The Planning Inspectorate

Appeal Decisions

Site visit made on 11 February 2019

by Anthony J Wharton BArch RIBA RIAS MRTPI

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

Decision date: 04 March 2019

Appeal A - Ref: APP/Q0505/C/18/3196460 - Notice 1
Flat 3, Roman House (Marino House), Severn Place, Cambridge CB1 1AL

Appeals B to F inclusive – Notices 2 to 6
Flats 6, 7, 8, 9 & 11 Roman House, Cambridge CB1 1AL (See Schedule)

Appeals G to M inclusive – Notices 7 to 13
Flats 1, 2, 3, 4, 5, 6, & 7 Florian House Cambridge CB1 1AQ (See Schedule)

- The appeals are all made under section 174 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991.
- The appeals are all made by Lux Living (Cambridge) Ltd against enforcement notices (Nos 1 to 13) issued by Cambridge City Council.
- Enforcement Notice No 1, for Appeal A is numbered EN/0021/18. The references for the other notices (Notices Nos 2 to 13), in Appeals B to M, are set out in the Schedule below.
- All of the Notices were issued on the same date; 24 January 2018.
- The breach of planning control as alleged in all of the notices and relating to all of the flats (in Appeals A to M inclusive) is the same and is as follows:
  'The change of use of the premises at the land from a Class C3 dwelling house to short-term visitor accommodation (Sui Generis)'.
- The requirements of the notices in all cases are as follows:
  '(i) *Permanently cease the use of the apartment at the land for short-term let visitor accommodation of less than 90 days duration provided for paying occupants.*
  (ii) *Permanently cease and remove all forms of advertising of the entire or any part of the premises for let in relation to the short-term let visitor accommodation use'.*
- The period for compliance with the requirements in all cases is *'two (2) months'.*
- The appeals (A to M inclusive) are all proceeding on grounds (c) and (g) only, as set out in section 174(2) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the appeals on ground (a) and the applications for planning permission deemed to have been made under section 177(5) of the Act as amended have lapsed.

Decisions

1. The appeals all succeed to a limited degree on ground (g) only and the notices will be varied accordingly. Otherwise all Appeals, A to M inclusive, are dismissed and the notices are upheld as varied. See formal decisions below.

Introduction

2. All of the 13 appeals; 6 relating to Roman House (formerly Merino House) and 7 to Florian House; are made on grounds (c) and (g) only and I cannot consider whether or not planning permission should be granted for the alleged breaches of planning control. Thus, the planning merits of the cases do not fall to be considered.

The Notices

3. The alleged unauthorised change of use, set out in part 3 of each notice, refers to a change of use from Class C3 dwelling house, to *'short-term visitor accommodation'*. Requirement (i) in part 5, on the other hand, refers to the need to cease the use for *'short-term let visitor accommodation of less than 90 days'* (my underlining). This suggests an element of under-enforcement on the Council's part. However, I consider it appropriate to deal with the appeals based on the notices as drafted. To do otherwise would, in my view, cause injustice to the appellant company.

4. The reference in the notices at Requirement (ii) to *'cease and remove all forms of advertising'* could be considered not to be directly related to planning controls. However, again I consider it appropriate to deal with the notices as drafted. In doing so I am satisfied that, again, no injustice will be caused.

The relevant planning units

5. From the planning permissions granted for the two blocks of flats; from the subsequent varied usage of the flats and from my site visit, I consider that, in accordance with the case of *Burdle v SSE [1972] 3 All ER 240 ('Burdle'),* each of the 13 flats constitutes a *'planning unit'* in its own right. In both blocks, each flat is separated from the others physically and each flat has its own facilities to provide all that is necessary to support normal day to day domestic living. The flats were built as separate dwellings within Roman House (11 No) and Florian House (8 No) following planning permissions in March 2010 and August 2012 respectively.

6. From the planning history and all of the appeals submissions, I consider that their lawful use, in each case, is in Use Class C3, use as a dwelling house. There is no dispute about the lawful use of the flats in the respective residential blocks. Of the total of 19 dwellings in the two blocks, the 13 flats in Appeals A to M are the subject of the notices. At the time of issue of the notices the remaining flats were let under Assured Shorthold Tenancy Agreements (ASTAs). However, at the time of my site visit all of the 6 appeal flats in Roman House were also let on the basis of ASTAs. Despite this being the case I must deal with all of the appeals based upon the date of issue of the notices (Nos 1 to 13): that is 24 January 2018.

