



Appeal Decision

Site visit made on 5 July 2023

by N Duff BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 September 2023

Appeal Ref: APP/J2373/W/22/3305901

Mayfield, Kitty Lane, Blackpool FY4 5EG

- 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 Ms Debbie Cheetham against the decision of Blackpool Council.
 - The application Ref 22/0507, dated 30 June 2022, was refused by notice dated 3 August 2022.
 - The development proposed is the use of premises as a sui generis mixed use consisting of a residential dwelling and self-contained holiday let.
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Decision

1. The appeal is allowed and planning permission is granted for use of premises consisting of a residential dwelling and self-contained holiday let at Mayfield, Kitty Lane, Blackpool FY4 5EG in accordance with the terms of the application, Ref 22/0507, dated 30 June 2022, subject to the conditions contained in the attached schedule.

Preliminary Matters

2. I have taken the description of development in the banner heading as agreed by the parties as it is more precise than the original description of development in the application form. However, the words 'sui-generis mixed use' do not assist in understanding the proposed development and I have removed these from the decision.
3. Following the determination of the planning application subject of this appeal, the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies was adopted in February 2023 and the Saved Local Plan has been superseded. No Saved Local Plan policies were referred to in the reasons for refusal therefore this does not affect the policies that were used to make the decision. I have considered this appeal on this basis.

Main Issues

4. The main issues in the appeal are:
 - 1) The effect of the proposed development on the character and appearance of Marton Moss.
 - 2) Whether the proposed development would be in a suitable location having regard to the health and regeneration of the wider resort.

Reasons

Character and appearance

5. The appeal site is located off Kitty Lane which is in a quiet semi-rural area, Marton Moss, to the southeast of Blackpool. The area is characterised by individual dwellings on generous plots, with agricultural and equestrian related development interspersed. The site has one main dwelling and an annex with several outbuildings, a swimming pool and two vehicular access points with space for several cars. The site is self-contained and well screened from surrounding development by trees, in spacious verdant grounds.
6. Due to the scale of the proposed development which is restricted by its size proposing one bedroom, it is likely that vehicle movements to and from the site would be minimal. In addition, due to the small scale of the proposed development and the generous grounds in which it is situated, noise and disturbance from guests using the outdoor amenities on the site are unlikely to alter the quiet rural character of the area significantly enough to be harmful. Further, third party representations made at the application stage have provided positive comments regarding the operation of the site as holiday accommodation.
7. The building is in situ and no alterations to the external appearance of the building are proposed therefore there would be no apparent visual affects of the proposed development on the character and appearance of the area.
8. For these reasons I conclude that the proposed development would not be harmful to the character and appearance of the area. Paragraph 1 of Policy CS26 of the Blackpool Local Plan Part 1: Core Strategy (2012-2027) Adopted January 2016 (LP Part 1) states that a neighbourhood planning approach will be applied in the area that supports the retention and enhancement of the distinctive character.
9. The Marton Moss Neighbourhood Plan Regulation 16 submission draft August 2022 (MMNP) is at a fairly advanced stage and has been through independent examination, however has not been made. I have been provided with the Inspector's report, which does suggest some modifications to the plan prior to going to referendum. Objective 10 which is not subject to modification states that it is to allow tourism uses that are in keeping with the open character of the area, for the reasons mentioned above the proposal complies in this regard. However, this objective is stated in the MMNP to be implemented through Policy MM2 which does not list holiday accommodation as being acceptable, except specifically for camping, therefore the proposal would not comply with this policy, however, Policy MM2 is subject to modifications, therefore I can only afford it limited weight.
10. Paragraph 2 of Policy CS26 of the LP Part 1 aims to protect Marton Moss by allowing only certain types of development, this does not include holiday accommodation. Therefore, the proposed development does not comply with the development plan in this regard. However, due to the small scale of the development which is self-limiting due to its size, the level of harm by way of conflict with local plan policy relating to the character and appearance is not significant.

Location

11. The appeal site does not fall within any of the Main Holiday Accommodation Area designations set out in the Holiday Accommodation Supplementary Planning Document Adopted March 2011 (SPD) which are closely related to the Blackpool seafront area.
12. Notwithstanding this, the proposed development is for a single, one bedroom unit of cottage style accommodation located in a semi-rural area, a considerable distance from the Blackpool seafront area. The property has some amenities on site including a swimming pool, and due to the small scale and type of accommodation and the distances involved from the resort, it is unlikely that this proposal would negatively affect the wider health of Blackpool as a tourist destination or undermine Blackpool's regeneration objectives.
13. For the reasons mentioned I conclude that the proposed development would not have a detrimental impact on the wider resort health and regeneration. Policy CS23 of the LP Part 1 aims to reduce an oversupply of poor-quality holiday bed-spaces. Outside of the main holiday accommodation areas, the policy is silent on the creation of new holiday accommodation. On this basis, the proposed development does not comply with the development plan in this regard, however the level of harm by way of conflict with local plan policy relating to the health of the wider resort is not significant.

