

Officer Report

Case Reference: PL/2026/0291
Location: 14 ST JAMES TERRACE, HEYWOOD, OL10 3AB
Proposal: Change of use and conversion of existing dwelling (Use Class C3) into 8 bedroom House of Multiple Occupation (HMO) (Use Class Sui Generis) and provision of cycle shelter and bin store
Recommendation: Refuse
Officer: Luke Rigby

SITE

The application site consists of a two-storey mid-terrace dwelling located to the south of St James Terrace in a predominantly residential area of Heywood. The existing dwelling is constructed of facing brick with a pitched roof.

St James Terrace dates back to the early 19th century, with its first occupants recorded in the 1841 Census. It represents one of the few surviving historic terraces in Heywood that remains largely intact and unaffected by later development. As such, the terrace holds notable architectural interest, particularly in respect of its original internal layout and plan form and overall design, much of which is still legible today.

While No. 14 and its adjoining properties are not statutorily listed, the terrace has recently been included on the Council's list of Non-Designated Heritage Assets following the submission of this application. Furthermore, No. 14 has been served with a Building Preservation Notice (June 2026, entry No. 1497476), affording it interim statutory protection in recognition of its architectural significance.

The application site is located adjacent Church of St James, a Grade II Listed Building.

PROPOSAL

The application seeks planning permission for a Change of Use from Use Class C3 to an 8-bedroom HMO (Use Class Sui Generis). No external alterations to the building itself are proposed, however a cycle and bin store are proposed to the rear garden area.

RELEVANT PLANNING HISTORY

None recorded.

RELEVANT PLANNING POLICIES

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Sub-Regional Guidance

Places for Everyone Joint Development Plan (PfE)

JP-P1 Sustainable Places

JP-P2 Heritage

Local Guidance

Saved Rochdale Unitary Development Plan (UDP) 2006:

G/D/1 Defined Urban Area

Adopted Rochdale Core Strategy (CS) 2016:

C1 Delivering the Right Amount of Housing in the Right Places

C3 Delivering the Right Type of Housing

P2 Protecting and Enhancing Character, Landscape and Heritage

P3 Improving Design of New Development

DM1 General Development Requirements

T2 Improving Accessibility

Appendix 5 Schedule of Parking Standards

Supplementary Planning Documents (SPD):

Supplementary Planning Document 'Guidelines and Standards for Residential Development' (2016)

Legislation

Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

PUBLICITY

Site Notice: Posted 17.04.2026.

Press Notice: N/A

Neighbour notification letters: In accordance with the Council's adopted Statement of Community Involvement, notification letters were sent to immediate neighbours.

ASSESSMENT

Principle

Policy C1 of the adopted Rochdale Core Strategy seeks to provide the right amount of homes in the right places, with a specific focus on regenerating inner town centre areas. Chapter 5 of the National Planning Policy Framework (henceforth, the Framework), seeks to deliver a sufficient supply of homes. At Paragraph 61, the Framework makes clear that the *"overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community"*.

The application site is located within a predominantly residential area within close proximity to local amenities and just a short walk from Heywood Town Centre and is therefore considered to be located in a sustainable area. The principle of use of the dwelling as a HMO for 8No. people is therefore considered acceptable in principle, subject to an assessment of all other material considerations.

Design, character and appearance

The Framework, Core Strategy and Places for Everyone Joint Development Plan put emphasis on the importance of good design. Developments are expected to be of high quality, good design, sustainable and functional. Developments should also be sympathetic to the local character and history and provide appropriate and effective landscaping.

The application proposes no external alterations to the dwelling itself. A cycle and bin store are proposed to the rear elevation and the design of such is considered acceptable on design terms. It is therefore considered that the proposed development would be consistent with the aims of Policies P3, DM1 of the adopted Rochdale Core Strategy, Policy JP-P1 of the Places for Everyone Joint Development Plan, and the design provisions of the Housing SPD and the National Planning Policy Framework.

Heritage

The application site, as discussed previously, is not statutory listed, however is present on the Council's list of Non-Designated Heritage Assets. A Building Preservation Notice was served on the dwelling in June 2026 and therefore it is afforded interim protection the same as if it were statutory listed; as such, any assessment must treat the building as if it were a designated heritage asset.

