



Walsall Council

Item No.

DEVELOPMENT CONTROL COMMITTEE

17 July 2007

HEAD OF PLANNING AND BUILDING CONTROL

Junction 9 Accommodation **Change of use to Houses in Multiple Occupation and Flats**

1.0 PURPOSE OF REPORT

- 1.1 This report relates to a company known as J9 Accommodation (referred to in this report as J9) who have converted a number of properties across the borough to Houses in Multiple Occupation or self contained flats without planning permission and act as a letting agency. The report identifies each of the properties and recommends enforcement action where it is expedient to do so.
- 1.2 This report is in two sections. The first is the main report (recommendations and general matters relating to residential conversions of this type) and the second section contains an appendix which identifies each site and provides more detailed information on the expediency of taking enforcement action.

2.0 RECOMMENDATIONS

- 2.1 That authority is delegated to Assistant Director - Legal and Constitutional Services and the Head of Planning and Building Control for the issuing of Requisition for Information Notices and Enforcement Notices if required at 13 sites across the borough as detailed in the table below:

Address	Breach of Planning Control
261 Walsall Road Darlaston	Change of Use to HMO
14 Walsall Road, Darlaston	Erection of timber building in rear garden

12 Walsall Road, Darlaston	Change of use to flats and erection of timber buildings for use as residential accommodation
3 Pinfold Street, (Former 3 Horseshoes PH) Darlaston	Change of use to flats
33 Walsall Street, Willenhall	Change of use to flats and erection of timber buildings
112 Temple Road, Willenhall	Change of Use to HMO and erection of timber building
21 Slaney Road, Walsall	Change of use to HMO
23 Slaney Road Walsall	Change of use to HMO
24 Slaney Road Walsall	Change of use to HMO
New Street Walsall	Change of use to flats
41 Westbourne Road, Walsall	Change of use to flats
42 Hilary Street	Restriction of the use of the garden buildings
7 Broadway North, Walsall	Change of use to HMO/Flats

Further information for each of the above properties can be found in the attached appendix.

- 2.2 That the decision as to the institution of legal proceedings in the event of non-compliance with the Notices, or the non-return of Requisitions for Information, Notices be delegated to the Assistant Director – Legal and Constitutional Services and the Head of Planning and Building Control.

- 2.3 That authority be delegated to the Assistant Director – Legal and Constitutional Services, in consultation with the Head of Planning and Building Control to amend and add to or delete from the wording stating the nature of the breach(es) the reason(s) for taking enforcement action, and the requirement(s) of the Notice or the boundaries of the site for each of the properties detailed in the above table.

Details of the Enforcement Notices

The Breaches of Planning Control:

As in the appendix.

The reasons for taking enforcement action and period for compliance:

As in the appendix. As the Enforcement Notices relate to different sites the reasons for issuing them and their requirements will differ.

3.0 FINANCIAL IMPLICATIONS

Within existing budgets and therefore none arising directly from this report.

4.0 POLICY IMPLICATIONS

None arising directly from this report.

5.0 LEGAL IMPLICATIONS

Non-compliance with a Planning Contravention or Enforcement Notice is an offence.

6.0 EQUAL OPPORTUNITY IMPLICATIONS

None arising directly from this report.

7.0 ENVIRONMENTAL IMPACT

The report seeks enforcement action to remedy adverse impacts.

8.0 WARD(S) AFFECTED

The report refers to 21 sites falling in Bentley and Darlaston North, Birchills Leamore, Darlaston South, Pleck, St Matthews, Willenhall South.

9.0 CONSULTEES

Public Protection, Legal Services, Housing Services and Building Control.

10.0 CONTACT OFFICER

Tonia Upton – Planning Enforcement Team Leader
Tel; 01922 652411.

11.0 BACKGROUND PAPERS

Planning enforcement file

HEAD OF PLANNING AND BUILDING CONTROL

DEVELOPMENT CONTROL COMMITTEE

17 July 2007

Junction 9 Accommodation

12.0 Status

- 12.1 A version of this report was due to be presented to your last meeting. It was withdrawn by the Chair because J9 submitted a very long response to the report on the day of the meeting. Officers felt it was important to properly assess the information, before the report was considered. The relevant information from the J9 submission is primarily included in paragraphs 13.7 to 13.10 and sections 14 and 15 of this report, their main concerns appear to fall within 3 main categories, a disagreement on the need for planning permission, their provision of a housing need and the conduct of the investigation. J9 have also advised that there were errors in the original report relating to certain properties, and this is addressed in the appendix.

13.0 BACKGROUND AND REPORT DETAIL

- 13.1 J9 is a residential letting agency which also acquire and convert properties. Their position is that they started buying / renting properties in 1991, but now mainly provide for working people, in Houses in Multiple Occupation (HMO). They advise that they own over 70 HMOs in the Black Country, and provide flexible, low cost, warm, safe housing. Rents are inclusive of most bills to make budgeting easy for tenants.
- 13.2 Officers take the view that some of these properties are better described as flats, and this is an issue explored below. The properties are often former dwellings, converted internally to provide individual rooms and studios. J9 also operate in Sandwell and Wolverhampton. Planning Officers first received enquiries about the company in 2004 in respect of 42 Hillary Street. However works done here were considered acceptable and enforcement action was judged not to be expedient (members will be familiar with the concept that the Local Planning Authority must decide whether it is expedient to enforce against a breach of control). Further details on the Hillary Street case are provided in the appendix. At that time planning officers were unaware of the number of properties involved.
- 13.3 Until 2006 few complaints were received however from last summer onwards many complaints from both members of public and councillors have been received. It is not clear as to why the number of complaints has recently risen or why so few were received before. It may be that as the number of properties they have acquired has increased, the scope for impact on neighbouring properties has increased. Further, J9 have recently erected a number of timber buildings in the curtilage of the properties involved and these works have attracted much public concern about what they will be used for.

- 13.4 Given the number of complaints, officers commenced a detailed investigation to ascertain how many properties may have been converted without planning permission. A total of 22 properties have been identified, however it is likely that this list is not exhaustive and further investigations are under way. Other Council departments including Housing and Council Tax are aware of the investigation.
- 13.5 Most of the properties identified within this report have been inspected internally and the owner of the company has been present at most of the inspections.
- 13.6 Retrospective planning applications have been invited however none have been submitted and the owner has expressed a reluctance to do so. In response to the earlier version of this report, J9 “refute that I was specifically asked to apply for planning for any particular property.”. Officers do not agree, J9 have been invited in writing to apply for retrospective planning permission for particular properties and have chosen not to do so. In addition the company have been advised to exercise caution before they commence any further conversions or erect any new buildings and to obtain planning advice before they invest further.
- 13.7 J9 consider that planning permission is not required as they are meeting a housing need (with a high standard of accommodation) and planning action is over zealous. Planning Officers have acknowledged the housing need that is being met by these conversions, but this cannot override the need to apply for planning permission if it is required.
- 13.8 Central to this report is the C3 use class (dwelling house) as set out in the Town and Country Planning (use Classes) Act which defines a dwelling house as one which
- can be occupied by people living together as a family
 - or
 - by not more than 6 residents living together as a single household.