Other Matters

14. The Council's appeal statement refers to Policy CS21 of the LP Part 1. I note that the policy aims to direct tourism uses to the most suitable areas. Whilst the policy does not support the type of development subject of this proposal, it does not exclude accommodation such as this. Therefore, the proposal does not conflict with the policy in this regard.
15. The Council's evidence states that this proposal could set a precedent for this type of accommodation which cumulatively could change the character of the area and affect the health of the wider resort. My decision has been made based on the evidence provided and the individual merits of the case set out in the reasoning above and does not have any bearing on future applications that may be heard by the Council.
16. The appeal site is within the Marton Moss Conservation Area (CA) and as such I have had regard to the statutory duty set out in section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in reaching my decision. Due to the nature of the proposal reusing an existing building with no external alterations and the scale of the proposal which provides a single modestly sized holiday let, the proposed development would not cause harm to the CA and I conclude that the proposal would preserve the character and appearance of the area. The Council raised no objections to the scheme on heritage grounds and for the reasons mentioned I have no reason to disagree with this.
17. The lawfulness of the existing use of the site is disputed between the parties, a certificate of lawfulness for holiday accommodation was submitted to the Council but was subsequently withdrawn. In any event, I have dealt with the scheme before me based on the details provided. Therefore, this matter does not affect the conclusion I have reached.

18. I note that the Council considered that the proposal would not affect the living conditions of neighbouring occupiers, highway safety, flood risk, ecology or the environment and would not have a detrimental visual impact. I have no reason to disagree with these conclusions based on the information provided, therefore these matters attract neutral weight in the overall planning balance.

Conditions

19. To meet legislative requirements, a condition shall be imposed to address the period for commencement.
20. I have imposed a condition setting out the approved plans for the avoidance of doubt, I have not used the Council's condition wording as the development should be carried out in accordance with the plans.
21. I have imposed a condition restricting the occupation of the main dwellinghouse to be occupied by the owner/caretaker of the site as the two units are linked with joint amenities and facilities. I have linked this to the approved plan and removed the reference to planning unit as this does not assist in making the condition clear.
22. A condition is necessary for the restriction on the use of the property, to ensure that it is used as holiday accommodation only, as this was the nature of the proposal. I have amended the Council's wording of the condition, I have removed the reference to sui generis as the proposal falls under class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended). Further, I have removed the definition of duration of a holiday stay, as this does not meet the test of necessity.
23. A condition is necessary for a management plan of the accommodation to be submitted to the Council for their approval to ensure that the accommodation is managed appropriately and to function effectively to not cause harm to the living conditions of neighbouring occupiers. I have amended the Council's wording relating to the trigger for submission of details to the Council, as the appellant has stated that the use of the site has holiday accommodation has already begun.
24. A condition is necessary to restrict the number of bed spaces to the holiday accommodation at any one time to ensure that the accommodation is safe for occupiers and the use of the premises does not have a harmful effect on the living conditions of neighbouring occupiers. The Council has suggested this be restricted to 2 bed spaces plus provision of a travel cot for an infant. The appellant has commented that this should be 3 bed spaces as the accommodation currently has one king size bed, a single bed and travel cot. The plans show a bedroom size of 23sq.m which is substantial. Therefore, I consider that the bedroom can accommodate 3 bed spaces plus travel cots without posing a safety risk to occupiers and have amended the condition as such.

Conclusion

24. Due to the scale of the development, the level of harm by way of the conflict with local plan policies relating to character and the location of development is not significant, and I conclude that subject to a condition restricting the use to holiday accommodation there are material considerations in this case that would lead me to a decision other than in accordance with the development plan. For the reasons set out the appeal should be allowed.

N Duff

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved drawings A022/115/S/03; A022/115/P/02 and A022/115/P/03 Rev A.
- 3) The occupation of the main dwellinghouse as shown on the approved plan A022/115/P/03 Rev A shall be limited to the owner/caretaker of the site and their immediate family or dependents only.
- 4) The holiday accommodation hereby approved shall not be occupied as a person's sole or main place of residence (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 5) Within 3 months of the date of this decision a Management Plan for the operation of the Holiday Accommodation hereby approved shall be submitted to the Local Planning Authority for approval and subsequently agreed in writing. The use thereafter shall at all times proceed in accordance with the agreed Management Plan. The plan shall include the following details:
 - arrangements for the storage and collection of waste
 - arrangements for the arrival and departure of guests
 - arrangements for the cleaning and servicing of the holiday accommodation
 - 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
 - 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.
- 6) The number of bed spaces within the approved holiday unit shall not at any time exceed three other than through the provision of travel cots for infants.

For the avoidance of doubt, sofa-bed provision counts as bed-space provision and lounge and kitchen spaces should not be used for sleeping.