Background information

7. Roman House and Florian House are modern apartment blocks located next to each other on Severn Place. This is close to Newmarket Road and to the car park access to the indoor shopping complex; the 'Grafton Centre'. The apartment blocks lie approximately 1.7km to the east of the City centre in this mixed-use locality, which comprises residential, office and other commercial uses, as well as the retail uses in the 'Grafton Centre'. The buildings are not within a Conservation Area and I have not been informed of any nearby listed buildings. During my visit I walked around the whole of the immediate neighbourhood and noted, in particular, the new commercial/office uses immediately to the west of the appeals buildings in Wellington Court. I also noted the commercial premises on the opposite side of Severn Place.

8. These premises are the site for a new development at No 64 Newmarket Road. This is referred to by the appellant as the *'Unex Site'* and planning permission was granted on the land on 13 September (14/1905/FUL), for a mixed development which included a total of 84 dwellings; some commercial space and 'public realm' improvements. However, this development had not yet commenced.

9. In May 2017, through records from the Council's *'Council Tax Team'*, it was noted that the appeals flats at Roman House and Florian House were being used for short-term lets. At that time, business rates (as opposed to Council Tax) had been paid from 1 February 2017. An enforcement investigation followed and a Planning Contravention Notice (PCN) was served (October 2017) and returned (November 2017) to the LPA.

10. The PCN return indicated that, at that time, 5 of the flats within Roman House (Nos 1,2,4,5 and 10) and 1 to Florian House (No 8) were the subject of ASTAs. It also confirmed that the remaining 13 flats (the appeals properties) were being used for short-stay serviced accommodation. There is no dispute between the Council and the appellant company about the various dates relating to Council Tax, business rate payments and the respective physical uses of the appeals flats. The only dispute is that the appellant company contends that all flats have remained in Class C3 use, whilst the Council considers that there has been a change of use to a sui generis residential use.

11. It has been confirmed that initially the appeals flats had been typically let from 3-4 nights per week (as a minimum) up to approximately 10 nights. In some other cases it was indicated that the flats were let for longer periods. However, a submitted *'length of stay table'* (LST) indicates that 77% of the lets were for *'one and two night'* stays. The LST also indicates that there were over a thousand different bookings for the 13 appeals flats over an 11-month period from March 2017 to January 2018.

12. It has also been confirmed that the 13 flats were occupied 80% of the time and that those in Roman House had been used as short-stay serviced accommodation since November 2011, whilst those in Florian House had been similarly let since July 2015.

13. It was submitted that the *'scheme managers'* provided a basic 'welcome pack' with linen and towels changed on a weekly basis and that neither apartment block had any communal facilities. The Council carried out a search on a hotel booking website which showed around 120 reviews for the flats in both houses. There was also a description indicating where the apartments were located; what facilities they provided; information about popular tourist locations in Cambridge and road, rail and air travel information. In their statement for these appeals the Council also refer to reports on the website by users of the short-term accommodation (see below).

14. On behalf of appellant company it is stated that the service provided in the flats is very limited and that it is not at the same service level provided for hotel guests or some other serviced apartments in Cambridge. It is indicated that the business is now *'geared around corporate lets'* and that it is the intention to have less of a turnover of residents by progressively providing longer lengths of stay. Reference is made to the differences between the appeal apartments and other serviced apartments in Cambridge. In particular, it is stressed that the serviced apartments (flats) offered at Roman House and Florian House are *'indistinguishable'* from the other *'conventional'* flats, including the apartments which are the subject of ASTAs. It is therefore

contended that all flats are, therefore, clearly in Use Class C3. As indicated above the current situation at Roman House is that all units are currently let on an ASTA basis.

The Appeals on ground (c)

15. To be successful on this ground of appeal the onus is on the appellant company (in each case/appeal) to conclusively show that there has not been a contravention of planning control. Normally the fact that a contravention had not occurred would be shown by the presence of a specific planning permission for a change of use, or the fact that planning permission was not required because, for example, the change of use constitutes permitted development.

