
Appeal Decision

Site visit made on 15 December 2023

by Laura Renaudon LLM LARTPI Solicitor

an Inspector appointed by the Secretary of State

Decision date: 21 December 2023

Appeal Ref: APP/E2001/C/23/3327973

The Eaves, Southsea Road, Flamborough, Bridlington YO15 1AE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by PTP Luxury Stays Limited against an enforcement notice issued by East Riding of Yorkshire Council.
- The enforcement notice was issued on 14 July 2023.
- The breach of planning control as alleged in the notice is *Without planning permission, the unauthorised material change of use from a single dwelling house to a mixed use as a single dwelling house and a property used for short-term letting and/or holiday letting.*
- The requirements of the notice are to (a) cease the use of the property for short term and/or holiday letting; and (b) cease all advertisements and promotion of the property for short-term letting and/or holiday letting.
- The period for compliance with the requirements is one month.
- The appeal is proceeding on the ground set out in section 174(2)(g) of the Town and Country Planning Act 1990 as amended.

Summary Decision: the appeal succeeds in part and the enforcement notice is upheld as varied in the terms set out below in the Formal Decision.

Main Issue

1. The main issue arising in the appeal is whether the time stipulated for compliance is unreasonably short.

Reasons

2. Although reference is made to a planning application having been submitted in respect of the use, no other grounds of appeal are brought against the notice in relation to which the appellant may have been entitled to assume success pending the determination of the appeal. It follows that the notice will inevitably be upheld and compliance will fall due at some point.
3. The notice was served in July and the appeal made in August, seeking an extension of the period for compliance (which would otherwise have fallen at the end of September) to six months on the basis that bookings had been taken until Spring 2024 and that one month to comply with the notice was unreasonably short. Compliance nonetheless having been an inevitability since no appeal was brought on any other grounds, the six months sought by the appellant when making the appeal would now almost be achieved if I were to uphold the notice in its present form. That would require compliance by the middle of January. The appellant has, merely by appealing, achieved much of the extension of time sought.

4. Nonetheless I understand that the Council is presently entertaining a further application for planning permission for the use, which according to a notice erected near the site has a closing date for representations in December 2023. The appellant seeks to honour bookings that have been taken until Spring 2024, which I take to mean mid-March. The Council point out that there are no physical works required by the notice which would take any time to complete, but I accept that the particular time of year now means that the impacts on the neighbours (forming the Council's reasons for issuing the notice) resulting from the use are likely to be somewhat reduced, because outdoor noise is less likely, compared with the summer months. In the round I accept that one month is too short and I shall extend the compliance period to three months. This effectively puts the appellant in the position sought when making the appeal.

Conclusion

5. For the reasons given above I conclude that a reasonable period for compliance would be three months, and I am varying the enforcement notice accordingly, prior to upholding it. The appeal under ground (g) succeeds to that extent.

Formal Decision

6. The appeal is allowed on ground (g), and it is directed that the enforcement notice be varied by the deletion of one month and the substitution of three months as the period for compliance. Subject to this variation the enforcement notice is upheld.

Laura Renaudon

INSPECTOR