



Appeal Decision

Site visit made on 19 March 2025

by S Brook BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 April 2025

Appeal Ref: APP/T2350/W/24/3354200

27 & 29 Bawdlands, Clitheroe, Lancashire BB7 2LA

- 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 Mr Mark Byrne of Boutique Homes Ltd against the decision of Ribble Valley Borough Council.
 - The application Ref is 3/2024/0552.
 - The development proposed is 'Change of use from Class E/Class C3 to house in multiple occupation with 8no rooms Sui Generis Class'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was lodged, a revised National Planning Policy Framework (the Framework) has been published. This has not raised any new matters which are determinative to the outcome of this appeal.
3. A number of revised plans were provided to the Council before it determined the planning application and I have based my decision on these revised plans.
4. Internal and external works to facilitate the proposed development for a house in multiple occupation (HMO) have begun, albeit the use itself has not commenced. Nevertheless, I have based my decision on the plans before me.

Main Issues

5. The main issues in this appeal are whether the proposed development would (a) provide satisfactory living conditions for the future occupiers, as well as neighbouring occupiers, and (b) provide a satisfactory level of parking provision.

Reasons

Living Conditions

6. The appeal site comprises two properties, 27 and 29 Bawdlands, part of a terrace fronting onto the B6243, which leads into the town centre. As No 27 is an end terrace, Corporation Street extends to the side. A garage type building is attached to the rear, which is in use as a martial arts centre and is not part of the appeal site. The area is predominantly residential in character, with some commercial uses also.
7. Policy DMG1 of the Core Strategy 2008 – 2028 A Local Plan for Ribble Valley, adopted December 2014, (CS), requires that all development must be sympathetic

to existing and proposed land uses, including in terms of intensity, that adequate daylight and privacy distances shall be provided, and that the amenities of the surrounding area should not be adversely affected.

8. While the appellant's Design and Access Statement (DAS) references a Council document entitled 'Houses in Multiple Occupation Guidance and Amenity Standards', the Council's Officer Report (OR) does not refer to it in either the list of relevant policy considerations, or within the assessment. No copy of this document is before me, and I have no information regarding its status. I have considered the proposal based on the development plan and the available evidence.
9. At the time of my visit, the proposed bedrooms had been furnished. All rooms, except room 7 had been furnished with a double bed, wardrobe, drawers, and a desk with chair. Room 7 differed in that it had a single bed only. None of the rooms were provided with any seating for relaxation purposes, other than the bed, and I have not been provided with any information demonstrating that this could be achieved.
10. Internal communal space would be limited to the proposed kitchen/diner and there would be no external communal space. I noted at my visit that the kitchen/diner had not been laid out as shown on the proposed plans, with only a dining table and chairs, and no sofa as indicated. Given the available space, it would be difficult to accommodate a useable sofa of any size within this room. As such, this communal room would not be capable of making any alternative provision for relaxation purposes.
11. Further, while the plans indicate a seating area for 8 people, I am not convinced that there would be sufficient space to comfortably accommodate 8 residents at any one time for dining purposes. The available space would feel crowded if used by all 8 residents at a similar time.
12. Additionally, the proposed kitchen/diner has no external window. As such, future users of the only communal space would be afforded no natural light and no outlook, relying on artificial light at all times for undertaking day to day activities. As this room has no external walls, it is also unclear from the plans before me, how this room would be ventilated, which could further impact on the quality of the space provided.
13. The appeal property does not appear to benefit from any external areas and so the proposed plans show the internal storage of refuse bins, which the Council's Environmental Health Officer has indicated as requiring mechanical ventilation. The appellant's submissions indicate that this area would accommodate 4 x 240 litre bins for both refuse and recycling and there is no information before me to suggest that this would not be adequate for up to 8 people.
14. However, at the time of my site visit, this area was occupied by washing machines and while an external door had been created to Corporation Street, this doorway included three steps down to the pavement. The proposed plans suggest a ramped access, but no section drawing has been provided for this area, showing how the difference in levels would be accommodated, what the resulting gradient would be, and whether the internally opening door could be accommodated with a ramp. As such, I am not satisfied from the information before me, that this internal refuse storage area would be useable by future occupiers, particularly when having to move heavy refuse bins outside for collection. As no alternative refuse

storage has been indicated, the proposal has not demonstrated suitable servicing arrangements for future occupiers in this respect.