It is the latter that the Company suggest should be applied in this case. It is the view of your officers that for 6 people to share a house and meet the legal test of “living together”, requires that they genuinely share the house (cooking, eating washing etc), and that the house is not subdivided into bedsits or flats. Officers can not accept the position argued by J9. The issue is explored in more detail below, but that is generally not how these properties have been organised. The question which is central to this report is whether the properties in question are a single dwelling house, in the terms of C3, or whether they are something else (whether it be flats, or a House in Multiple Occupation).

- 13.9 J9 argue officers are offering a restricted interpretation of C3. They argue, instead, that C3 allows
- up to six persons sharing
 - and
 - more than six persons depending on the size of the property and the impact on the community.

Their planning consultants are reported to be amazed at this action by your officers, and J9 advise they universally agree it appears vindictive, unjustified and based on an unreasonable interpretation of the law. Neighbouring authorities

do not apply this interpretation. If your officer's interpretation was applied throughout the country, it would result in a major reduction in housing. J9 ask that the committee question where officers have derived their interpretation of 'single household', and what is the legal basis for their interpretation? They point to the commentary on flats and HMOs in the report (see paras. 13.11 and to 13.20 below), and can see no legal justification for the guidelines in those paragraphs (their views are set out in more detail later in this report). They advise that defective advice could result in significant legal costs for the authority and perhaps enormous consequential compensation. They advise that as a result of this enforcement action they will have to lay off about 16 workers and stop work on a number of sites.

- 13.10 Officers are confident that J9's interpretation of C3 is incorrect, and that the properties in this report needed planning permission when the use as HMO \ flat began. From your officers investigation it is clear that all of the properties can be described as either HMO or self contained dwelling. The following paragraphs provide the reasoning behind the need for planning permission.

HMOs

- 13.11 Circular 12/93 refers to the definition of a House in Multiple Occupation as one "occupied by persons who **do not form a single household**" (my emphasis). My previous report referred to occupation by a group of students as one potential form of single household of unrelated people. J9 have latched on to this use of an example, as a key criticism in their response even though they do not generally house students any more (and more detail is set out below). It is your officer's view that the residents in Junction 9 properties do not appear to form single households as their mode of living means that they share very little communally. A number of factors have been identified from site inspections made which indicate that there has been a change of use.
- The rooms are locked and numbered
 - Each room is let on an individual basis with each resident responsible for their own rent.
 - Many of the rooms have electricity meters
 - Residents are transient
 - Vacancies and room allocations are controlled by the company
 - Tenants are not necessarily known to each other
 - Properties are serviced by Junction 9 e.g., weekly clean – leading to a lack of need to share chores communally.
 - Council tax, and heating bills are paid by Junction 9 – again negating the need to share bills in common.
- 13.12 Whilst residents do, in some cases, share a bathroom and kitchen (although some properties have en-suite shower rooms), as a matter of fact, the properties do not fall within the C3 definition. It is likely that whilst residents may interact with each other to a small degree this will not be enough to suggest that they live communally. It is evidential that each resident can, and does, live as a separate household within the building, whilst sharing some facilities in common.

- 13.13 It is therefore considered that those properties which have been converted to provide lockable numbered individually let rooms by Junction 9 are HMOs for which planning permission is required. As planning permission has not been granted it is therefore open to the Council to take enforcement action where it is expedient to do so. The main factors for consideration include the level of activity, noise, disturbance, and impact on nearby parking provision, any of which may exceed what can reasonably be expected from a dwelling house of the same size, occupied by a family.
- 13.14 Simply changing to an HMO is not in itself a reason to refuse planning permission nor is the absence of a planning approval. It is acknowledged that this type of accommodation in general, and J9's operation in particular, provides relatively cheap furnished accommodation and a housing need is being met. The standard of accommodation provided by J9 is good and well maintained and it is understood that the company complies with the codes of practice for HMOs as regulated by Housing Standards and Improvements. In respect of the Housing Act officers are advised that it is only mandatory for HMOs to be licensed if they are more than 3 storeys and house 5 or more people. Few of Junction 9's properties therefore require a license although they still need to conform to certain standards.
- 13.15 This type of housing, due to its intensive character, can lead to complaints from members of the public that this is substandard accommodation or that residents are more likely to cause nuisance than conventional families. A Local Planning Authority must judge such complaints, and needs to be very careful about how these impacts are judged particularly in the light of the revised policy guidance in PPS3 (2006) where it is advised that there is a need for housing of different types and size and new ways should be found to utilise existing housing stock. If the activity and other effects of the use do not significantly exceed in some detrimental way what might be expected from occupation of a house by a large family then enforcement action should not be taken.
- 13.16 In respect of complaints it should be noted that Public Protection have received only one complaint in relation to all of the 22 properties under investigation. This complaint related to 7 Broadway North and related to disturbance arising from works being undertaken at the property. Planning officers have however received complaints about 16 J9 properties across the borough.
- 13.17 The provision of parking for HMOs is often an issue in planning decisions. Recently revised guidance in PPG13 proposes parking requirements should be relaxed, particularly in relation to HMOs where car ownership can be low. The success rate for the Council could be low at appeal if lack of car parking spaces was the only reason for refusal. Where properties are located near to local transport links and are in town centres this may be sufficient to overcome the parking objections. However where on-road parking is already limited and the intensive use of housing in such areas would lead to exacerbation of the problems then this could be a reason to refuse, and enforce. This is particularly so as planning conditions cannot be used to restrict car ownership.

13.18 It is therefore recommended that enforcement action is only taken in respect of the properties listed in the table on pages 2 and 3 of this report .

Flats

13.19 In addition to converting properties into HMOs, J9 are also responsible for the conversion of properties into self contained flats. The company refers to these as Studios and as already set out, they consider these properties are shared communally by the residents and therefore fall within the C3 definition of a dwelling house. Officers do not agree with this. The properties have been converted to provide individual lockable rooms each having its own ensuite shower room with wc and kitchenette area. The kitchenette has a sink and microwave and fridge. Residents are therefore able to live independently. Whilst in some properties there may be a shared kitchen this is usually small and often used as a communal laundry area. Residents do not appear to use the kitchen communally and no utensils or food were noted in the cupboards or fridge.

