



## Appeal Decisions

Site visit made on 7 August 2023

**by B S Rogers BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 23 August 2023**

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### **Appeal A Ref: APP/J2373/C/22/3309362**

#### **Land and building known as 58 Dean Street, BLACKPOOL, FY4 1BP**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by Mob Holiday Lets against an enforcement notice issued by Blackpool Council.
- The notice, numbered 21/8172 CU, was issued on 4 October 2022.
- The breach of planning control as alleged in the notice is:- without planning permission, the material change of use of 58 Dean Street from a single private dwelling-house, to a self-contained holiday let.
- The requirement of the notice is to cease the use of 58 Dean Street as a self-contained holiday let.
- The period for compliance with the requirement is: one month.
- The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 as amended.

**Summary of Decision: No further action is taken.**

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### **Appeal B Ref: APP/J2373/W/22/3308033**

#### **58 Dean Street, BLACKPOOL, FY4 1BP**

- 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 Robert Wooley against the decision of Blackpool Council.
- The application Ref 22/0250, dated 26 April 2022, was refused by notice dated 7 July 2022.
- The development proposed is use of premises as a self-contained holiday let.

**Summary of Decision: The appeal is allowed and planning permission granted subject to conditions.**

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## **Decisions**

### *Appeal A*

1. In the light of the grant of planning permission in respect of Appeal B, no further action is taken on Appeal A.

### *Appeal B*

2. The appeal is allowed and planning permission is granted for the use of the premises as a self-contained holiday let at 58 Dean Street, Blackpool, FY4 1BP, in accordance with the terms of the application ref: 22/0250, dated 26 April 2022 and the plans submitted with it, subject to the conditions set out in the schedule at the end of this letter.

### **Appeal B**

3. The main issues are the impact of the use on the character of the area and on the living conditions of neighbouring residents and occupants of the premises.

4. The appeal property is a terraced house which was used as holiday accommodation until 2003, when planning permission for its use as a single dwellinghouse was implemented. Front and rear dormers were erected over ten years ago, whilst it was in use as a single dwellinghouse. A covered outdoor seating area has been erected in the rear yard in conjunction with the present unauthorised use. There are 5 bedrooms, giving a potential occupancy of 9 persons.
5. The property is located on the north side of Dean Street, within an area identified in the Blackpool Local Plan 2012-2027 (Core Strategy), adopted in 2016, as the "Resort Core". The site is also within the area identified as a "Mixed Holiday and Residential Neighbourhood" on the Inner Area Regeneration Policy Map. The Resort Core is described as a focus for future tourism and leisure development in which Policy CS21 supports proposals for new visitor accommodation. In line with the focus of the National Planning Policy Framework (NPPF) on sustainable development, the Local Plan seeks to ensure that development functions well, adds to the overall quality of the area and does not unduly harm the living conditions of neighbouring residents.
6. The Council acknowledges the thrust of Policy CS21 but asserts that the eastern part of Dean Street, in which the property is located, should be treated differently because it is predominantly composed of private residences. It points to the Holiday Accommodation SPD in which the site is excluded from the "Main Holiday Accommodation Area". However, the relevant function of the SPD appears to be to support the tourism economy by restricting the change of use from holiday use to residential within this more focused area. It does not seek to resist proposals for tourist accommodation in the wider Resort Core area in which the appeal site is located.
7. I observed that there are 3 hotels/guest houses in close proximity to the appeal site, albeit that one appeared to be closed at the time of my visit. Whilst the density of visitor accommodation is less than found at the western end of the street, it still appears to me to be an area to which Policy CS21 should continue to have force and in which the use is acceptable in principle.
8. The Council submits that the large dormers front and rear and the single storey rear extension should be removed to improve the appearance of the property. I agree that the front dormer in particular is an obtrusive feature in the street scene and that such a course of action would be desirable. However, it was not installed to facilitate the material change of use and there would be no reason to require its removal if the property were to revert to being a private dwelling. I note that the front dormer is matched by a very similar one on the dwelling next door, no.60,
9. In conclusion on the first main issue, I find that the development does not unduly harm the character of the area and does not unduly conflict with the provisions of the development plan.
10. Turning to the second main issue, given the potential occupancy of 9 persons in holiday mode and the lack of on-site management, there is the potential for noise and disturbance to harm the living conditions of neighbouring residents. However, the appellant has undertaken a noise assessment and reinforced the soundproofing in the limited area where habitable rooms adjoin no.60. He has also installed a noise monitoring system and put in place a management plan which includes an anti-social behaviour policy. This requires external signage

