
Appeal Decision

Site visit made on 15 June 2017

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30th June 2017

Appeal Ref: APP/G1250/W/17/3167925
43 Grand Avenue, Bournemouth BH6 3SY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Dennis Groundsell against the decision of Bournemouth Borough Council.
 - The application Ref 7-2016-5124-D, dated 8 November 2016, was refused by notice dated 13 January 2017.
 - The development proposed is dwellinghouse.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in my fourth bullet point of the above header is taken from the original planning application form. However, based on the submissions, it is clear that it relates to a change of use, including internal alterations, from a hotel (Use Class C1) to a dwellinghouse (Use Class C3). I have determined the appeal on that basis.
3. The Council, in its decision notice, refers to its Tourist Accommodation Supplementary Planning Document (the SPD). I have afforded that document some weight due to its role in supporting the relevant development plan policy.

Main Issue

4. The main issue is the effect of the proposed change of use on the function of the area in relation to the tourist industry.

Reasons

Main issue

5. Policy CS28 of the Bournemouth Local Plan: Core Strategy (the Core Strategy) states that development resulting in the loss of sites or premises used, or last used, as tourist accommodation will only be considered acceptable where it can be demonstrated that the business is no longer viable and has no reasonable prospect of continuing; and loss of the tourist accommodation will not harm the function of the area in relation to the tourism industry and the local community.
6. I note that the property is currently not being used as tourist accommodation, as highlighted by the appellant, but instead used for approximately the last

year as accommodation for people working in the area. However, the Council have highlighted that any change of use to a House in Multiple Occupation, if indeed it is being run as such, would need planning permission, and I have not received any evidence of that. I have therefore determined this appeal on the basis that the lawful use is as a hotel (Use Class C1).

7. Importantly, the supporting text relating to policy CS28 and the SPD highlights that Bournemouth's economy relies heavily on tourism trade, including in respect of spending and direct and indirect jobs. There is therefore a need to maintain the stock of viable tourism accommodation premises. I note that there are a large number of hotels in Bournemouth. However, I have not received any substantive evidence to indicate that there is not a need for that number.
8. The site is located in close walking distance to the coast, including the cliffs and beaches, as well as to shops and restaurants in Southbourne Grove at the northern end of the street. Therefore, although it is a largely residential area in the vicinity of the site, and not in a town, district or local centre it is in a convenient location for access to tourist related destinations.
9. The SPD sets out what information would be required in order to demonstrate whether or not the tourism accommodation concerned is viable and includes the need to demonstrate that there has been a serious and sustained effort to run a tourism business in the premises using available business support services. I note that accounts details have been submitted covering the period from the beginning of 2014 showing a small profit in the last year when used for non-tourist accommodation, and losses before that. However that does not cover a period of a full three years relating to tourist accommodation use, as set out in the SPD. It is also unclear as to whether those accounts are audited.
10. In respect of use for tourist accommodation, I have also not received any supporting information, as set out in the SPD, to demonstrate business activity for a minimum of the last three years including: business to customer marketing plans or a summary of marketing activity; a business plan for the hotel or at least a summary of business activity and target markets; and evidence that the business has been actively market tested to potential purchasers of the business with a guide price reflecting the going concern value as tourist accommodation for a minimum of 18 months and that no reasonable offers have been received during this time. In respect of the latter, I note that the submissions include estate agent details indicating some degree of marketing. However, the total time period for this is unclear, there is no supporting evidence to justify the asking price, and no evidence of what interest was shown and why any offers, if made, were rejected.
11. There is also no evidence provided in respect of measures taken to consider whether other forms of tourist accommodation could be viably provided at the site such as holiday flats. Additionally, taking account of the current situation relating to non-tourist accommodation use, no evidence has been provided to show that an average competent operator could not make a reasonable return from the business if used as tourist accommodation.
12. Therefore, even though the property only represents a small percentage of the total stock of tourist accommodation in the Borough, the proposal would result in the loss of needed tourist accommodation that has not been proven unviable as such.

13. For the above reasons, in the absence of sufficient evidence to demonstrate to the contrary, the proposed change of use would cause unacceptable harm to the function of the area in relation to the tourist industry. As such it would be contrary to policy CS28 of the Core Strategy and the SPD.

Other matter

14. One of the Council's reasons for refusal relates to the failure to make an appropriate contribution towards measures to mitigate any potential adverse effect of the proposal on the integrity of the Dorset Heathlands Special Protection Area, Ramsar Site and Dorset Heaths Special Area of Conservation. The appellant acknowledges that reason for refusal, highlighting that he requested the Council to provide its heads of terms prior to the issuing of its decision. Nevertheless, a completed planning obligation has not been provided in order to secure this and to address that reason for refusal. As I am dismissing the appeal for other reasons, it is not necessary for me to consider this matter in any further detail.

Conclusion

15. The National Planning Policy Framework sets out that there should be a presumption in favour of sustainable development and indicates that to achieve that, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. In this case I have received no substantive evidence of any benefits relating to the proposal that would outweigh the harm that I have found would be caused by the loss of tourist accommodation. It would therefore not be a sustainable form of development.
16. Therefore, for the above reasons, I conclude that the appeal should be dismissed.

Andrew Dawe

INSPECTOR