13.20 The flats usually contain a double bed or 2 single beds and therefore if a property contains 6 flats it is conceivable that 12 people could reside there. The characteristics of all the properties as noted at site inspections include:

- The flats are locked and numbered
- Each flat is let on an individual basis with each resident responsible for his own rent.
- The flats have electricity metres (J9 disputed this in their report however rooms and flats are advertised by them as having individual metres)
- Residents are transient
- Vacancies and room allocations are controlled by the company
- Tenants are not necessarily known to each other
- Properties are serviced by Junction 9 e.g., weekly clean – leading to a lack of need to share chores communally.
- Council tax, and heating bills are paid by Junction 9 – again negating the need to share bills in common.
- Each flat has its own en-suite
- Each flat has its own kitchenette area.

13.21 The properties which have been converted to flats could not realistically fall within the C3 use class dwelling house definition as there is very little shared in common and there is a significant degree of self containment. Given that planning permission is required and approval has not been given enforcement action should be considered for each property which has been converted.

13.22 As in the discussion earlier in respect of HMOs, enforcement action should only be taken where it is expedient to do so and therefore for reasons previously outlined only those properties for which intensification and over development has lead to parking problems or other a detrimental impact on the amenities of the area or where the amenities of the occupiers has been compromised should be enforced.

- 13.23 There may also be problems with lawful immunity from enforcement action as the four year rule applies to flats (the HMO limit is ten years) in relation to specific . addresses can be found in the appendix.

14.0 Erection of buildings in gardens

- 14.1 J9 have erected a number of timber buildings in the gardens of various addresses across the borough. Officers are aware of 7 addresses where timber buildings have been erected.
- 14.2 Members will be familiar with the concept that sheds and similar works are permitted development in the gardens of houses. The legislation on permitted development is structured so that houses have allowances. HMOs and flats do not have the benefit of permitted development rights. Any building works such as extensions and garden sheds require planning permission. The J9 buildings of this sort are unauthorised and potentially subject to enforcement action.
- 14.3 Nearby residents and Councillors have expressed their concern about these buildings and the use they are being or may be put to. Some are in use as additional residential accommodation on a property, others could be so used.
- 14.4 At 12 Walsall Road, timber buildings have been erected and are in use for residential purposes. These have a chalet like appearance and enforcement action is recommended as detailed in the appendix. However at other addresses it is clear that the buildings are only used for storage purposes. The buildings which are currently being erected at 3 addresses across the borough (Westbourne Road, Walsall Street and Temple Road) do look like residential chalet buildings with french doors and windows. In many of these cases the use of these buildings for residential purposes would be unacceptable due to overdevelopment of the site and the detrimental impact on amenity for both occupiers and nearby residents.
- 14.5 In relation to the potential storage uses, officers are concerned about the size of the buildings and the fact that the tenants are not likely to need such extensive facilities. Indeed the owner of J9 has said that in some cases they are used (Hilary Street) or will be used (Westbourne Road) not by the tenants but for the storage of company equipment and materials. The gardens of some of these properties have become small scale commercial storage yards. These have the potential to detrimentally impact upon both the amenities of the tenants and nearby residents. That is particularly the case if they become lawful, or other occupiers move into the sheds.
- 14.6 It is therefore recommended that enforcement action is taken at each of these addresses where the sheds are not immune from enforcement action by virtue of the 4 year rule. Enforcement action may require removal of the shed or in some cases it may be more appropriate to require that the shed is only used for domestic storage in connection with the dwelling on the site, which would control the future use. It is important that enforcement action requires only the minimum that is required to overcome the objections and therefore in some cases where

the shed is acceptable in principle Members are advised to control the use rather than require removal.

- 14.7 J9 consider that the erection of the sheds, in retrospect, may not have been a good idea but over time believe it will blow over. They feel this could have been dealt with by negotiation and advise that they have built sheds at many other sites without problems. Curiously, they feel the reaction against sheds is, in some instances, based on racism stirred up by the gutter press that immigrants are being housed in garden sheds in the garden. They have had the same problem in Sandwell, though that authority's reaction was not to bend to it and issue enforcement action. They refer to Polish workers which peaked in 2006. They house many, and this caused antagonism from neighbours. This was the cause of one of the complaints we received and the complainant also complained to J9. It is believed the complainant has now come to accept his Polish neighbours. The complaint related to the use of a driveway, the complainant was under the mistaken impression he could drive over it.
- 14.8 They consider that the Local Authority's reaction to racist motivated complaints, should be examined. The reaction of officers is that racism is not and will not be tolerated in any activity of the Council (and for the purpose of this statement, ignoring the fact that being Polish is not a racist situation).

15.0 J9 comments on the need for planning permission

- 15.1 J9 are very concerned about the Council's advice that planning permission is required for conversion of properties to HMO's and flats. They argue that if the officer's interpretation of C3 use is correct then over 90% of current HMOs will require planning permission. They also argue that enforcement should not be authorised as they are akin to a social landlord, providing property for working people and being reluctant to evict, e.g. when a tenant loses a job. They advise that if enforcement action is taken jobs will be lost and tenants will be made homeless. In addition they pride themselves in the quality of accommodation and the fact that it meets the necessary housing standards.
- 15.2 Officers welcome such zeal in the operation of a competitive commercial operation. However, this in no way affects the need for planning permission. J9 consider that if they did apply for planning permission however they would be refused.
- 15.3 J9 in their submission have also raised concern about the planning arguments in relation to car parking and advise that on average from analysis of the 70 HMOs they own less than 1 in 5 occupants have a car.

16.0 J9 allegation on conduct of the investigation

- 16.1 A wide range of criticisms are made by J9, in relation to the justification for the investigation of their property and the actions of officers involved. In particular they are concerned about the number and type of complaints that the Council have received and who has made them. As Members will be aware it is the

practise in Walsall not to reveal the source of a complaint. There have been reprisals against complainants, and that is something to be avoided. It appears that J9 feel that if a complaint has not been made or if there are few complaints the Council is wasting its time investigating. J9 have been told that they could view the planning files at any time but not the complaints themselves until such time as they become public e.g. in response to a planning application or an appeal against an Enforcement Notice.