16. However, in these appeals, the appellant company's case is that there has been no contravention of planning control because the lawful Class C3 uses of the appeals properties have not been changed. It is considered that a spectrum of uses; from Class C1, through to a Sui Generis residential (hybrid) use, to one which is clearly in Class C3 use, all share indistinguishable characteristics as residential dwellings. It is contended, therefore, that all of the appeals flats (both in Roman House and in Florian House) have remained in Use Class C3 residential use, despite the short-term lettings.

17. The Council on the other hand contends that, in each case, there has been a material change of use of the flats. The Council has referred to another appeal (APP/Q0505/C/18/3193261) relating to a property in Richmond Road Cambridge, which is considered to have similar issues to these cases. However, there are significant differences to that appeal in that it related to a change of use of a single-family house only. In addition, the grounds of appeal were different since ground (a) was also pleaded. The only similarity is that the dwelling house in question was being let for short-term lets.

18. Although that case is a material consideration and has some similarities, in that the property was being used for short-term lets, each case must be assessed on its merits. Irrespective of the conclusions in that case, therefore, I have dealt with all of these appeals on their merits, based on all of the written submissions; on my site visit inspections and on relevant case law.

The gist of the case for the Council in each appeal

19. The Council acknowledges that the apartments contain all of the facilities to enable a Class C3 use to occur. However, due to the typical rental periods, the frequencies of turn-over of the accommodation and the character of use, the Council contends that the use of the apartments does not fall within Class C3 use, as defined in the Town and Country Planning (Use Classes) order 1987 (UCO).

20. The Council refers to the case of *Moore v Secretary of State for Communities and Local Government [2012] ('Moore')* in the Appeal Court. The Council refers to the court's finding that '*It was not correct to say either that using a dwelling for commercial holiday lettings would never amount to a material change of use or that it would always amount to a material change of use. Rather in each case, it would be a matter of fact and degree and would depend on the characteristics of the use as holiday accommodation'.*

21. In order to ensure a consistent approach to such cases the Council has produced a document entitled '*Short-Term Visitor Accommodation; Officer Guidance Note'* (OGN) and provides what is referred to as a *'Working definition'* (WD) to assist officers in determining whether or not there has been a material change of use. The WD

refers to a likely change of use from Class C3 occurring if, amongst other things, the majority of the bedrooms are being used for short-term lets; the frequency of short-term visitor uses exceeds 10 in any calendar year and the cumulative duration of short-term visitor use exceeds 6 months in any calendar year.

22. The Council stresses that the OGN and WD are guidance notes only but that, in applying them in these cases, together with the other specific characteristics of usage, it is considered that as a matter of fact and degree a material change of use of each of the appeals apartments has taken place. The Council accepts that Class C3 dwelling houses can involve occasional changes in occupation, but it is considered that there is a fundamental difference between, for example, a tenancy change and the high frequency of change in occupation that occurs with the *'Airbnb'* type uses which have been carried out at the Roman House and Florian House apartments.

23. The Council refers to Table 1 in appendix 4 of the Appellant's Statement of Case (SoC) which sets out a detailed occupancy use of the apartments over an 11-month period from March 2017 to January 2018. Of the 1000 plus bookings the Council stresses that 77% of the stays were for just 1 or 2 nights. Although there were 25 situations where stays were for 11 nights or more, the Council considers that the typical duration of stays and the number of individual stays indicates that at the time the notices were served, the uses of the appeals apartments were not in use Class C3.

24. Instead it is considered that they were being used for business purposes more akin to a C1 (Hotel type) use which is significantly different in character to a C3 use. In particular it is considered that this change in the characteristics of usage gives rise to amenity impacts/issues which would not be the case for a lawful C3 use.

25. The Council indicates that usage for short-term periods is likely to be by single individuals or couples and that the impacts of usage are both individual to each apartment block and cumulative, due to their locations adjacent to each other. The Council refers to the character of usage generating an increased likelihood of early and late arrivals; the uncertainties relating to location, uncertainties regarding access and parking; the need for specific instructions; the fact that the flats are not their homes; the fact that they are guests of the appellant company; the fact that the flats are servicing the tourism sector of the market as opposed to serving the residential market of Cambridge and that guests will not typically be invested in the local community.

