



Appeal Decision

Site visit made on 25 January 2022

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 February 2022

Appeal Ref: APP/J2373/W/21/3276007

20 Bairstow Street, Blackpool, Lancashire FY1 5BN

- 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 Andrew Singleton against the decision of Blackpool Council.
 - The application Ref 20/0790, dated 11 December 2020, was refused by notice dated 17 March 2021.
 - The development proposed is a change of use from a hotel (C1) to 6 self-contained holiday apartments (Serviced Accommodation) Sui Generis.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use from a hotel (C1) to 6 self-contained holiday apartments (Serviced Accommodation) Sui Generis at 20 Bairstow Street, Blackpool, Lancashire FY1 5BN in accordance with the terms of the application, Ref 20/0790, dated 11 December 2020, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mr Andrew Singleton against Blackpool Council. This application is the subject of a separate decision.

Preliminary Matters

3. The Council amended the description of development to '*Use of premises as 6 self-contained holiday flats*' but the appellant considered this to be inadequate and requested a change to the description as following, which was declined by the Council: '*Change of use from 10 bed hotel/guest house (Class C1) with manager's accommodation to serviced self-contained holiday accommodation (sui generis)*'.
4. There is no dispute between the main parties that the existing lawful use of the property is a hotel (Class C1) which is specified on the application form. From the evidence before me and my site observations, it is also clear the appeal scheme is for 6 self-contained holiday apartments. I have taken the description of development from the application form which describes the existing use and amended to include reference to 6 holiday apartments.
5. At the time of my site visit, a number of the self-contained units were complete and furnished with the rear ground floor apartment under construction. The position of a number of the internal doors differed from the submitted plans, but the partially constructed scheme otherwise reflected the drawings before me. For clarity, I have dealt with the appeal based on the submitted plans.

Main Issue

6. The main issue is whether the proposed development would provide satisfactory living conditions for future occupiers.

Reasons

7. The proposal would provide 6 self-contained holiday apartments of varying sizes. The Council have stated its desire to deliver high quality holiday accommodation and have cited the need for such proposals to meet adopted standards for residential accommodation. The refusal notice references a number of policies including Policy CS13 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 (Core Strategy) and saved Policy HN5 of the Blackpool Local Plan 2001/2016 (Local Plan).
8. The appellant does not however consider these policies to be relevant to the appeal proposal which is for serviced holiday accommodation and instead has pointed to other policies that relate specifically to holiday accommodation. Whilst I note the various references in these and other policies to 'residents', 'new housing development' and similar terminology, I do not consider that this limits the application of these policies to permanent residential use only. The proposal in this instance is a Sui Generis use, rather than one falling within Class C3. Nevertheless, the referenced policies do not make this Use Class distinction and a residential use can include private dwellings but also other forms of residing, such as those being used by visitors.
9. Local Plan Policy HN5 makes reference to proposals for the sub-division and/or the change of use of existing buildings needing to satisfy the Council's floorspace and amenity standards. The Council reference the standards within New Homes from Old Places Supplementary Planning Document (New Homes SPD), but I have not been provided with a copy of this document nor the Supplementary Planning Guidance 11: Open Space. The Technical housing standards – nationally described space standard (2015) have also been cited and reference has been made to these national standards replacing those that were contained in the New Homes SPD. The appellant has stated that these national standards should only be applied to dwellings, but as the proposed accommodation is self-contained and has living and sleeping facilities, I consider that that they can be relevant to the appeal proposal.
10. The size of the holiday apartments would not meet the minimum space standards for the relevant size of accommodation proposed. Despite this shortfall, I consider it necessary to look at the nature of the accommodation and how it would be utilised in considering whether it would provide satisfactory living conditions for future occupiers. The Council also acknowledge that it is reasonable to demonstrate flexibility in the application of these standards. As holiday accommodation, the expectations of those residing in the proposed flats would be different to those who would be living in permanent residential accommodation. Whilst the overall size of the flats and individual spaces such as bedrooms are notably smaller than those sought by the national standards, and that 70% of the accommodation is not 2 bedrooms or greater, the occupants would only be residing here for short periods. As the appellant has set out, they would likely spend most of their time away from the accommodation as they would be visitors to the area. Whilst I recognise that the type of holiday accommodation proposed with private amenities is different to a hotel room, I don't find this difference to be so pronounced as it would still

be catering for short term visitors but would overall provide a reduced number of bedrooms from the hotel.