- 16.2 J9 question why there was a need for investigation / extra man hours / expense, to ascertain how many properties have been converted without planning permission and have been critical of officers trying to obtain information for example by using their web site. Officers advise that complaints have been received about 15 of J9 properties and that it is the duty of planning enforcement to properly investigate.
- 16.3 J9 also refute that they were asked to apply for planning for any particular property and are concerned about the haste the matter was reported to committee. Officers are adamant that such requests were made in writing and also verbally. No applications have been received. In addition J9 have been aware since March 2007 that the matter would be reported to the Development Control Committee and have been advised for 12 months to seek the services of a Planning Consultant.

J9 comments on the provision of a housing need

- 16.4 J9 respectfully ask the committee to consider their evidence, “ ... *the implications of issuing enforcement notices and the wider message this will give to other landlords. There is a great shortage of accommodation in Walsall and landlords should be encouraged and supported more. I am a high profile player, I sit on the Homestamp Committee, which was set up by Walsall MBC’s Chris Miller ex head of Housing Standards and I am an active participant in your landlord groups and forums. I fully support safe good quality housing and wherever possible helpful and co-operative.*” and also state “ . *lenders will not provide finance for HMOs if they feel Local Authorities will take enforcement action against HMOs. Lenders and investors are already very nervous about HMOs with the introduction of Mandatory Licensing and the Tenancy Deposit Scheme.*”
- 16.5 J9 argue that the financial implications for the council (presumably as housing authority) are enormous as they house over 420 tenants, and ask “ ... *where are they going to be housed in an authority which already has housing problems? Enforcement against even one of my HMOs could result in my lenders foreclosing on all my properties..*”
- 16,6 J9 are very concerned about what they feel is an illogical approach by the Council as on the one hand they are providing good clean accommodation and on the other Planning are threatening to close down properties they manage. These comments have been made many times by J9 and officers have some

sympathy with their argument in that they do appear to provide a good standard of housing in a much needed area of the rented housing market. However they do not apply for planning permission and their housing provision cannot override the planning laws. If this was the case many other housing providers could have a similar argument. In any case enforcement action is recommended at 8 properties only and therefore if planning permission had been sought or was to be sought then it may have been possible to support some applications. For example advice was given in writing to J9 that planning permission was required for 22 Walsall Road and that it is likely that a favourable recommendation would be given, however, they chose not to apply.

17.0 Enforcement Notice Provisions

Period for Compliance with the Enforcement Notices

- 17.1 Members will note from the recommendations on page 1 that the time scale recommended for compliance with the enforcement notice is 6 months. This may seem generous however this time scale is considered appropriate because enforcement action may lead to many occupiers of the properties needing to find alternative accommodation. A 6 month compliance period should give adequate time for relocation and in any case most tenancies are conducted on a short term basis and can be terminated after this period of time.

Reasons for Issuing the Enforcement Notices

- 17.2 Members will also note that unlike usual enforcement reports the reasons for issuing the notices and the requirements of the notices are relatively brief and not related to a single case. This is due to the number of properties which need to be dealt with. The Enforcement Notices will contain more detailed information.

HEAD OF PLANNING AND BUILDING CONTROL

Appendix – Junction 9 Properties

285 Darlaston Road, Pleck, Walsall

Breach of Planning Control

Change of Use to HMO

Background and detail

This is an end-terraced residential property which was acquired by J9 in December 2003. The property has been converted to an HMO. There are 5 lockable and numbered rooms and a shared bathroom and kitchen. The property has a rear garden. There is no off-street parking, however there is on-road parking on Hough Road, at the side of the property.

Given that there are only 5 rooms and on-road parking is available it is not considered that the use of this property as a HMO gives rise to any detrimental impacts on amenity. Any impact would be unlikely to differ from that which may be reasonably expected of a family residing at this house. In addition there is also a garden area available for amenity purposes including the drying of washing and bin stores.

There is however a rear extension at this property and officers are currently assessing whether or not enforcement action should be taken in respect of this. It will be the subject of a separate report

Recommendation

Enforcement action is not expedient in respect of the use.

21 Slaney Road, Walsall

Breach of Planning Control

Change of Use to HMO

Background and detail

This is a semi detached residential property which was acquired by J9 in November 2001. The property has been converted to an HMO. There are 12 lockable and numbered rooms and a shared bathroom and kitchen. Three of the rooms have an en-suite shower room. The property has a rear garden. There is no off-street parking provision and no space is available within the site to create spaces. There is a rear garden and room for bin stores and private amenity space.

There are parking problems and congestion on Slaney Road and the change of use to create a 12 roomed HMO does nothing to help this. In addition due to the fact that the adjoining property has also been converted by J9 to create 12 letting rooms and the property opposite to create a 7 roomed HMO the change of use has a significant and cumulative affect in this location. It is considered that the impact of intensification is more than would be expected if the property was to be used a single dwelling house. Whilst it may be argued that the residents do not have their own cars there is little that planning can do to control this. It is therefore considered that the change of use to a HMO has strained the capacity of the street to absorb the use causing conflict with neighbours and giving rise to parking problems and loss of amenity.

J9 state this is the largest HMO they own and has twelve occupants. Visitors, at whatever time of day, find this hard to believe. The property is more like a mortuary. The argument about noise and nuisance is a red herring brought about by a lack of understanding of HMOs. . Currently only two of the occupiers have motor vehicles. A large family would probably occupy a house of this size and have up to 3 cars per property. There has been no conflict with the neighbours and if it has not happened in over 40 years to even suggest it could happen is unprofessional by the officer producing the report.

J9 also comments that this property have been used as an HMO for over 40 years, and was in that use when they bought it in 2001. One of the occupiers (it is not clear whether this is in 21 or 23 – see following entry) was in residence for 5 years prior to that.

Planning Officers have further investigated and it appears that Housing Officers inspected the property in 2004 when it was noted that there were 7 letting rooms. There are now 12. J9 have therefore undertaken internal works and it is considered that an additional 5 rooms have been added. This is significant enough to mean that planning permission is required. Any enforcement action however could only require a reduction in the number of letting rooms to 7 rather than cessation.

Recommendation

Enforcement action is recommended requiring the reduction in the number of letting rooms to 7. unless it becomes apparent that the use as an HMO only commenced within the last 10 years..

23 Slaney Road, Walsall

Breach of Planning Control

Change of Use to HMO

Background and detail

This is a semi detached residential property which was acquired by J9 in November 2001. The property has been converted to an HMO. There are 12 lockable and numbered rooms and a shared bathroom and kitchen. Three of the rooms have an en-suite shower room. The property has a rear garden. There is no off-street parking provision and no space is available within the site to create spaces. There is a rear garden and room for bin stores and private amenity space.