Whilst Historic England did not formally respond to the initial consultation response, they were subsequently consulted in accordance with Section 3(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (henceforth, the 1990 Act), before the Local Planning Authority issued the BPN on the property, and stated that the dwelling appears to have a claim to architectural significance that is at risk and therefore they would support the issuance of a BPN.

Section 66(1) of the 1990 Act states that when considering whether to grant permission for a development which affects a listed building or its setting, the Local Planning Authority shall have special regard for the desirability of preserving the building, its setting, or any features of architectural or historic interest which it may possess.

Paragraph 212 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation; the more important the asset, the greater this weight should be. Paragraph 213 of the Framework goes on to state that any harm to the significance of a designated heritage asset should require clear and convincing justification.

Paragraph 215 states that where a development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing the assets optimal viable use.

No external alterations, as discussed above, are proposed that would impact on the significance of No. 14 St James Terrace. Officers conducted a site visit during the course of determination and noted that internally, whilst some alterations have been made to the dwelling, its plan form and architectural features are almost intact. The front door, some internal doors, the Bannister, servants' stairs leading to the loft space and many other internal features appear to be original. These features are rare survivors of the early 19th century in which the building was constructed; whilst Officers acknowledge that some alterations have occurred, such as the removal of some original fireplaces, addition of roof light into the cupola, this does not significantly detract from the remaining architectural and historic interest the dwelling possesses.

The application submission indicates that several internal alterations to the plan form of the dwelling, such as the removal of chimney breasts and subdivision of rooms are proposed. Furthermore, Office's acknowledge that in order to be compliant with Building Regulations for a HMO, further changes, such as installation of fire-resistant doors and removal and replacement of the existing Bannister, would be required. This will result in irreversible loss of key historic features that fundamentally contribute to the significance of No. 14 St James Terrace.

Whilst it is acknowledged that the external envelope of the building and its footprint would remain largely unchanged the proposed/required internal works are considered to be of such extent as to compromise the overall significance of the building, and Officer's consider that the development would give rise to a high level of less than substantial harm to a designated heritage asset.

Paragraph 213 of the Framework makes clear that any harm to the significance of a designated heritage asset should require clear and convincing justification, whilst Paragraph 215 makes clear that where a development would lead to less than substantial harm, this harm should be weighed against the public benefit of the proposal.

The provision of a HMO would yield minimal public benefits in terms of housing supply, and it is prudent to note that the Council is able to demonstrate a 5-year housing land supply across the Borough. This minor benefit is insufficient in this instance to outweigh the harm the development would cause to the historic floorplan and architectural features of the building.

Furthermore, Paragraph 215 of the Framework makes clear that, in assessing whether public benefits outweigh harm, consideration should be given to securing the asset's optimum viable use. In this instance, there is no substantive evidence to demonstrate that the building is not capable of continued use as a single dwellinghouse (Use Class C3). The property has not been subject to prolonged vacancy, nor has any robust or sustained marketing exercise been undertaken to demonstrate that its existing use is no longer viable.

In the absence of such evidence, it cannot be concluded that the proposed HMO use represents the optimum viable use of the building. As such, Officers consider that this element of the proposal be afforded limited weight in the planning balance.

Having regard to the above, the proposed development is therefore considered to conflict with the aims of Policy P2 of the adopted Rochdale Core Strategy, Policy JP-P2 of the Places for Everyone Joint Development Plan and Chapter 16 of the National Planning Policy Framework.

Residential amenity

Policy DM1 of the adopted Rochdale Core Strategy states that developments will be expected to demonstrate that they do not adversely affect the amenity of neighbouring residents through visual intrusion, overbearing impact, overshadowing, or loss of privacy.

The application proposes no external alterations; therefore it is not considered that the proposed development would appear overbearing or overshadowing for neighbouring dwellings, nor would it result in a loss of privacy. The impacts on amenity, therefore, relate to an assessment on noise, and whether the comings and goings of occupiers of the HMO would materially impact on the amenity of neighbouring dwellings to a significant degree.