26. Overall the Council is of the view that the short-term letting use is somewhere between a C3 dwellinghouse and a C1 hotel use. As such it is considered to be a sui generis use. The Council is also concerned about the transitory nature of the letting use and is of the view that some visitors could demonstrate less respect and consideration for neighbours than might be the case for permanent residents. In support of this view the Council refers to reviews by some visitors which are evident from the booking website. Some of these included references to surrounding apartments being *'incredibly noisy'*; *'noisy guests next door all night long'* and noise levels from other guests being *'unbearable'*.

27. At the time of writing the Committee report, the Council indicates that none of the permanent residents of the flats in either house had complained about any impact on their amenities. However, it is considered that the evidence from guests, who had commented on the problems encountered, points to the fact that the character of usage linked to short-term lets has resulted in unacceptable impacts on the amenities of users of the apartments. The Council acknowledges the intention to have longer lets in future. However, is of the view that it is immaterial whether the uses are

geared to corporate or short-term lets. It is stressed that there is no current minimum night's stay; that any void in the bookings is likely to be filled to avoid any loss of income for the operators and that the character of usage is affected by the unpredictability of the frequency of use.

The gist of the case for the appellant in each appeal

28. With regard to the letting services provided by the appellant company, it is stressed that the service offered is very limited when compared to those provided by other firms in the Cambridge serviced accommodation sector. The differences are set out in the initial statement but, for both short-term lets as well as for the ASTA operated properties, basically the appellant company only provides cleaning services; provision of washing machines and provision of duvets and pillows. For short-term lets only, in addition there is a weekly provision and replacement of linen. This latter service applies irrespective of the length of stay. Analysis taken from other websites, from serviced accommodation providers in Cambridge, indicates far more services being provided including VIP packages; meals; flowers; bathrobes; bicycle hire; airport collection and gym membership. None of these 'enhanced products' are provided by the appellant company at Roman House or Florian House.

29. The appellant's case on this ground is stated to be *'simple'* in that there has been *'no breach of planning control'*. As referred to above, it is considered that, in the overall spectrum of uses which might range from C1 uses at one end, through to sui generis (where the use can be said to be of a hybrid nature) to ones which are clearly C3, the uses of the appeals apartments are indistinguishable in terms of their characteristics of usage from Class C3 residential dwellings.

30. On the basis of how the business is operated, it is contended that the only conclusion which can be reached is that the apartments in Roman House and Florian House are in Class C3 use. This is their lawful use. The Council's arguments that there has been a material change of use from C3 to a sui generis use is not accepted. Reference is made to the legal advice given by a QC to the Council that serviced apartments can fall into Class C3 use. It is argued that the Council's only apparent concession, as to the circumstances when this may apply, is limited to the situations set out in their guidance '*Short-Term Visitor Accommodation; Officer Guidance Note'* (OGN) referred to as a *'Working definition'* (see above).

31. It is contended that this cannot be a correct interpretation since it relies entirely on lengths of stay, whereas the whole point of the UCO is to place uses into categories which reflect certain characteristics. The appellant's position has always been, and remains, that the key determinant as to what Use Class a use falls into is in the nature of that use. The appellant company only offers a limited service which should not be equated with a poor service. It is a service which allows occupiers, whether in residence for one night, one week, one month or longer to have independence and privacy. It is considered that this service enables them to live as they would in their own homes; the only difference being that they would not be surrounded by all of their possessions other than those with which they arrived.

32. Irrespective of whether or not the apartments are occupied on an ASTA basis or as serviced apartments, they look exactly the same and are indistinguishable. Reference is again made to the Local Plan which makes it clear that where serviced apartments have characteristics akin to a permanent residential use, then it would be appropriate to consider applications for them against the policies in the plan appertaining to residential developments.

33. In response to the Council's statement it is argued that the fact the flats are let commercially is not material to what Use Class they fall into. The Council's contention that this is a similar situation to the Richardson Road appeal is disputed. In that case it is stressed that the property was a single dwelling house and that enforcement action had been instigated following complaints from neighbours. In these cases, it is stressed that there have been no complaints from neighbours whilst the 13 apartments have been let for short-term periods and that the level of renewals of ASTAs indicates that the short-lets do not cause a problem in the area.