There are parking problems and congestion on Slaney Road and the change of use to create a 12 roomed HMO does nothing to help this. In addition due to the fact that the adjoining property has also been converted by J9 to create 12 letting rooms and the property opposite to create a 7 roomed HMO the change of use has a significant and cumulative affect in this location. It is considered that the impact of intensification is more than would be expected if the property was to be used a single dwelling house. Whilst it may be argued that the residents do not have their own cars there is little that planning can do to control this. It is therefore considered that the change of use to a HMO has strained the capacity of the street to absorb the use causing conflict with neighbours and giving rise to parking problems and loss of amenity.

J9 state that currently only two of the occupiers have motor vehicles (again it is not clear if this is 21 or 23). A large family would probably occupy a house of this size and have up to 3 cars per property. There has been no conflict with the neighbours and if it has not happened in over 40 years to even suggest it could happen is unprofessional by the officer producing the report.

J9 also comments that this property have been used as an HMO for over 40 years, and was in that use when they bought it in 2001. One of the occupiers (it is not clear whether this is in 21 or 23 – see preceding entry) was in residence for 5 years prior to that.

Planning Officers have further investigated and it appears that Housing Officers inspected the property in 2004 when it was noted that there were 7 letting rooms. There are now 12. J9 have therefore undertaken internal works and it is considered that an additional 5 rooms have been added. This is significant enough to mean that planning permission is required. Any enforcement action however could only require a reduction in the number of letting rooms to 7 rather than cessation

Recommendation

Enforcement action is recommended requiring a reduction to 7 letting rooms unless it becomes apparent that the use has an HMO only commenced within the last 10 years.

24 Slaney Road, Walsall

Breach of Planning Control

Change of Use to HMO

Background and detail

This is a semi detached property which has been converted to a HMO. There are 7 lockable and numbered rooms and a shared bathroom and kitchen.. The property has a rear garden. There is no off-street parking provision and no space is available within the site to create spaces.

There are parking problems and congestion on Slaney Road and the change of use to create a 7 roomed HMO does nothing to help this. In addition due to the fact that the properties opposite have also been converted by J9 to create 12 letting rooms in each the change of use has a significant and cumulative affect in this location. It is considered that the impact of intensification is more than would be expected if the property was to be used a single dwelling house. Whilst it may be argued that the residents do not have their own cars there is little that planning can do to control this. It is therefore considered that the change of use to a HMO has strained the capacity of the street to absorb the use causing conflict with neighbours and giving rise to parking problems and loss of amenity.

J9 bought this property, which had previously been used as a HMO in 2005. There have been no problems with the property since then and no one who lives in the property since I have owned it has ever kept a car at the premises. The previous owners allowed druggies, prostitutes etc to inhabit the property and it caused problems to all the neighbours including the owner of J9 and it is one of the reasons they bought the property. It is not the kind of property they would, now, normally buy, being next to privately owned and family occupied properties. The occupiers are all of one occupation, care workers / nurses, and are all female. If they do not fit the definition of a one household then I doubt any unrelated person would. Officers addresses these concerns earlier in the report.

Recommendation

Enforcement action is recommended requiring cessation of the use. unless it becomes apparent that the use is immune from enforcement action. Officers will therefore serve a Planning Contravention Notice on this property.

42 Hillary Street, Walsall

Breach of Planning Control

Change of Use to flats and erection of sheds

Background and detail

This is an end terraced property which has been converted to 6 flats. The 6 flats are individually numbered and each has its own en-suite shower room and kitchenette area. There is also a communal kitchen with laundry facilities. There is a large side garden and whilst there are no formally laid out car parking spaces there is space to the rear to create spaces.

Planning permission was granted within the curtilage of this site for a detached dwelling.

It is not considered that the change of use of this property to flats creates any detrimental impacts on amenity or parking in the locality and therefore enforcement action in respect of the use is not recommended.

Large timber sheds have been erected in the side garden probably in 2004. These are not used for residential purposes and are clearly used for the storage of J9 materials. The use of the sheds for builder's storage materials could give rise to amenity issues affecting both the residents of this property and also nearby residents if deliveries are frequent and not controlled. On balance it is considered that this type of use within a residential curtilage is not acceptable and could give rise to a number of problems, it is therefore recommended that enforcement is taken requiring that the sheds should be used only for ancillary domestic purposes incidental to the enjoyment of the occupiers of 42 Hillary Street.

J9 fail to see the purpose of this recommendation and if nothing has happened in the four years they have owned the property then it does not warrant further time or effort in applying enforcement conditions.

Recommendation

Enforcement action is not recommended in respect of the use.

Enforcement action is recommended requiring the restriction of the use of the garden buildings to purpose incidental to the enjoyments of the occupiers of 42 Hillary Street.

7 Broadway North, Walsall

Breach of Planning Control

Change of Use to rooms and flats

Background and detail

This is a semi-detached property which is currently being refurbished by J9 to provide 8 letting rooms. It is understood from the owner that these will each share a kitchen and bathroom. At the site inspection however, whilst work was not complete it did appear that some of the rooms may have their own kitchenette and en-suite. There is a rear garden but no off-street parking. Housing Officers are currently inspecting this property in respect of HMO legislation and they have been informed that the property will not be a HMO.

Clearly a further inspection will be required once the works are complete however it is considered that an 8 roomed HMO would be significant over intensification of the property more than would be expected if this property was in use as a single dwelling house and used by one family.

There are parking problems in this location and whilst it is within walking distance of Walsall town centre and transport links it is considered that the change of use is overdevelopment of the site which could give rise to problems.

J9 comment that:-

- This has been a HMO for many years, was in use as an HMO when they bought it, and has established use. The fact that they are bringing the property up to a high standard including the fitting of fire sprinklers without a penny of tax payers money should be applauded not enforced. Enforcement action was taken in 2005 in respect a boundary wall prior to J9 acquiring it. Information available to Legal Services at that time appears to suggest that a family owned the property.
- use as a HMO is a de-intensification of the property and will result in less use than from a large family. Officers do not agree with this.
- The use does not have a detrimental impact on the area, numbers 1-5 are hostels and there are other HMOs in the area. The fact is, large families do not want this type of property anymore and they would also want parking. HMO occupiers are self selecting, those few with cars would choose a HMO with parking and not take residence at 7 Broadway North.

Recommendation

Enforcement action is recommended requiring cessation of the use of the property as an HMO or as Flats should this be the case.

43/44 New Street, Walsall

Breach of Planning Control

Change of Use to flats

Background and detail

This is an office building which has been converted by J9 to provide 14 flats each with its own kitchenette and en-suite shower room. The flats are numbered and lockable. There is a small kitchen on the ground floor which provides laundry facilities. There is no off street parking or garden area. The owner advises that this property is still in use as an office. Officers do not agree with this, at a site inspection washing was noted in the communal ground floor kitchen and whilst the owner advised that he didn't have keys available to look in any of the rooms, an occupier allowed access and it was noted that this room was a flat with a bed, furniture, and an en-suite shower room.