In respect of comings and goings, the existing property is a four-bedroom dwelling and could reasonably accommodate a family of up to five individuals, for example two adults and three children. The application proposes occupation by up to eight individuals. However, it is not considered that the level of activity associated with eight occupants would be materially different from that of a typical family unit. In both scenarios, there would be regular movements associated with day-to-day routines, such as residents leaving and returning for work or education at similar times. As

such, the pattern and frequency of comings and goings are unlikely to result in a significantly greater impact on neighbouring amenity.

In terms of noise impacts, the submitted Supplementary Noise Assessment (Page 2) demonstrates the relationship between No. 14 and its adjoining properties, Nos. 12 and 16. The principal shared living spaces within the application property, including the kitchen/diner and dining areas, are positioned adjacent to similar habitable spaces within No. 16. As these are comparable room types, a degree of ambient domestic noise is already expected, and the proposal would not introduce noise that is materially different in character. Furthermore, it is unlikely that all eight occupants would use these communal spaces simultaneously, and therefore noise levels are anticipated to be comparable to those generated within a typical family dwelling.

With regard to the relationship with No. 12, the rooms adjoining the shared boundary are proposed as bedrooms, which are generally regarded as low noise generating spaces. These rooms adjoin the neighbouring property's living areas; however, given the limited noise typically associated with bedroom use, it is not considered that this arrangement would give rise to significant adverse impacts.

Overall and having regard to the above, whilst the representations in relation to noise are acknowledged, it is considered that the proposed development would not result in unacceptable levels of noise or activity and would therefore comply with the requirements of Policy DM1 in respect of safeguarding neighbouring amenity.

Highways and parking

Paragraph 116 of the Framework makes clear that a development should only be refused on highway grounds where the impact on the highway network, after mitigation, would be severe.

The application does not propose the provision of any off-street parking, as this would not be possible given the constraints of the site; St James Terrace is defined by a row of terraced dwellings with shallow front gardens which immediately open onto the cobbled street.

Notwithstanding this lack of parking provision, the application site is considered to be located in a broadly sustainable location, just a short walk from Heywood Town Centre, and in close proximity to public transport links which would reduce reliance on public transport. A bike store would be provided in the rear garden which would encourage people to cycle.

The Council's Highway Department were consulted on the proposal and raise no objection, citing that it is widely accepted that HMO's do not give rise to significant parking requirements and the proposal is therefore unlikely to have an impact on the wider highway network.

The concerns raised regarding parking are acknowledged and addressed above. Having regard to this, it is considered that the proposed development, in line with Paragraph 116 of the Framework, would not have a significantly detrimental impact on parking requirements or the wider highway network.

Ecology

Paragraph 187 of the Framework states that planning policies and decisions should contribute to and enhance the natural and local environment.

In England, biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met. This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.

PfE Policy JP-G8 also states that through local planning and associated activities a net enhancement of biodiversity resources will be sought where relevant. In particular, development will be expected to achieve a measurable net gain in biodiversity of no less than 10%.

Policy G7 requires that sites and features of biodiversity and geodiversity importance are given full and appropriate recognition and protection and that opportunities for enhancing biodiversity and geodiversity will be supported. It is expected that development proposals will protect and include existing biodiversity and take opportunities to promote biodiversity and create new habitats using landscaping and building and construction features wherever possible. CS Policy G7 requires that no development should result in a net loss of biodiversity and geodiversity.

The application form indicates that the applicant believes that the development be exempt from the mandatory BNG condition as it relates only to a Change of Use with no external alterations other than a bike and bin store and therefore is subject to the de-minimis exception. Officers have reviewed the application and agree that this is the case and the development be exempt; there is no scope for a BNG uplift given the nature of the development.

Other Matters

Concerns have been raised regarding the Council's handling of publicity surrounding notification and the description of development. The description of development during validation incorrectly stated that the use class of the HMO would be C4. This was later amended to be Sui Generis, and publicity was re-issued with the amended description for a period of 14 days running concurrently with the original consultation. It is prudent to note that the Council re-notified everyone who had made comments on the proposal, not only those that were consulted originally, and it is therefore not considered that anyone was disadvantaged by the change of description and reduced renotification; it is also noted that the application form always stated that the proposed Use Class would be Sui Generis. Officers therefore consider that the requirement for publicity as set out in the DMPO has been met in this instance.