34. It is indicated that the Council accepts the findings of the *'Moore'* case and that the circumstances of each case will be critical to the determination of whether or not a material change of use has occurred. It is, therefore, considered contradictory of the Council to rely on the OGN and WD. This is emphasised by the Council's statement, at 4.3, that the WD cannot be regarded as being definitive. It is considered that this is a clear exposure of the Council's '*muddled thinking'* on this issue which '*has come about as a consequence of perceived pressures on the local housing market by the rise in popularity of short-tern visitor accommodation'.*

35. The change in character of usage of the apartments and associated impact on amenities that arise are not points included in the WD. It is contended that it is illogical that the WD only refers to lengths of stay and numbers of stays. In addition there is no evidence from the LPA to indicate why it is considered that short-stay accommodation will have more comings and goings than more conventional Class C3 accommodation. There is nothing to say that a permanent resident will come and go any less or that they will not arrive late in the evening or leave early in the morning.

36. Despite the large number of single and two-night stays, it is argued that the uses at Roman House and Florian House cannot be compared to a C1 hotel use. The initial reliance on short-term lets has now evolved into a business which has generated more repeat bookings; corporate bookings and longer-stay bookings. Flats in Florian House, since February 2018, have been occupied for continuous periods of from 14 days to 50 days and the number of short-term stays has decreased significantly. The appeal flats in Roman House are now also the subject of ASTA lettings.

37. Any possessions within the apartments are not considered to be material to the question of the character of usage and neither is the fact that occupiers do not use local schools and other services. In addition the LPA has not indicated how, on the spectrum of use from C1 to C3,a serviced apartment might be classified as a C3 use and has simply responded to queries on the basis that each case must be assessed on its merits.

38. It is also stressed that the Council has not provided any evidence to indicate that the lack of investment in the local community will make residents more likely to cause noise and disturbance due to being in occupation on a transient basis. In fact the appellant company has experienced ASTA tenants being fairly inconsiderate. The fact that occupiers are *'guests'* cannot invalidate the fact that these particular serviced apartments can be in a Class C3 use. It is argued that there has been a total and unreasonable refusal on the Council's part to accept that serviced apartments can be in a C3 use and it is considered, therefore, that on the facts of these cases the appeals should be allowed on ground (c).

Assessment

39. The *'Moore'* case has established the correct approach to be taken when considering whether or not a material change in use from a dwelling house (Use Class C3) to a holiday or commercial residential use (sui generis) has occurred. Both the Council and the appellant company have referred to the case and it is accepted by both parties that these appeals turn on whether or not, as a matter of fact and degree and based on the particular characteristics of the use of the apartments, a material change of use has occurred.

40. It is evident that since the PCN was completed and returned, the appellant company has changed the letting patterns for both Roman House and Florian House. Between November 2017 (date of PCN submission) and my site visit it is clear that most lettings have changed in terms of lengths of stay. It would appear that these changes have occurred due to changing commercial short-term letting conditions and requirements in Cambridge over the last 12 months.

41. It is also evident that it is the intention of the appellant company to promote longer lets (referred to as corporate lets), as well as considering further ASTA lettings. This is also obvious from the latest ASTA lettings in Roman House and some corporate lettings in Florian House. I have noted that, since February 2018, some flats in Florian house have been let for periods of between 14 and 50 days

42. However, it is also evident that for periods leading up to and before the issue of the notices, there had been a total of over one thousand bookings over an 11 month period and that the LST had indicated that 77% of the lettings were for just 1 or 2 night stays. This shows a range of uses starting from a single night's stay to a let of 50 days (presumably as a typical corporate let).

43. From the submissions it is clear that there is a tremendous range of lets (in terms of lengths of stay) which have occurred since the business commenced. Having considered all of the submissions I accept that, in certain circumstances, the longer lets (say 60 to up to 89 days even) can, as a matter of fact and degree, start to become indistinguishable in terms of character of usage from a 6 month ASTA let. The pattern of usage of a person or a couple occupying a flat for say 2 or 3 months (as a corporate let) in some cases might hardly be any different to a let of 91 days.

44. At the other end of the scale (1 or 2 nights or up to a week) however, I consider that there can be significant differences in character of usage. Having considered these extremes, I share the Council's concerns about the effects of the shorter lets. I acknowledge that recently the shorter stays have reduced in number, due to the market conditions and a subsequent change in letting policy. However, what has been operated, in effect, is an open-ended letting policy for any period of between 1 night or 89. Thus the potential for shorter lets would remain and it is these which, in my view, are distinctly different in character of usage than a typical Class C3 use.