Planning permission was refused for a change of use to a single dwelling (03/2217/FI/W1) A subsequent ministerial appeal was dismissed. J9 made the application and appeal but chose to undertake the work in spite of the decisions made. Planning Officers first became aware of this matter in January 2007.

Given the inspectors decision it is unlikely that planning permission would be granted for 14 flats in this location and therefore enforcement action is recommended.

J9 argue:-

- The offices are let as offices. Each office has its own licence agreement to occupy for business use only. Officers strongly disagree.
- A large building providing office accommodation of an exceptional high standard and very well managed. Officers strongly disagree.
- The interior of the building has been renovated but retaining some of its original features.
- The tenants occupy the property freely, they choose to rent units and leave when they want.
- The property is well blessed with very close by open spaces with St Matthews Church grounds and the 'hidden' garden. I describe it as an oasis of tranquillity.
- The building was previous empty for a number of years and becoming an eyesore.
- The current use is a benefit to the locality and brings in custom for the local shops etc.
- No one to my knowledge has complained about how the property is currently used.
- The property has been in use now for over two years.
- Tenant satisfaction is high, the property has a good occupancy rate.

Recommendation

Enforcement action is recommended requiring cessation of the use of the property for flats.

41 Westbourne Road Walsall

Breach of Planning Control

Change of Use to flats and erection of a timber garden building

Background and detail

This is a former 3 bedroom mid terraced property which has been converted to provide 6 flats each with its own kitchenette and en-suite shower room. There is a small kitchen on the ground floor which provides laundry facilities. There is no off street parking. There is a rear garden.

It is considered that the creation of 6 flats in this type of property is over development. It is conceivable that 12 residents could live here at any one time and this could give rise to an unacceptable degree of disturbance to nearby residential occupiers and would also give rise to problems in respect of on-street parking and conflict with other users. This is particularly the case in this location as there are existing on-street parking problems.

A timber building was under construction in the rear garden and it is understood that residents are concerned about this. At the time of the inspection (10th May 2007) the shed was not complete and the owner advised it would be used as a storage facility. Whilst the shed is large (approx 8 x 6.5 metres) it is not considered to have a detrimental impact on the amenities of nearby residents. If the property had Permitted Development rights it would have been possible to have built this shed without the need for planning permission. Officers consider that it is the use that the shed might be put which could cause the most problems. It is therefore recommended that enforcement action should be taken recommending that the building is used only for purposes incidental to the enjoyment of the residents of 41 Westbourne Road. In this way it would not be possible for the shed to be used for residential purposes or for a commercial use.

J9 fail to see the logic of recommending enforcement against this property but not against 69a Walsall Road (see below). Both have the benefit of parking in the neighbouring adjacent street except with 41 Westbourne Road residents can also park outside the house which they are unable to do so at 69a Walsall Road. 69a Walsall Road has the benefit of providing one and possibly two off street parking sites, while 41 Westbourne Road has no facilities for off road parking. No. 41 has a large secluded garden but 69a Walsall Road does not.

J9 accept that there are a lot of vehicles parking in 41 Westbourne Road but whatever time they call at the property they can always park outside or near to the property. They have carried out a very limited parking survey, and can supply the committee with photographs to show that there is ample parking whatever the time of day.

J9 also advise that there is a private road to the rear of No. 41 and there is a possibility that the owner may allow access and so provide off road parking in the garden. They point out that this is purely hypothetical at present, and it would be a waste of time to pursue as so few occupants of 41 Westbourne Road will have cars. Officers are not

clear about where this private road as it is not identified on the plan, clearly whilst it might be possible to acquire for parking it appears unlikely.

They have not received any report of anti social behaviour from any neighbours to 41 Westbourne Road. They submit that the neighbours should have contacted them first, and so should the council. Why did the council not do this? It brings into question the whole validity of the assertion. They always take reports of anti social behaviour seriously and act and would rather lose a tenant than have the neighbours upset. Officers are aware that residents have alleged that the property is being used for anti-social activities however any planning enforcement action recommended is based on planning matters only.

They consider the officer's argument that the rooms could be generally used for double occupation is wrong and not borne out by the facts. Most residents of this type of property have a solitary existence. When they meet a mate they usually then move on to a flat or house.

On the issue of the shed, J9 advise the lorry driver delivering wood for the shed mischievously told a nosey neighbour that the wood was to build accommodation in the garden to 'to house illegal immigrants'. They strongly disapprove of such remarks but have little control over delivery drivers employed by other people and he thought it was all a great wind up, you can see how hysteria is quickly aroused.

Recommendation

Enforcement action is recommended requiring cessation of the use of the property for flats.

Enforcement action is recommended requiring a restriction on the use of the building in the rear garden.

3 Hart Street, Walsall

J9 have advised they do not own this property and it has never mentioned it to them, and they see this As typical of a sloppy, gungho approach to this whole investigation.

Officer note the J9 statement. and it appears a mistake has been made. Officers have asked J9 to supply a list of all properties that they own in the borough, in order that such mistakes are not made, however J9 have refused on the basis that it is not for them to inform our actions.

No action on this property is recommended, and a separate investigation, and if necessary a report, will be made.

649 Bloxwich Road, Leamore, Walsall

Breach of Planning Control

Change of Use to HMO

Background and detail

This is an end terraced property which has been converted to an HMO with 6 lockable and numbered rooms and a shared bathroom and kitchen. The property has a rear garden. There is the potential to create off-street parking at this property.

Given the number of rooms and that the fact that off-road parking is available it is not considered that the use of this property as a HMO gives rise to any detrimental impacts on amenity. Any impact would be unlikely to differ from that which may be reasonably expected of a family residing at this house. In addition there is a garden area available for amenity purposes including the drying of washing and bin stores.

Recommendation

Enforcement action is not expedient in respect of the use.

112 Temple Road Willenhall

Breach of Planning Control

Change of Use to HMO and erection of a timber garden building

Background and detail

This is a former 3 bedroom mid terraced property which has been converted to provide 6 letting rooms with a shared kitchen and bathroom. There are no off street parking facilities. There is a rear garden.

It is considered that the change of use to create 6 letting rooms at this property has not led to any significant detrimental impacts on amenity or parking in the area, as there does not appear to be a problem with on-road parking in this location. It is unlikely that the use of the property as an HMO with 6 rooms creates any more of an impact than a family would and for these reasons enforcement action is not recommended.

