



Supporting Planning Statement

**Change of use and alterations to
convert existing student
accommodation to form 1 self-
contained flats and 6 bedroom HMO at
129 Trinity Street, Huddersfield, HD1
4DU**

Date: Mar 26

Reference: TP0823

1.0 Introduction

- 1.1 This application is submitted by ***D5 Town Planning Consultants*** on behalf of Mr Allan Scholefield and seeks planning permission for the change of use and alterations to convert existing student accommodation to form 1 self-contained flats and a 6-bedroom HMO at 129 Trinity Street, Huddersfield.
- 1.2 The submission is in response to a refused application 2024/91262 and subsequent appeal reference APP/Z4718/W/25/3358977. The resubmission responds to comments made by the Planning Inspector in dealing with the main issue of the appeal. For the avoidance of doubt, this is set out in full below:

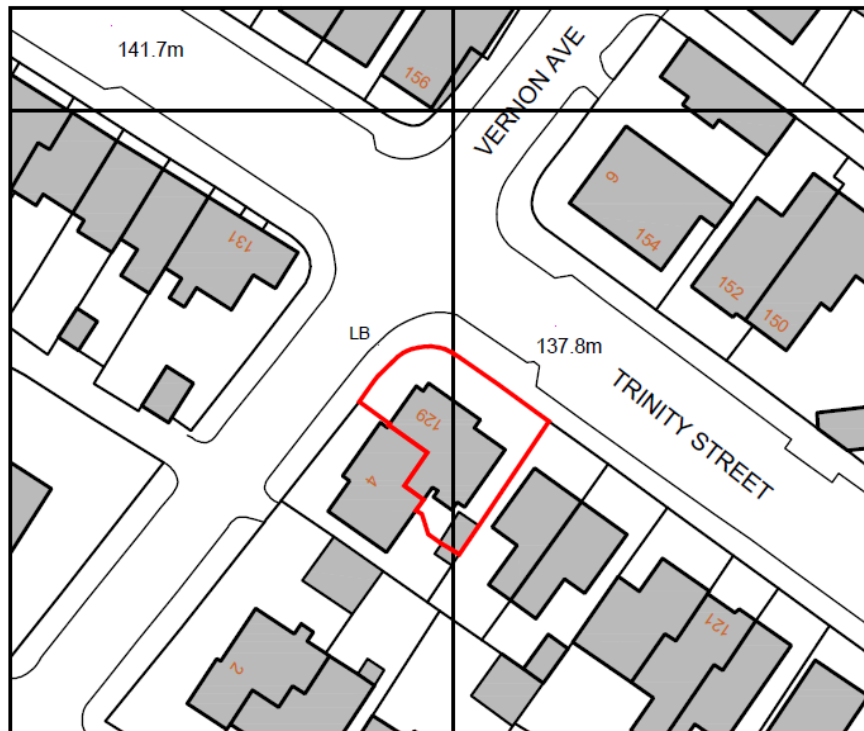
The main issue is whether the development would provide adequate living conditions for existing and future occupiers, with particular regard to internal living space, daylight and outlook.

2.0 Site description

- 2.1 The application site relates to a four-storey stone built building, located at the junction of Trinity Street with Vernon Avenue. It is physically attached to the property facing Vernon Avenue.
- 2.2 The property benefits from amenity space to the front and sides, with a driveway to the east of the property fronting Trinity Street. The site is residential in character with a high number of large Victorian houses with many being converted into flats or HMO's.
- 2.3 The site is located within the Greenhead Park/New North Road Conservation Area.

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3.0 Relevant Planning History

- 3.1 2012/90516 – Change of use to convert dwelling to house of multiple occupancy (student accommodation) (Within a Conservation Area). Approved 27th April 2012.
- 3.2 2021/94305- change of use and alterations to convert existing dwelling to form 4 apartments and student accommodation (within a conservation area) – Refused 18 July 2022 *

*Whilst this application description referred to *existing dwelling*, the authorised use of the property was as per the 2012 planning permission at 3.1.

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- 3.3 2024/91262 – change of use and alterations to existing student accommodation to form 2 self-contained flats and 5 bedroom HMO – Refused 16 July 2024.
- 3.4 Appeal against the refusal of 2024/91262 dismissed 29 April 2025.
- 3.5 Without any communication with the applicant, the Council have recently served an Enforcement Notice in respect of unauthorised use. This notice has been appealed against and is currently being dealt with by the Planning Inspectorate.

4.0 Relevant Planning Policy

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

- 4.2 ***Kirklees Local Plan Policies***

- ***LP1 – Achieving Sustainable Development***
- ***LP2 – Place Shaping***
- ***LP7 – Efficient and effective use of land and buildings***
- ***LP11 – Housing mix and affordable housing***
- ***LP20 – Sustainable Transport***
- ***LP21 – Highways and Access***
- ***LP22 – Parking***

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- **LP24 – Design**
- **LP30 – Biodiversity & Geodiversity**
- **LP35 – Historic Environment**
- **LP52 – Protection and Improvement of Environmental Quality**

Other Guidance Documents:

- *Housebuilders Design Guide Supplementary Planning Document (2021)*
- *Kirklees Highway Design Guide (2019)*
- *Nationally Described Space Standards*

4.3 National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, and the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 2 – Achieving sustainable development
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land

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- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

5.0 Application details and Supporting comments

- 5.1 As stated above, this application is a resubmission but seeks to address the concerns of the Planning Inspector in dismissing the appeal against the refusal of 2024/91262. Having regard to the Nationally Described Space Standards (NDSS), the Inspector made the following comments:

I observed that one of the bedrooms of Flat 2 is currently used as an office, however, it is shown on the submitted plans as a two-bedroom, 4-person dwelling. The floorspace of this flat is shown on the plans as 48.7 sqm which falls below the requirements of the NDSS of 70 sqm. The appellant has suggested that the use of the flat could be restricted to a one bedroom flat. However, a draft condition has not been submitted and therefore I am unable to conclude that such a condition would be reasonable, precise and enforceable.