Comments were received regarding a similar HMO development at No. 10 which had previously been refused by the Council. Officers can find no record of such application; however, it is prudent to note that each application must be determined on its own merits.

Comments regarding party walls, removal of load-bearing walls, or who would occupy the development are not material considerations in the determination of planning applications and are civil matters. Concerns regarding disruption during development are acknowledged; such disruption is a necessary by-product of development and is usually transient and short lived.

The concerns over the building as a non-designated heritage asset and its historic importance are acknowledged and are discussed above in the heritage section.

Concerns over drainage are acknowledged. Grant of planning permission does not infer, or override, the need to gain additional consents such as those from United Utilities or Building Control. The scale of development in this instance is not considered to necessitate further consideration of drainage.

Comments regarding the bathroom extension are acknowledged; however, are not material considerations in the determination of this application.

Concerns have been raised relating to the size of the dwelling being insufficient for a HMO of this size. The Council's Housing/Licensing Team have raised no objection and state that the proposed would meet the minimum space requirements for a HMO of this size.

Concerns have been raised in relation to bats and the lack of a survey. The application does not include any external alterations to the building or the roof which would appear to impact on bats given the development would relate only to internal alterations; it would therefore be unreasonable for the Local Planning Authority to require a bat survey via condition. Had the application been recommended for approval it is considered that the standard informative reminding the applicant that bats are a protected species, would be sufficient.

Planning Balance and Conclusion

Paragraph 11 of the Framework establishes a presumption in favour of sustainable development. This means approving applications for development unless there are material considerations that indicate otherwise; where these conflicts exist, these conflicts must be weighed against the benefits of approving the proposal.

The proposed conversion of No. 14 to an 8-person HMO is broadly considered acceptable in principle. Furthermore, Officers are satisfied, having regard to the above, that the development would not give rise to any unacceptable impacts regarding residential amenity, highway safety, parking provision, or ecology. In these specific respects, the development is considered to accord with the aims of the relevant policies and material considerations.

However, the application dwelling is currently subject to a Building Preservation Notice (BPN) and is therefore afforded the same statutory protections as if it were a designated heritage asset. As detailed in the assessment above, the physical internal alterations required to facilitate the conversion of the dwelling to an HMO—most notably the subdivision of rooms, removal of chimney breasts, and the irreversible loss of early 19th Century features such as the servants stairs and main Bannister—would permanently destroy the intact plan form of the building. Officers consider that these changes would result in a high level of less than substantial harm to the building, which is an interim designated heritage asset.

Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires the Local Planning Authority to have special regard to the desirability of preserving the building or any features of special architectural or historical interest which it may possess. Paragraph 213 of the National Planning Policy Framework requires clear and convincing justification for any harm—irrespective of level—to a designated heritage asset.

In accordance with Paragraph 215 of the Framework, this harm must be weighed against the public benefits of the proposal. The proposed HMO would make a marginal contribution to the local housing land supply. However, this public benefit is afforded limited weight in the planning balance given the Council is able to demonstrate a 5-year housing land supply as required by the Framework. Furthermore, the applicant has provided no substantial evidence to suggest that the asset cannot easily continue its optimal viable use as a single-family dwellinghouse (Use Class C3) without the need for the harm.

The proposal is therefore considered to conflict with the aims of Policy P2 of the adopted Rochdale Core Strategy, Policy JP-P2 of the Places for Everyone Joint Development Plan, and the aims of Chapter 16 of the National Planning Policy Framework.

SUMMARY OF THIRD-PARTY REPRESENTATIONS

Highways

No objection, it is accepted that HMO's do not give rise to significant amount of traffic.

Historic England

Historic England did not respond when consulted upon application validation. Officer's reconsulted Historic England prior to serving a Building Preservation Notice on the dwelling, to which Historic England stated they support the Council in doing so.

Conservation and Design

Objects due to the loss of internal historic fabric.

Housing/Licensing

The proposed development would meet the minimum requirements in relation to floor space.