Since the writing of the complaints have been received about the number of vans which come to the property in the early hours of the morning and the storage of goods.

Nearby residents and Councillors are however very concerned about a timber building which has recently been erected in the in the rear garden.

The building is very large (approx 18 metres in length) and almost the width of the garden. The building is very prominent from neighbouring gardens and it has an unacceptable visual impact. It is unlikely that planning permission would be granted for this building in a garden of this size. Residents are also concerned about what use the building might be put to. At the time of the inspection the building was not complete and therefore no conclusions could be drawn however it does have a chalet like appearance with french windows and a veranda and therefore it is likely that this building was intended to be used for residential accommodation. A garden building of this size would not be required by residential occupiers and it minimises their amenity space.

Given the size of shed and its overbearing impact it is recommended that enforcement action is taken requiring its removal.

J9 advise that if there is a justifiable concern here they are prepared to reduce the size of the shed or remove it completely, though the gardens are large and they see no problem.

Recommendation

Enforcement action is recommended requiring removal of the building in the rear garden.

33 Walsall Street, Willenhall

Breach of Planning Control

Change of Use to flats and erection of two timber garden buildings.

Background and detail

This is a detached former single dwelling house which has been converted to provide 6 flats each with a kitchenette and en-suite shower room. There is also a shared kitchen to the ground floor. There are no off street parking facilities. There is a rear garden. J9 acquired the property in July 2004.

Planning permission was refused for 3 flats in 1989 (BC26737P).

It is considered that the change of use to create 6 flats is over development of this site. It is conceivable that 12 residents could live here at any one time and this could give rise to an unacceptable degree of disturbance to nearby residential occupiers and would also give rise to problems in respect of on-street parking on this main road. This is particularly the case in this location as there is no on-street parking outside the property and if residents own cars they would have to park their vehicles as far away as Birmingham Street which is already congested.

At the time of the inspection two timber buildings were under construction and the owner advised that these would be used storage purposes. The buildings looked like individual residential chalets with windows and french doors and it also appeared that attempts were being made to provide drainage to each of the buildings.

It is considered that the two buildings should be removed and that enforcement action should be taken requiring the use of the property to cease.

J9 point out that the property has been used for three years as a HMO without problems which says a lot. There have been no complaints regarding the property. On parking and sheds they refer to their general comments. Officers advise hat complaints have been made about the use of the property and the sheds.

Recommendation

Enforcement action is recommended requiring cessation of the use of the property for flats.

Enforcement action is recommended requiring removal of garden buildings.

261 Walsall Road, Darlaston

Breach of Planning Control

Change of Use to HMO

Background and detail

This is a former mid terraced dwelling house which has been converted to provide 6 letting rooms with a shared kitchen and bathroom. There are no off street parking facilities. There is a rear garden. The property was acquired by J9 in May 2002.

It is considered that the change of use to create 6 letting rooms at this property could give rise to a significant impact on the parking problems and congestion in the area.

There is no on-street parking and no nearby side road which could possibly be used for resident parking. Given the original layout of the property as a 3 bed room terrace the conversion to provide 6 letting rooms has the potential to create a significant impact and more than what could have been reasonably expected by a family residing here.

It would not be possible to create the parking spaces on the site and whilst it is acknowledged that the occupiers may not have vehicles, planning cannot not control future car ownership.

Given the type and size of the property this is overdevelopment and enforcement action is recommended.

J9 advise that there are five single, working people sharing the kitchen and bathroom and they all get on well together. J9 have a very good relationship with the neighbours, one of whom uses the garden to grow vegetables.

On parking and sheds they refer to their general comments.

Recommendation

Enforcement action is required requiring cessation of the use as a HMO.

69a Walsall Road, Darlaston

Breach of Planning Control

Change of Use to HMO

Background and detail

This is a former end terraced dwelling house which has been converted to provide 6 letting rooms with a shared kitchen and bathroom. There may be potential to create off-street parking facilities.

It is considered that the change of use to create 6 letting rooms at this property does not give rise to any significant impacts on amenity or parking in this location as residents could use Gordon Street for parking.

J9 fail to see the logic of recommending enforcement against this property but not against 41 Westbourne Road (see above). Both have the benefit of parking in the neighbouring adjacent street except with 41 Westbourne Road residents can also park outside the house which they are unable to do at 69a Walsall Road.

Recommendation

Enforcement action is not recommended.

Former Lock up garages – land adjacent 22 Walsall Road, Darlaston

Breach of Planning Control

Change of Use of lock up garages for builders storage

Background and detail

This site is comprised of 7 lock up garages that were probably in use previously for residential parking.

The land was acquired by J9 and subsequently the garages have been used to store equipment and materials which are connected to the company. Sign written vehicles are often seen parked here.

The use of the garages for storage purposes only does not appear to create any detrimental impact on nearby residential occupiers. Adjacent the site on one side lies a doctor's surgery and no 22 on the other side is owned by J9 and has been converted to flats (see next item). Although there is a public right of way which runs adjacent the site, this is a footpath only and would not normally be affected by the use of the garages. In any case the use of the garages by domestic vehicles or for domestic storage could give rise to similar problems.

Recommendation

Enforcement action is not recommended.

22 Walsall Road, Darlaston

Breach of Planning Control

Change of Use to flats.

Background and detail

This is an end terraced 3 storey property with basement which has been converted to provide 6 flats, each with a kitchenette and en-suite shower room. There is also a shared kitchen in the basement which provides laundry facilities. There is access to a rear yard for drying of washing and there is also space to park a number of vehicles to the rear.

It is considered that the change of use to create 6 flats at this site is acceptable as there is parking provision and adequate amenity space and the property is of a size that the flats have been accommodated in an acceptable way.

Recommendation

Enforcement action is not recommended.

20 Walsall Road, Darlaston

Breach of Planning Control

Change of Use to flats and office.

Background and detail

This is a mid terraced property which has been converted to provide a ground floor office and one first floor flat, There is a rear yard and some off-road parking provision to the rear.

It is considered that this change of use does not raise any significant problems in this location where mixed uses are not uncommon. This is particularly so in this case as parking can be provided together with amenity space for the residential occupiers. At the present time it is the occupiers of the flat who also work in the office.

Recommendation

Enforcement action is not recommended.

