



Appeal Decision

Site visit made on 21 December 2022

by J Wellstead BA(Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 March 2023

Appeal Ref: APP/D1590/W/22/3297961

65A Salisbury Avenue, Westcliff-on-Sea SS0 7BA

- 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 Joe Daly against the decision of Southend-on-Sea Borough Council.
 - The application Ref 21/00445/FUL, dated 2 March 2021, was refused by notice dated 3 November 2021.
 - The development proposed is the change of use from Dwellinghouse C3 Class use to Sui Generis (Short term let) C1.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The change of use has already taken place. I have therefore dealt with the appeal scheme on a retrospective basis.

Main Issue

3. The main issue is whether the change of use is within a suitable location, with particular regard to visitor accommodation and housing stock in the Borough.

Reasons

4. The appeal site is a two-storey terraced dwelling situated within a row of terraced properties in a residential area fronting onto Salisbury Avenue. The property has been converted into two flats on the ground and first floor. This appeal is for the change of use of the first floor flat, for short term lets as a holiday let.
5. The appellant has raised the issue that the proposal would not amount to a material change of use. I have been directed to the Deregulation Act 2015, however the appeal site is within Southend-on-Sea and not Greater London, of which this legislation covers. Furthermore, the matter of whether the appeal site is lawful is not within my remit within a s78 appeal, and I have not been presented with any substantive evidence to suggest it would not amount to a material change of use. Even if I were to consider the scheme was not a material change of use, it would be a matter of fact and degree as to whether the character of the property had changed.
6. In this case, there is a reasonable prospect of a relatively high frequency pattern of arrivals and departures including a high turnover of residents/visitors. Requirements for substantive comings and goings for

maintenance and cleaning of the holiday let along with a high frequency of associated traffic and parking movements would be likely as a result of the change of use. The appeal property is self-contained and still maintains private day-to-day domestic facilities separate to that of the ground floor flat, however, there is no connection between them. Taking account of the above, I consider in this case that the change of use to holiday/visitor accommodation is significantly different in character to the previous residential use at the property.

7. Furthermore, the Council has raised to my attention a previous appeal decision¹. While there may be differences between each case, I do not disagree with the conclusions, in that the sole primary use of the pre-existing dwelling house is clearly distinguishable from use as a short term let. Given the evidence before me and the fact that the appellant has applied for a change of use, I consider that the proposal does amount to a material change of use, and as such I have proceeded on that basis. In any event, I have dealt with the appeal on the basis of the evidence before me, and my own site observations.
8. The appeal property is not located within the Southend Central Area, London Southend Airport or at a location with good access and it does not have a clear and strong relationship with the Seafront. These are identified 'key areas' as stipulated in Policy DM12 of the Southend-on-Sea Development Management Document 2015 for new visitor accommodation.
9. The appellant refers to the accessibility of the appeal property to the town centre, railways station and the Southend-on-Sea Seafront. However, the appeal property is some 1.2 kilometres walking distance from the Seafront and there is little evidence about nearby public transport links or accessibility. As such, the development would not be within an acceptable or suitable location for visitor accommodation.
10. The appellant raises that the Council have a healthy supply of housing from 2017. However, the Council has provided further evidence based on their AMR² and HDT³ that there is a shortfall in their 5 Year Housing Land Supply. The Council has also drawn my attention to a recent appeal decision⁴ which refers to Policy CP8 of the Southend on Sea Core Strategy, Development Plan Document One, 2007 (CS), which seeks to resist development proposals involving the loss of existing valuable residential resources, including safeguarding an adequate stock of single-family dwellings. It also refers to the South Essex Strategic Housing Market Assessment that identifies a greater proportion of one-bed and smaller units in Southend, indicating a need for family sized housing in the Borough. As such, from the evidence before me, it would appear that the Council have a shortfall in housing stock in the Borough.
11. Given that the proposal would result in the loss of housing stock, a valuable residential resource, to visitor accommodation, it would further increase the shortfall in local housing supply by one residential dwelling. Although this impact is modest due to the small scale of the development, it would still result in the loss of a single family dwellinghouse, therefore being in conflict with the

¹ APP/D2510/W/16/3157006

² Annual Monitoring Report 2017

³ Housing Delivery Test 2021

⁴ APP/D1590/W/21/3282534

requirements of Policy CP8 of the CS which seeks to resist development proposals that involve the loss of such residential resources.

12. Therefore, for these reasons, I conclude that the change of use would not be in an appropriate location for the proposed visitor accommodation, and having regard to local planning policy, it would result in a harmful effect on the housing stock in the Borough. As such the proposal would not accord with the aims of Policies KP2 and CP8 of the CS and Policies DM3 and DM12 of the Development Management Document 2015. These policies together seek the best use of land, to resist development proposals that involve the loss of existing residential resources and focus new visitor accommodation in key areas that have strong relationships and access to the seafront. It would also be contrary to paragraph 124 of the National Planning Policy Framework, which supports development that makes efficient use of land while taking into account the identified need for different types of housing.

Other Matters

13. I acknowledge that the benefits of the proposed scheme would result in a small contribution to visitor accommodation provision in the area. There would be economic benefits from its subsequent occupation as any future occupants would bring trade to nearby services and facilities. These benefits are moderate and, when combined, I consider they have limited weight in favour of the development. However, it would not be in a suitable location as specified in the development plan, and it would lead to material harm to the housing supply of the Borough and result in the loss of valuable family accommodation. Therefore, these moderate benefits do not outweigh the harm caused by the proposed development.
14. Although no complaints have been made regarding the proposal, this does not outweigh the harm identified above.

Conclusion

15. For the reasons given, I conclude that the proposed development conflicts with the development plan, read as a whole. No material considerations have been shown to carry sufficient weight to warrant a decision otherwise than in accordance with it. Therefore, the appeal is dismissed.

J Wellstead

INSPECTOR