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## Appeal Decision

Site visit made on 19 February 2018

by **A U Ghafoor BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 March 2018

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**Appeal Ref: APP/C/17/3181755<sup>1</sup>**

**14 Haslington Road, Manchester M22 5HS**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Mr Christopher Okure against an enforcement notice issued by Manchester City Council as the local planning authority (LPA).
  - The enforcement notice was issued on 6 July 2017.
  - The breach of planning control as alleged in the notice is without planning permission the material change of use from dwellinghouse (Class C3) to a guest house (Class C1).
  - The requirements of the notice are to cease the use of the property as a guest house.
  - The period for compliance with the requirements is fourteen days.
  - The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.
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### Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

### Reasons

2. No. 14 is a five-bedroom dwelling-house with a rear garden that includes an outbuilding. It is situated within a mainly residential area. The **main issues** are as follows: (1) whether the development results in an unacceptable loss of a single dwelling-house and (2), the effect of the development upon the living conditions of nearby residents having particular regard to noise and disturbance.

#### *Loss of a single dwelling-house*

3. The enterprise, known as 'Haslington Homestay', mainly attracts visitors travelling through Manchester Airport, which is situated a short car journey away. Mr Okure and his family reside at the premises. I acknowledge the transitory nature of the guests but, in practice, the property's use as a guest house results in the loss of a single family dwelling where there is an identified need for this type of accommodation.
4. Mr Okure considers that the development provides high quality accommodation at affordable rates. He maintains most guests tend to book online and the service is competitive in comparison to other hotel and leisure facilities. Be that

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<sup>1</sup> Mrs Susan Okure appealed on ground (a) but the relevant fee for the deemed planning application was not paid. I take no action on appeal ref: 3181756.

as it may, there is no cogent evidence to substantiate the claim that the loss of this family dwelling has no effect on the supply of family dwellings in the area.

5. The CS suggests there is a specific need for this type of accommodation across the City. Should the property revert to its lawful use, it is likely that it would be available for use as a single family dwelling. In my assessment, the conversion of this property into a guest house is at odds with the purposes of creating neighbourhoods of choice, high quality and diverse housing, which should be achieved without the loss of family housing. The change of use has the potential to undermine the strategy set out in Policy H 5.
6. I conclude that the unwarranted and unjustified loss of this family dwelling is unacceptable and conflicts with objects of Policies H 7 and SP 1 of the Core Strategy 2012 (CS), which are broadly consistent with the National Planning Policy Framework.

#### *Living conditions*

7. Mr Okure says that the change of use has had no adverse effect upon amenity as there has been no environmental health complaint given the location and position of the detached property. The LPA state complaints have been received about the activity. I consider it is necessary and reasonable to assess the character of the land-use and any environmental impact; how the guest house is actually operated is not necessarily determinative of this main issue.
8. In an urban residential environment, such as this, background sound is likely to be dominated by passing traffic and the usual hustle and bustle of daily life. That said, however, ambient noise levels are likely to be considerably reduced during late evenings and early morning. The evidence is that the guest house is mainly utilised by couples and customers arriving between 21:00 and 24:00 and departing between 0400 and 0700. Some travellers might choose to use a taxi and this increases the prospect of sound emitted from frequent vehicle manoeuvres as well as car doors slamming during these periods. I consider that the scale and extent of the commercial activity has the potential to generate significant level of sound over and above that normally associated with a property's use as a single family dwelling.
9. The nature of the sound produced by people coming and going to and from the site during late evenings and early hours is likely to dominate existing environmental noise levels. It is likely to be clearly audible and distinguishable to the human ear, especially when background noise levels are considerably reduced. The use of no. 14 as a guest house has the potential to be a source of continued annoyance to the neighbours at times when they expect to enjoy the comfort of their own surroundings given the residential location of the site. In my assessment, the change of use has the potential to cause significant off-site environmental impact and cause widespread dissatisfaction amongst the residents, because of the nature and scale of the activity.
10. I conclude that the development has a materially harmful effect upon the living conditions of nearby residents. Accordingly the development conflicts with the aims and objectives of CS Policies SP 1 and DM 1, and saved Policy DC4.1 (a) (b) of the Unitary Development Plan.

#### *Other matters advanced*

11. The use of the site as a guest house is unlikely to increase the risk to other highway users given the location of the site. In terms of car parking, the street has limited parking restriction and there is adequate on-street parking that could absorb any demand for kerbside parking arising from the operation at no. 14.
12. Reversion rights to a single dwelling-house exist but common-sense suggests that the character of the guest house activity is likely to have long-term and serious environmental consequences. Much is made about the contribution made to the local economy and demand for this type of accommodation. Nevertheless, in the wider public interest, I consider that the development is, and would be, materially harmful to neighbours' quality of life and planning conditions alone would not overcome my objections.
13. I note the personal circumstances presented but I attach little weight in favour given the harm caused by the development. Mr Okure has some concerns about the handling of the enforcement investigation and has made complaints to the authority. However, the matters raised are not for my determination.

### **Overall conclusions**

14. While the development poses no material risk to highway users or increase parking demand, on balance, I find that my findings on the first and second main issues above are not outweighed by the other considerations advanced.
15. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should not succeed. I have upheld the enforcement notice and refused to grant planning permission on the deemed application.

*A U Ghafoor*

Inspector