11. The internal layout of the holiday flats is also a relevant factor in considering the quality of accommodation to be provided for future occupants. Other than apartment 2 on the ground floor, the remaining flats were complete and furnished at the time of my visit. They were finished to a high standard and each bedroom and living space were served by a window which would provide adequate light and outlook. With the fixtures and furniture in place, I was also able to move around the flats and consider the proposal would provide usable and effective layouts, despite the size of the apartments. With an appropriate condition restricting the occupancy of the accommodation, I consider that the overall size and quality of the holiday flats would provide satisfactory short-term accommodation for future occupiers.
12. I therefore conclude that the development would provide satisfactory accommodation for future occupiers. As such, it would not be contrary to the aims of Policies CS7, CS12, CS13 or CS23 of the Core Strategy in relation to providing quality living accommodation and ensuring the amenities of potential occupiers are not adversely affected. It would also not be contrary to Policies BH3 or HN5 of the Local Plan, nor the Holiday Accommodation Supplementary Planning Document (November 2017), which seek, amongst other matters, to provide high quality visitor accommodation.

Other Matters

13. The Council have raised concerns on the significant further investment that would be required in the property to make it acceptable for any future permanent residential accommodation and reference a future review of holiday accommodations areas. Whilst I recognise the benefits of 'future-proofing' and note a reference to a policy in relation to flexibility, the current development plan seeks to safeguard existing holiday accommodation and I have determined the appeal proposal before me on its own merits.
14. The appeal property is situated in the Foxhall Conservation Area (Conservation Area) but no concerns have been raised on the external alterations to the building. I have had regard to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area but have no reason to take a different position to that of the Council's.
15. I have considered representations made in relation to the property becoming a House in Multiple Occupation, but my consideration of the application is confined to the appeal application that is before me. Although a general reference has been made to fire safety with the property being a mid-terrace, I have not been provided with any substantive details on why this would be a concern and the Council have stated that this matter is considered outside the planning system.

Conditions

16. I have considered the conditions suggested by the Council, having regard to the six tests set out in the Framework. For the sake of clarity and enforceability, I have amended the suggested conditions as appropriate.

17. A condition is necessary to ensure the development is carried out in accordance with the submitted details as is a condition to limit the use of the development for holiday purposes. Although the Council have stated the accommodation shall not be occupied by a person who is not on holiday, this would restrict other types of users such as those visiting in relation to their work. I do not consider it necessary for such a specific reference and the inclusion of a time limit of 30 days is sufficient to ensure that the appeal development is used only for short term accommodation.
18. A management plan condition is necessary to ensure the proper operation of the premises. Although the development has partly been completed, the management plan would cover ongoing matters such as cleaning and maintaining a register of occupants.
19. As the development has commenced, a commencement condition is not necessary and nor do I consider it necessary for details of the external materials to be submitted to the Council as the external appearance of the property is satisfactory. A condition has also been suggested on the window profile details, but I do not consider this to be necessary either as the windows installed are satisfactory as they are. Although the site is constrained and a condition has been suggested on a Demolition/Construction Management Plan, as five of the six apartments were complete at the time of my visit and the development well advanced, I do not consider this condition is required. A further condition has been suggested requiring the obscure glazing and fixing shut of bathroom windows. The upper floor bathrooms on the rear elevation replaced toilet rooms that also were served by windows. As a result, I do not consider the measures sought are necessary to safeguard the privacy of nearby residents having regard to the lawful hotel use.

Conclusion

20. For the reasons given above, having considered the development plan as a whole, the approach in the Framework and all other relevant material considerations, the appeal is allowed.

F Rafiq

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (Scale 1:1250), Existing & Proposed Elevations (Drawing No: 20159_100 Rev A), Existing Plans (Drawing No: 20159_101) and Proposed Plans (Drawing No: 20159_110).
- 2) Each holiday apartment hereby permitted shall be used as visitor accommodation only and shall not be occupied by any person(s) as their sole or main place of residence. No person(s) shall occupy any apartment for a period exceeding 30 days.
- 3) Prior to any part of the accommodation hereby approved being first brought into use, a Management Plan for the operation of the premises

shall be submitted to and agreed in writing by the Local Planning Authority, and the use thereafter shall at all times proceed in full accordance with this agreed Management Plan. For the purpose of this condition, this Management Plan shall include:

- arrangements for the storage and collection of waste,
- arrangements for the arrival and departure of guests,
- arrangements for the cleaning and servicing of the apartments,
- a means by which contact details for a managing agent can be displayed on the premises,
- arrangements for the resolution of any issues that are identified to the managing agent, and
- the keeping of a register of guests (to include guest name and permanent home address) staying at the premises to be retained for at least 12 months and to be made available to the Council for inspection upon request.

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