15. There is little compelling evidence before me to suggest that occupancy at the level proposed and the associated comings and goings, would adversely impact on the living conditions of neighbouring residents or the area. This is a residential area and future occupiers would be likely to take part in the same or similar day to day activities, and resulting comings and goings as other residents. While I note some concern that each room of the proposed HMO could accommodate double occupancy, the proposal is for an 8-bedroom HMO and a suitable condition could be imposed to restrict the occupancy to the level applied for. As such, the evidence before me does not demonstrate that the proposal would give rise to any particular concerns in relation to noise and disturbance for existing residents.
16. Nevertheless, for the reasons outlined above, the proposal would not provide satisfactory living conditions for future occupiers. The proposal would therefore conflict with the requirements of CS policy DMG1, the purposes of which have been set out above.
17. My attention has been drawn to the historic use of the property as two terraced houses, as well as a previous approval of planning permission for the change of use of the ground floor retail unit at the appeal site into a two-bedroom flat¹. The appellant suggests that as a result, in total, 27 and 29 Bawdlands would have had 4 double bedrooms, indicating that an occupancy of 8 people is acceptable. However, these previous plans are not before me and I cannot be certain that these alternative arrangements would have given rise to the same concerns I have outlined above. As such, this does not lead me away from my earlier findings.

Parking Provision

18. The proposal includes no off-street parking provision. The highway to the front and side of the property has parking restrictions and due to the terraced nature of the surrounding area, parking provision is generally on street. A number of interested parties have raised concerns relating to on-street parking congestion in the area, noting the presence of a number of businesses without dedicated parking, referring to restricted access by emergency vehicles, and suggesting that accidents have been exacerbated by the number of parked cars. My attention has also been drawn to the refusal of an application nearby for short-term letting based on parking issues, albeit the full details of that proposal are not before me.
19. While the alternative of using long stay car parking cannot be guaranteed, and there is no mechanism before me to restrict future occupiers from parking on street, I have not been provided with any substantive evidence demonstrating that parking issues are particularly acute within this area, or that parking congestion is causing highway safety issues. While CS Policy DMG3 requires all development proposals to provide adequate car parking in line with currently approved standards, I have not been provided with any approved standards, or evidence that they have not been met, and I note that the Highway Authority has raised no objection to the proposal on highway safety grounds, or on the basis of vehicle parking provision.

¹ 3/2013/0481

20. The appeal site is within an accessible location, within a reasonable walking distance of a range of services and facilities that the town centre has to offer, including access to public transport. Occupiers of the proposal would not be reliant on the private car to meet their day to day needs and so it would not be essential for future occupiers to own a car.
21. Consequently, I am unable to conclude from the evidence before me that the proposal fails to provide adequate levels of vehicle parking provision to adequately accommodate the occupancy levels and parking requirements associated with the proposed use. In this respect I have not identified any conflict with CS policies DMG1 or DMG3, which collectively, and amongst other matters, require consideration of car parking implications of new development, give considerable weight to development within existing developed areas which are highly accessible by means other than the private car, and to proposals which limit parking provision to discourage reliance on the car where there are effective alternatives.
22. However, the Highway Authority has sought a condition for the provision of a minimum of 8 bicycle spaces. While I have not been provided with any parking standards relating to bicycles, CS policy DMG3 requires that considerable weight should be given to the provision made for access to development, including by cyclists. While an internal cycle storage area has been indicated on the plans, this area is small, and it has not been clearly demonstrated that it is of a sufficient size to accommodate cycle parking provision for up to 8 bicycles. As such, some residents may be faced with the alternative of carrying bicycles upstairs, which may be difficult for some. As such, it has not been demonstrated that the proposal would provide satisfactory provision for the parking/storage of bicycles and so there would be conflict with the requirements of CS policy DMG3 in this respect.

Other Matters

23. The appeal scheme would upgrade and re-use a disused building that has been vacant for a number of years. The proposal would have to meet the relevant building regulation requirements in terms of fire safety. The external works shown on the proposed plans would be of an acceptable design. The proposal would be within the existing settlement of Clitheroe, providing additional homes in an accessible location, close to day-to-day facilities and public transport, in an area at the lowest risk of flooding. These benefits attract moderate weight in favour of the appeal scheme.
24. Reference has been made to the use of solar panels, however, the proposed plans do not include solar panels and so this is not a benefit that I afford any weight.
25. The appellant suggests that the debate at the Council's planning meeting, moved away from planning matters, and that this influenced the vote to refuse the proposal. Nevertheless, I have determined the appeal based on the evidence before me, having regard to the development plan and all other material planning considerations.
26. These other matters do not outweigh the harm I have identified in relation to the main issues.

Conclusion

27. The appeal scheme would conflict with the development plan when read as a whole, and there are no other material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

S Brook

INSPECTOR