SUMMARY OF CONSULTATION RESPONSES

27No. objections received which can be summarised as follows:

- The terrace itself is not suitable for a HMO of this size
- St James Terrace is made of family homes and a HMO would not be suitable
- Street parking is already an issue
- Drains will need to be improved
- There is a strong sense of community and introduction of a HMO would undermine this
- Level of activity associated with a HMO of this size is likely to detract from residential amenity
- A similar proposal at No. 10 St James Terrace had been refused previously.
- Overdevelopment
- The introduction of a HMO would alter the character of the terrace
- Likely impacts on amenity of neighbouring dwellings
- Concerns raised regarding storage, collection and potential overflowing of waste
- Concerns regarding safety and noting some residents do not feel safe walking home already
- Concerns regarding a bathroom at the rear of the dwelling which appears does not benefit from planning permission
- The description of development states the development would be Use Class C4 yet the application form says Sui Generis
- The description of development was changed during the course of determination and therefore objection that the consultation was not restarted
- Concerns over removal of load bearing walls
- The building meets the criteria to be a non-designated heritage asset, and the development would result in the loss of an important part of Heywood's history
- Concerns over disruption during the course of development to turn the building into a HMO
- There is no evidence that a bat survey has taken place and there are bats seen in the area frequently
- No. 16 would not be in agreement for alterations to the party wall
- The application submission states the HMO would be for professionals, but there is no way to enforce this

PROCEDURAL STATEMENT

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner. Due to the triggering of the criteria for a BPN to be served, officers have informed the applicant and confirmed that at present the development would not improve the economic, social and environmental conditions of the area and therefore does not

comprise sustainable development. The Local Planning Authority considers there are no amendments or conditions that could be reasonably imposed to make the proposed development acceptable. It has therefore not been possible to approve the application.

Human Rights and Public Sector Equality Duty

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report. In particular, Article 6 (1), of the European Convention on Human Rights in relation civil rights and a fair hearing; Article 8 of the ECHR in relation to the right to respect for private and family life and Article 1 Protocol 1 of the ECHR in relation to the protection of property have all been taken into account.

In addition, the Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics namely: age, disability, gender reassignment, pregnancy and maternity, race, religion, or beliefs and sex and sexual orientation. It places the Local Planning Authority under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application. In particular due regard has been afforded to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers are satisfied that the application material and Officers' assessment has taken into account these issues.

The application has been considered in accordance with the Rochdale Equity, Diversity and Inclusion policy – Embracing All Voices (2024-2026), which seeks to promote a culture of equity, diversity and inclusion that benefit the community as a whole.

Recommendation: Refuse

Refusal(s) (1)

- 1 The application dwelling is subject to a Building Preservation Notice and is therefore afforded statutory protection as a designated heritage asset. The proposed development, by virtue of the extensive internal alterations required to facilitate the HMO conversion – namely the subdivision of rooms, removal of chimney breasts and the loss and replacement of rear early 19th century internal architectural features such as the servants'

stairs, doors, and historic Bannister – would result in the permanent and irreversible loss of the buildings intact historic floorplan and fabric.

This would cause a high level of less than substantial harm to the significance of a designated heritage asset, which is not outweighed by any overriding public benefits. The application has failed to provide clear and convincing justification for this harm or demonstrate that the building is incapable of continuing in its optimal viable use as a single family dwellinghouse.

Consequently, the proposal falls contrary to Policy P2 of the adopted Rochdale Core Strategy, Policy JP-P2 of the Places for Everyone Joint Development Plan, and the aims of Chapter 16 of the National Planning Policy Framework.

1 For the avoidance of doubt, this decision relates to the following plans/documents:

- Application Form
- HMO Management Plan (March 2026)
- Document No. 1959_PDAS_Rev0 (Design and Access Statement)
- DWG No, 999-LP (Location Plan)
- Biodiversity Enhancement Statement
- DWG No. 999-SP (Existing and Proposed Site Plan)
- DWG No. 020B-EE (Cycle and Bin Store Elevations)
- DWG No. 020-EE (Existing and Proposed Elevations)
- DWG No. 002-GA (Proposed Floor Plans)
- Usable Community Space Supplementary Statement
- Supplementary Noise Assessment