- 5.2 The proposed application proposes a 1-bed flat as shown on the submitted floor plans, and, as witnessed by the Planning Inspector, the existing layout is as a 1-bed flat. A planning condition could be imposed requiring the development to be implemented in accordance as bedrooms with the approved plans.

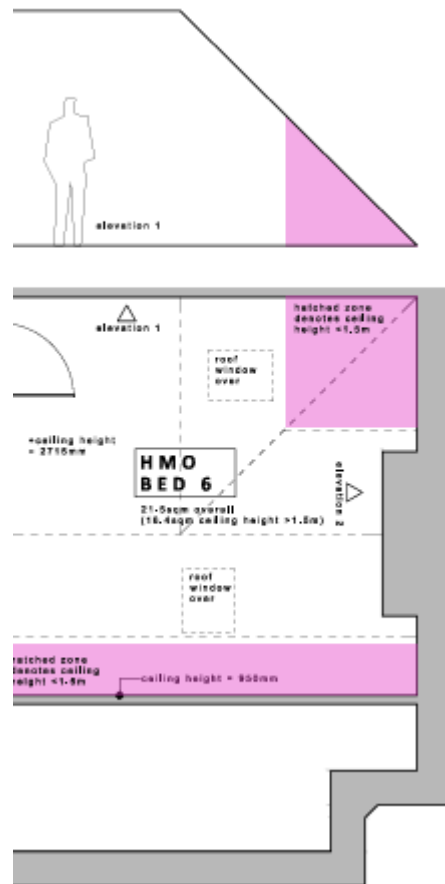
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- 5.3 The submitted plans overcome the Inspector's concern in respect of Flat 2 (now shown as Flat 1 on the proposed floor plans).
- 5.4 In respect of Studios 1 and 2, the Inspector noted that ***Both Studios 1 and 2 fall well below the minimum requirements of 37 sqm set out in the NDSS, but meet the required floorspace of 11.5 sqm as bedrooms. Although these units have a kitchenette they do not have a cooker. However, the occupiers also have access to the shared living room and kitchen area in order to prepare meals and for relaxing. I therefore consider that Studios 1 and 2 would provide adequate floor space as bedrooms within a HMO*** (Our emphasis).
- 5.5 Studios 1 and 2 should be considered as bedrooms within the HMO. This is where the recent Enforcement Notice fails because it seeks the removal of the Kitchenettes. This is not necessary as they legitimately are bedrooms as part of the HMO element of the proposal.
- 5.6 The Inspector made the following comment in respect of Bedroom 3 (now Bedroom 6 of the HMO on the submitted plans) ***Bedroom 3 of the HMO is located in the property's roof space. No section drawings have been provided showing the usable floor space within this room. I observed that whilst there is some full bedroom height, the ceiling joists impact on the overall space and ability to move around the room. Therefore, in the absence of detailed drawings, I am not satisfied that there would be adequate usable floorspace in this room.***
- 5.7 The submitted plans provide a section through this bedroom to demonstrate that a large part of the rooms floorspace is usable.

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- 5.8 In terms of Flat 1 located in the basement area of the property, the comments of the Inspector have been given due consideration, and it has been deleted from the proposal. This area now provides storage and cycle parking in the proposed layout.
- 5.9 We now present a layout where NDSS standards are exceeded on all rooms. In consideration of the 2024 planning application we were disappointed that the Planning Officer took the decision not to carry out an internal inspection of the property. We consider an internal viewing

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essential to view HMO Bedroom 6 (previously bedroom 3) to see the amount of usable space and daylight and outlook from the large rooflights.

- 5.10 The works undertaken have been to a very high standard. In terms of occupation, demand has far outstripped supply. For a variety of reasons (credit crisis, family breakdown, job relocation) there has been significant growth in people seeking cost effective rented accommodation. The proposed development meets a growing need.
- 5.11 We believe the reasons for refusal associated with the 2024 planning application, and issues identified by the Planning Inspector on the appeal, have been overcome with this submission. NDSS standards are met and exceeded in every room.

6.0 Concluding comments

- 6.1 The property's authorised use is as student accommodation/hmo use with 9 bedrooms. The proposal modifies the layout and accommodation provision with a high-quality upgrade, creating 1 self-contained flat, two upgraded studios as part of the HMO use and 4 further HMO bedrooms. The Studios would have kitchenettes but there would be no cookers in them. The communal lounge and kitchen and laundry room would cater for all HMO residents. Studios in HMO's are not uncommon in HMO licenses issued in Kirklees and for reasons given in this statement, the Planning Inspector agreed the Studios were bedrooms within the HMO.

- 6.2 The development provides much needed accommodation at a level where there is high demand. The use is acceptable and would not conflict with LP policy or advice in the NPPF.
- 6.3 We trust you are able to support the application but please do not hesitate to get back to us if you have any queries.

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