12 Walsall Road Darlaston

Breach of Planning Control

Change of Use to flats and erection of timber chalets

Background and detail

This is a mid terraced property which has been converted to provide 9 flats, each with a kitchenette and en-suite shower room. J9 acquired the property in August 2000 and at the time of the inspection the conversion did not appear recent. Given that there is a 4 year immunity from enforcement action for flats which have been converted for 4 or more years then they have now become lawful by virtue of time and there is no action that the Council can take in respect of the conversion. However problems associated with the over-development of this site have been exacerbated by the erection of 3 timber chalets to the rear of the property. The chalets are in residential use and each has its own shower room and kitchenette. The owner advised that the chalets have been erected for 7 years however they appeared to be of fairly recent construction. It is considered that the erection of the chalets for residential purposes is over-development of the site and not appropriate development.

An access has been created to the rear of the site onto a Council owned car park which appeared to be in use by the residents of 12 Walsall Road. Whilst the presence of the car park provides a facility for the residents (there could be as many as 22 when the property is fully occupied) it could lead to a lack of spaces available in the centre of Darlaston for shoppers.

In addition a boundary fence has been built to the rear of the property which is approximately 4 metres in height, possibly to screen the chalets and this has an unsightly appearance together with being visually dominant

It is considered that the erection of 3 residential chalets and the fence is not acceptable in planning terms and that enforcement action is required seeking the reduction in height of the fence to 2 metres and the removal of the chalets.

As the report says the building and the extensions (chalets) have been used for over 7 years and so benefit from permitted use.

J9 advise that the new appearance of the chalets is because they have recently been refurbished. The house itself also needs to be refurbished as it is beginning to look shabby. He questions why Officers investigate property which is being refurbished. Further if better facilities are provided then the landlord is accused of turning the property into 'flats' and again in breach of planning.

Officers do not agree that the chalets have been present for 7 years. Aerial photographs taken in 2004 do not show the chalets. Further an Officer in another Council department advises that they saw the chalets being built around 2 years ago.

J9 advise that all the local residents support the current use of the property and many have expressed dismay and disgust at the attempt to close part of the property down and make the residents homeless. They submit a copy of the petition they have organised which also relates to 3 Pinfold Street (see below). There is plenty of parking in Darlaston with the car park at the rear of 12 Walsall Road and across the road in the public car park and the Asda car park. All these car parks are very close, the Asda car park being the furthest but still within 100 yards.

They advise that the fence is for security and they urge the committee to inspect it, it can in no way be described as having an unsightly appearance. The rear of the property backs onto a car park and has been subject to vandalism.

Recommendation

Enforcement action is recommended requiring removal of the chalets and the reduction in height of the fence.

14 Walsall Road Darlaston

Breach of Planning Control

Erection of a timber building

Background and detail

This is an end terraced property which is in use as a dwelling house. A timber building has recently been erected in the rear garden. It is a two storey building and is in excess of 4 metres in height. Planning permission is required for the building.

Whilst the building is high and has a first floor window it does not give rise to adverse impacts including over-looking or loss of residential amenities or privacy. This is due to the fact that to the south of the site is an industrial site and to the west is the former railway track. It is very difficult to see this building from outside of the site.

The building in principle is therefore acceptable however given its size it could be used as a separate residential property. Office use, at a significant level, could also be damaging to the area (increased parking, activity and nuisance are possibilities). Enforcement action is therefore recommended but only to control any future use of the building and restrict its use to being incidental to the enjoyment of the dwelling house only (that would allow a low level of office use, by the occupier of the house).

J9 advise that it is used for storage and as an office for them, and consider these uses would be acceptable. They also do not accept that planning permission is required for the shed, arguing it is within permitted development rights, nor do any restrictions need to be placed upon it. Officers disagree with this. Planning permission is very clearly required as it is in excess of 4 metres in height. A neighbour has written a letter in support. Complaints have also been received about the shed

Recommendation

Enforcement action is recommended requiring the use of the building to be restricted to domestic purposes only.

3 Pinfold Street, Darlaston

Breach of Planning Control

Change of Use to flats

Background and detail

This is a former public house which has been converted to provide 14 flats each with its own kitchenette and en-suite shower room. There is also a small kitchen on the ground floor which provides laundry facilities. There is no off street parking. There is no amenity space. J9 acquired the site in November 2003.

It is considered that the creation of 14 flats is over development of the site. It is conceivable that 28 residents could live here at any one time which could give rise to a number of problems including vehicular parking and traffic congestion. This is particularly the case in this location as there are existing on-street parking problems and parking restrictions are in force.

In addition Officers are concerned about the amenities of the occupiers as there is no amenity space and therefore no area available for either bin stores or drying of laundry as a minimum. Neither does there appear to be any shared space available within the property other than a small kitchen. It is considered that as this property could accommodate 28 persons therefore amenities could be seriously compromised. In addition residential amenity is further compromised as the rear access opens directly onto a vehicular repair garage.

J9 advise that this property has been used for nearly four years without problems. There have not been any complaints about this property, it is a large building and the number of units is not excessive. There is ample secure parking (16 spaces) at the rear and amenity space for bins and washing etc. Officers do not agree with this. J9 share this land in common with other users including a vehicular repair garage. It is difficult to see how this could be used for formal parking.

J9 also state that there is other parking available including the Asda car park and other public car parks in the near vicinity. J9 further advise that the current use of 3 Pinfold Street has breathed life into an otherwise run down semi derelict area and brought valuable business for the neighbouring shops. All the locals support the properties use as indicated by the enclosed petition. The matter as regards amenities they suggest is best left to the Housing Standards Department and not be a ground for enforcement. The Housing Standards Department has more powers to ensure HMOs provide good amenity standards than the planning department

J9 go on to say that there is no evidence that any of the rooms are or will be used for double occupation and such a view is pure speculation not supported by any facts. Officers do not agree with this in fact at a site inspection a double room (two beds) was shown to officers. .

J9 also suggest that enforcement action is inconsistent with other planning decisions e.g. the flats in Bridge Street, in the centre of Walsall where there is no parking or amenity space whatsoever. 3 Pinfold Street is in the centre of Darlaston and has a large space at the rear which is available and is used by the residents mainly for parking and the storage of bins. Officers consider that this is difficult to believe given that the rear door of the property opens directly out onto a shared space where part of cars are stored. In addition where there may have been a small yard which served the pub this may have been built over by J9 as it would appear that outbuildings have been adapted and a new roof added in order to form more ground floor accommodation.

Recommendation

Enforcement action is recommended requiring cessation of the use of the property for flats.

23 Forge Road, Darlaston

Breach of Planning Control

Change of Use to HMO

Background and detail

This is semi-detached property which has been converted to provide 9 letting rooms with a shared kitchen and bathroom. There is a garage a garden and two off-road parking spaces.

It is considered that the change of use to create 9 letting rooms at this property does not give rise to any significant impacts on amenity or parking in this location.

Recommendation

Enforcement action is not recommended.
