

Development Management
High Peak Borough Council
Buxton Town Hall
Market Place
Buxton
Derbyshire
SK17 6EL
United Kingdom

Dear Sir or Madam,

RE: Application for Full Planning Permission for a Change of Use from Large HMO (9-bed) (Sui Generis) to Large HMO (7-bed) (Sui Generis)

85 Fairfield Road, Buxton SK17 7HA

I am writing to apply for planning permission to change the use of the property at 85 Fairfield Road, Buxton from a 9-bed large HMO (sui generis) to a 7-bed large HMO (sui generis).

As part of this application, I am also seeking to establish the property's existing lawful use as a 9-bed Large HMO (sui generis), which has been in continuous use for over 10 years before the date of this planning application and has therefore achieved immunity from enforcement action under 171B(3) of the 1990 Act. As such, this should be the Council's starting position when assessing the impact and acceptability of the proposals.

The Site

The application site is a 3-storey end of terrace residential property on Fairfield Road and is currently in occupation as a 9-bed House in Multiple Occupation (HMO) with a shared lounge, kitchen and 3 bathrooms set over 3 floors. The property does not benefit from any off-street parking space.

Proposed Development

This application seeks planning permission to change the use of the above property from a large 9-bed HMO (sui generis) to a large 7-bed HMO (sui generis). The proposals involve internal changes only in order to allow a dedicated bathroom for each occupant and thereby reducing the occupancy of the building from 9 to 7 bedrooms. No changes / alterations are proposed to the external façade of the building or will be required as part of this change of use application.

Planning Consideration

Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. The Development Plan consists of the High Peak Local Plan Policies Adopted April 2016. Other material considerations include the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG).

Existing Lawful Use

The property was purchased by the current owner in October 2006, who carried out major structural repairs until August 2007. These works also involved the internal refurbishment of the property so that it could be used as a large-scale House in Multiple Occupation (HMO) containing 9 bedrooms and 3 bathrooms.

The Council Tax bill enclosed at **Appendix 1** shows that the property has been used and occupied as an HMO – and accordingly liable for Council Tax - since 4th August 2007. The property has also benefited from HMO Licence (up to 10 occupants) since 18th September 2008, which was renewed every 5 years as required by the Council – see **Appendix 2** for a copy of all HMO Licences. A timeline of events is also included at **Appendix 3** to explain the historic use of the property.

The above evidence shows that the property has been in continuous use as a large 9-bed HMO (sui generis) over 10 years since August 2007 before the date of this planning application, and its existing use is therefore considered to be lawful pursuant to s191(2)(a) & (b) of the 1990 Act (as amended) whereby lawfulness can accrue where no enforcement action can be taken against the use because the time for enforcement has expired.

This evidence is merely being put forward as part of this change of use application to assist the Council in determine the existing use of the building as a starting position, which the proposed change can then be assessed against.

Principle of Development

Policy H1 of the Local plan seeks to promote the effective re-use of land by encouraging housing development including the conversion of existing dwellings on all sites suitable for that purpose.

The site is located in an established residential area in close proximity to Buxton town centre and the property has been used as a large 9-bed HMO since 2007.

The proposals involve a reduction in the intensity of the property's current use in order to provide each bedroom with its dedicated bathroom. The proposals are a direct response to the changing market conditions born out of the pandemic and will improve the quality of the accommodation and living conditions of its future occupants. As such, the proposed change from a 9-bed HMO to a 7-bed HMO is considered acceptable and allows the property to adapt to the local housing market whilst according with local and national policy.

Residential Amenity

Local Plan Policy EQ6 requires development to achieve a satisfactory relationship to adjacent development and to not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.

The proposals do not involve any changes or alternations to the external façade of the building and will therefore not alter the existing character of the surrounding area.

The proposed change from a 9-bed HMO to a 7-bed HMO is not considered to have any detrimental impacts on neighbour amenity and will in fact reduce the level of comings and goings or general activity currently experienced to this property within the development boundary while improving the standard of accommodation / living conditions of its future occupants. As such, the development is in accordance with Policy EQ 6 of the local plan.

Parking and Access

The property does not currently benefit from any off-street parking and the proposals do not alter the existing arrangements. The site is located in a sustainable location within a 10 mins walking distance from local shops, amenities and the train station in Buxton town centre and therefore the car parking free nature of the development should be supported by the Council.

As such, the proposals are not considered to raise any highways safety concerns and therefore accord with Policy CF6 of the Local Plan.

Conclusion

The proposed change of use from a large 9-bed HMO to a 7-bed HMO is considered to be in accordance with the relevant policy contained in the High Peak Local Plan and the NPPF and approval should therefore be granted by the Council.

I trust the supporting information provided with this application is sufficient to validate and determinate this change of use planning application within the 8-week determination period, however should you require any further information, please do not hesitate to contact me via email on atwproprty@outlook.com.

Yours Sincerely,

Tim Witt