45. In the *'Moore'* case the Inspector considered that there were a number of distinct differences between short term holiday accommodation and a Class C3 use. These included the pattern of arrivals and departures; any associated traffic movements; the likely frequency of party-type activities; the potential lack of consideration for neighbours and other factors which differed from a private family use of the property. Although the uses at Roman House and Florian House cannot be compared exactly with the situation in the *'Moore'* case, I consider that the potential for similar impacts on amenity remain the same.

46. The 'hands -off' (that is, just offering a very limited service) management approach of the properties also causes me some concern in relation to the shorter term lets. The appellant company has no control over the activities of '*guests'* and it is clear from the evidence that some inconsiderate customers have caused undue levels of noise and disturbance for other guests staying in the flats. Whilst accepting that none of the ASTA tenants have made any complaints I consider a mixed letting pattern (for example a short term 1 or 2 day stay next to a 6 month ASTA occupant) could potentially result in undue levels of noise or disturbance for some occupants of the apartments. This is particularly the case currently, as more of the units are being let on an ASTA basis.

47. I am also concerned about usage having seen the layout of the access to the separate flats. The circulation spaces (including hard materials and finishes) in both apartment blocks would, in my view, result in some potentially noisy situations, particularly at night, when guests are returning to the flats from other parts of the City. I also agree with the Council that some visitors could arrive or depart at anti-social hours and, whilst accepting that this could be the same for some permanent residents, the potential for such issues being caused by short-term let occupants is, in my view, much higher. The previous high number of 1 and 2 night stays and reinforces my conclusion in this respect.

48. In summary, therefore, it is my view that as a matter of fact and degree the variable nature of the transient uses of the properties has resulted in a distinctly different character of usage from that of a Class C3 use. I agree with the Council that the use of the units has resulted in some sort of hybrid use between Class C3 and a hotel Class C1 use. I acknowledge that the services provided are not anywhere near a full hotel service. Nevertheless the flats are let as separate suites of accommodation; they are let and advertised as a hotel might be and, most importantly have been let for many 1 or 2 night stays.

49. There is no current minimum night's stay and I agree with the Council that any void in the bookings is likely to be filled to avoid any loss of income and that the character of usage is affected by the unpredictability of the frequency of use. I consider that the shorter periods of residency clearly distinguish the nature of the uses at Roman House and Florian House from the more settled pattern of occupancy of a typical Class C3 use. The fact that letting patterns have significantly changed since the notices were issued does not alter my view that a change of use from Class C3 to a sui generis residential use has occurred.

50. As indicated above I must base my assessment (as to whether or not contraventions of planning controls have taken place), on the time of issue of the notices. At that time, taking into account the PCN information return, it was evident that there was a significant number of very short-term lets of less than one week. In theory this could still be the case if market conditions again favoured shorter stays. There would be nothing to stop the appellant company from reversing its current policy of preferring longer lets and/or ASTAs and reverting to the pattern of lettings which led to the issue of the notices.

51. On the basis of all of the submissions and my site visit I conclude that the character of usage relating to all 13 appeal flats has been significantly materially different (at the time of issue of the notices) to the more permanent residential character of the flats which were subject to the ASTAs in Roman House and Florian House. These differences have amounted to a material change in use of each of the

flats in question. There are no planning permissions in place for the changes of use and the changes do not constitute permitted development. It follows that in each case there has been a contravention of planning control and all appeals must fail, therefore, on ground (c).

The appeals on ground (g)

52. The time for compliance in all notices is 2 months. The Council indicates that it is partially sympathetic to the circumstances of the appellant company. However, the Council is also of the view that due to the housing needs within Cambridge, there would not be any difficulty in renting the properties for longer periods. Taking this into account the Council is agreeable to increasing the period to 3 months.

53. On behalf of the appellant company it is contended that the compliance period is unreasonable and does not allow sufficient time to *'unpick'* future reservations. Issues relating to staffing matters (possible redundancies) are referred to and it is also indicated that there would be a large administrative burden in relation to ceasing the short-term lets. In the circumstances a compliance period of 6 months is requested.

54. I accept that a period of 2 months falls short of what should reasonably be allowed as a compliance period. Having noted the manner in which the lettings are now operated I also acknowledge the direction in which the letting business is being progressed. In the overall circumstances I consider that 3 months is also too short a compliance period. I therefore consider that the appellant company's request for a 6 month compliance period should be granted. This would allow time for the company to carry out any administrative changes, as well as honouring any future lets. I consider that a 6 month compliance period would not prejudice the Council in any way and so I shall vary the notices accordingly.

