Development Principles

Development in all parts of the City should:-

- Make a positive contribution to neighbourhoods of choice including:-
 - creating well designed places that enhance or create character.
 - making a positive contribution to the health, safety and wellbeing of residents
 - considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income.
 - protect and enhance the built and natural environment.
- Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.
- Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

The proposal complies with Policy SP1 by supporting Manchester's strategic goal of creating sustainable, inclusive, and diverse communities. The property's central location, well-connected by public transport, promotes sustainable urban living and reduces car dependency. By offering affordable, flexible housing, the proposal contributes to a balanced housing mix while maintaining the residential character of the area. Furthermore, it aligns with the policy's emphasis on efficient land use and housing provision in sustainable locations that support the city's growth and development objectives.

Conclusions

The appeal is against a refusal of planning permission by Manchester City Council for the *Change of use from single house (C3) to 5 person House in Multiple Occupation (C4)* at No.86 Belgrave Road, Manchester, M40 3SU.

The proposal will deliver significant social and economic benefits to this area while not resulting in any detrimental harm to the area's surrounding environment. It will also be well

designed and safe, and the proposal has given due respect to the character of the local area, and it will not detrimentally impact the amenity of the neighbouring properties any more than the existing development.

The semi-detached, two-storey dwelling is in a predominantly residential area. The property's conversion into a small, 5-person HMO would still be compatible with surrounding properties.

Manchester's growing population requires diverse housing options, including HMOs, to accommodate young professionals, students, and individuals seeking affordable, flexible living arrangements. The site's central location and excellent public transport links make it ideal for such use, aligning with sustainable growth objectives.

The case has been presented that the proposal balances Manchester's housing needs with its strategic development goals, contributing to a balanced, mixed community and ensuring the property's optimal use.

Recommendation

The Inspector is respectfully requested to allow this appeal.

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