with a contact number so that any incidents can be reported and rapidly dealt with. I have not been made aware of any complaints regarding noise in the two years or so in which the use has been operating. It appears to me that a planning condition requiring the continuing operation of such safeguards would suitably address this issue.

11. On the question of the adequacy of the building for its occupants, the Council expects self-contained holiday units to meet its minimum adopted standards for residential accommodation, as required by Local Plan Policy HN5. The appellant concedes that two of the bedrooms fall below the relevant standards by 0.4 and 0.7 sq.m. respectively. However, the relevant rooms are well lit and ventilated and have a reasonable outlook. The minor shortfall in floorspace appears to me to be tolerable in the context of the nature of the holiday use and the short-term occupation.
12. Much of the rear yard, which is enclosed by high walls and enjoys a good level of privacy, is occupied by a roofed, semi-outdoor sitting area. The remainder is covered with artificial turf. To my mind, this provides a useable and adequate area of outdoor (or semi-outdoor) living space.
13. On the second main issue, I conclude that the development does not unduly harm the living conditions of neighbouring residents or of its occupants and that there is no undue conflict with the provisions of the development plan in this respect.

### **Other matters**

14. There is no evidence before me that the loss of a dwelling would have a significant impact on the housing need in the area. There are concerns raised that the type of operation here operates at an unfair commercial advantage but I do not regard this as a planning matter.
15. I note that a vacant property when not let might be seen as a target for crime but it is in an area where surveillance from neighbouring properties should considerably mitigate against such a risk. None of the other matters raised are sufficient to outweigh my conclusions on the main issues.

### **Conditions**

16. The Council has provided a draft list of conditions in the event that I allow the appeal. I have considered these in the light of Planning Practice Guidance and amended some as appropriate. The first 3 conditions are not needed as the development has already been carried out. Condition 4 seeking to prevent a further change of use is not needed because a material change of use would require planning permission in any event.
17. I accept the need to limit the number of bed spaces as this could result in an overly intensive use of the property, with a loss of amenity to occupants and a greater potential for disturbance to neighbours. I have referred in para.10 above to the need for a management plan. The potential for disturbance from the external space can be addressed by precluding its use after 22.00.

### **Conclusion**

18. Subject to the conditions to which I have made reference above, I conclude that the development does not unduly harm either the character of the area or

the living conditions of neighbouring residents and occupants of the premises. There is no conflict with the provisions of the development plan and therefore the appeal succeeds.

### **Appeal A**

19. In the light of my decision to allow Appeal B, there is no need for me to consider the matters raised in Appeal A. Under S.180 of the Act, as amended, the enforcement notice shall cease to have effect on the grant of planning permission for the development which is the subject of the notice.

*B S Rogers*

INSPECTOR

### **Schedule of Conditions: Appeal B**

1. The number of bed-spaces within the accommodation hereby approved shall not at any time exceed nine other than through the provision of travel cots for infants. For the avoidance of doubt, sofa-bed provision counts as a bed-space provision and lounge and kitchen spaces shall not be used for sleeping.
2. The use hereby approved shall not operate at any time unless:
  - i. the management plan submitted with this application (or any subsequent management plan approved in writing by the local planning authority) is implemented and operated in all respects.
  - ii. there is a board displaying management contact details for the property mounted in a clearly visible position on the exterior of the property.
3. The external space shall not be used after 22.00 hours daily.