Other Matters

55. In reaching my conclusions in these appeals, I have taken into account all of the other matters raised by and on behalf of the appellant company and by the Council. These include the planning history; the initial grounds of appeal; the appeal statements; the Council's delegated enforcement report; the legal advice/opinions; and the final comments (dated 24 September 2018). I have also taken into account matters raised (in sections 4.01 to 4.06 of the appellants SoC) relating to the Council's Local Plan and the legal advice given to the Council on the question of serviced accommodation/lettings.

56. However, none of these carries sufficient weight to alter my conclusions on the grounds pleaded in each of the appeals and nor is any other factor of such significance to change my decision that all 13 appeals should be dismissed.

Formal Decisions

57. All appeals (A to M inclusive) succeed to a limited degree on ground (g) only. I direct that all of the enforcement notices (Nos 1 to 13 inclusive) are varied by deleting the word and figure '*Two[2]'* in part 6 of each notice (WHAT YOU ARE REQUIRED TO DO) and by substituting, therefor, the word and figure *'Six [6]'.*

58. Otherwise, all of the appeals (A to M inclusive) are dismissed and all of the enforcement notices (Nos 1 to 13 inclusive) are upheld as varied.

Anthony J Wharton Inspector

SCHEDULE OF OTHER APPEALS, B to M; Notices 2 to 13

Appeal B: APP/Q0505/C/18/3196461 - Notice 2

Flat 6, Roman House, Severn Place, Cambridge, CB1 1AL

- Enforcement Notice Reference EN/0022/18
- Issued on 24th January 2018

Appeal C: APP/Q0505/C/18/3196464 - Notice 3

Flat 7, Roman House, Severn Place, Cambridge, CB1 1AL

- Enforcement Notice Reference EN/0023/18
- Issued on 24th January 2018

Appeal D: APP/Q0505/C/18/3196465 - Notice 4

Flat 8, Roman House, Severn Place, Cambridge, CB1 1AL

- Enforcement Notice Reference EN/0024/18
- Issued on 24th January 2018

Appeal E: APP/Q0505/C/18/3196466 - Notice 5

Flat 9, Roman House, Severn Place, Cambridge, CB1 1AL

- Enforcement Notice Reference EN/0025/18
- Issued on 24th January 2018

Appeal F: APP/Q0505/C/18/3196473 - Notice 6

Flat 11, Roman House, Severn Place, Cambridge, CB1 1AL

- Enforcement Notice Reference EN/0026/18
- Issued on 24th January 2018

Appeal G: APP/Q0505/C/18/3196476 - Notice 7

Flat 1, Florian House, Severn Place, Cambridge, CB1 1AQ

- Enforcement Notice Reference EN/0014/18
- Issued on 24th January 2018

Appeal H: APP/Q0505/C/18/3196478 - Notice 8

Flat 2, Florian House, Severn Place, Cambridge, CB1 1AQ

- Enforcement Notice Reference EN/0015/18
- Issued on 24th January 2018

Appeal I: APP/Q0505/C/18/3196479 - Notice 9

Flat 3, Florian House, Severn Place, Cambridge, CB1 1AQ

- Enforcement Notice Reference EN/0016/18
- Issued on 24th January 2018

Appeal J: APP/Q0505/C/18/3196480 - Notice 10

Flat 4, Florian House, Severn Place, Cambridge, CB1 1AQ

- Enforcement Notice Reference EN/0017/18
- Issued on 24th January 2018

Appeal K: APP/Q0505/C/18/3196481 - Notice 11

Flat 5, Florian House, Severn Place, Cambridge, CB1 1AQ

- Enforcement Notice Reference EN/0018/18
- Issued on 24th January 2018

Appeal L: APP/Q0505/C/18/3196483 - Notice 12

Flat 6, Florian House, Severn Place, Cambridge, CB1 1AQ

- Enforcement Notice Reference EN/0019/18
- Issued on 24th January 2018

Appeal M: APP/Q0505/C/18/3196484 - Notice 13

Flat 7, Florian House, Severn Place, Cambridge, CB1 1AQ

- Enforcement Notice Reference EN/0020/18
- Issued on 24th January 2018

End of Schedule