



Appeal Decision

Site visit made on 3 January 2024

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 15 February 2024

Appeal Ref: APP/T2350/W/23/3325820

Killymoon, 1 Bennetts Close, Whalley, Lancashire BB7 9YD

- 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 Mrs Y Taylor, Our Family Residential Property Ltd against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2022/1011, dated 27 October 2022, was refused by notice dated 26 January 2023.
 - The development proposed is change of use from dwelling to short-term let holiday accommodation for a temporary period of five years.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of the application the Government published a revised National Planning Policy Framework (the Framework), December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach. Where I have referred to the provisions of the Framework below, I have done so with numbering from the revised version.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of neighbouring properties with regard to noise and disturbance.

Reasons

4. Killymoon is a large dwelling within a cul-de-sac of five detached properties on the edge of Whalley. It is within a substantial plot of land, slightly higher than those houses adjoining it. The garden has extensive lawned areas and a large patio area located to the rear and side of the house.
5. The property has reputedly been used as a holiday let since April 2022. The appellants state that most of their guests are within an age range stretching from mid 30s to late 70s. Occupancy levels provided show that most bookings are for 2 or 3 nights, mainly on weekends, with less than half the bookings being for 10 or more guests. There are significant periods when the house is not occupied by guests. However, Killymoon is advertised as a holiday let for up to 16 guests, and notwithstanding what has been the situation to date, the

- proposed development could result in a much higher level of occupancy than has previously existed.
6. The evidence indicates that the appellant has tried to ensure that the use of the building as a holiday let does not cause disturbance to neighbours. This includes not having a hot tub, banning barbecues and fireworks, and not allowing parties. There is no garden furniture in the front garden and only one outdoor dining table with chairs on the rear patio area. Furthermore, bookings are strictly controlled, and the appellant meets all their guests on arrival, where a handover declaration has to be signed. External CCTV has also been installed and the appellant lives only 20 minutes from the site so that spot checks can be made. The appellant's contact details have also been provided to the neighbouring properties. However, none of these matters are capable of being controlled by planning condition.
 7. The site has a sizeable parking and turning area which is considered acceptable by the Highway Authority, and although the appellant restricts parking to 5 cars, there would be no mechanism to control this number. Despite the appellant considering that the location of the house would be unlikely to disturb neighbours and would result in less traffic than if it was occupied as a family home, there is no submitted evidence to support this.
 8. The Framework says that otherwise unacceptable development could be made acceptable through the use of conditions. Paragraph 56 of the Framework states that planning conditions should, however, only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
 9. The appellants have suggested that conditions could be used to constrain numbers and activities at the site, including a condition limiting the property to 10 adults and 4 children only. However, this is still a significant number of people occupying the house, and it would be very difficult to enforce such a condition, or prevent other people that are not resident, visiting the building.
 10. Measures to control noise levels have resulted in the sound system having a timer preventing amplified music being played between 9pm and 8am, and to control noise levels in the cinema and games room, the sound system has been volume controlled, which cannot be changed by guests. However, despite Killymoon having double glazing, this does not prevent guests opening windows and noise escaping from the house. The appellants would, however, be content with a condition regarding amplified music, as suggested by the Council's Environmental Health Officer (EHO), and so the limitation of noise from amplified music would be capable of control.
 11. Despite the relative seclusion of the patio behind close boarded fencing, and rules set by the appellant for the use of the garden, including the consumption of food and drink between certain times, the guests are on holiday or away from their home. By all normal measures, they would wish to enjoy themselves. Whilst the EHO has suggested a condition regarding the use of the garden, controlling this through a condition would neither be reasonable or enforceable.
 12. Furthermore, whilst I could hear traffic noise from the adjoining A671, I have not been provided with any evidence to demonstrate that this would likely block out any noise from guests using the garden. It is also evident that if the

property was used as a permanent dwelling house, occupiers would also be using the garden and potentially generating noise. It would be reasonable to conclude, however, that whilst there could be occasions when large numbers of people are using the garden when it is a family home, this is unlikely to result in noise at similar levels to that generated by up to 16 people using it on a regular basis as a holiday let.

13. The numbers of people occupying the property would be over and above that expected from other dwellings in this location. In addition, the use of Killymoon as a holiday let would result in a more disruptive pattern of occupation than if it was used as a private domestic dwelling. This would not be satisfactorily controlled by condition and therefore would harm the living conditions of neighbouring properties.
14. Therefore, to conclude on this main issue, the proposal would have an adverse effect on the living conditions of the occupiers of neighbouring properties with regard to noise and disturbance.
15. It would not accord with Policy DMG1 of the Ribble Valley Borough Council Core Strategy (CS) 2008-2028, adopted 2014, which requires proposals to not adversely affect the amenities of the surrounding area. Furthermore, it would not accord with Policies DMB1 and DMB3 of the CS which support tourism and business growth in the local economy, as long as the proposal is not in conflict with other policies within the plan.

Other Matters

16. The site is in the Ribble Valley where tourism is promoted¹. This contributes to the local economy, as set out in the Council report², provided by the appellant. The property is a short distance from local wedding venues and pubs, bars and restaurants which the appellants state would be used by their guests. Furthermore, as I could see from my visit, Killymoon is a luxurious holiday let, given five-star reviews by guests, and as the appellants state, would attract guests with more disposable income. This benefit to the local economy provides support to the development proposal.
17. The appellants have detailed their spending within the local economy over a period. Notwithstanding this, if the property was occupied by someone living there on a permanent basis, they too would contribute to the economy of the local area. This is a neutral matter.
18. Details have been provided of the typical numbers of visits made to the property for management and servicing purposes. I appreciate, however, that even if the house was used as a private residence, a similar number of comings and goings could result. Whilst details of parking on the cul-de-sac outside Killymoon have been noted, instances have been provided by the appellant where vehicles have been parked outside other properties on Bennetts Close. This, however, does not affect my findings on this appeal.

Conclusion

19. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations that outweigh

¹ Ribble Valley Tourism Destination Management Plan, September 2018.

² Report to the Council's Economic Development Committee, 30 March 2023.

the identified harm and that warrant a decision other than in accordance with the development plan.

20. Therefore, for the reasons given above, I conclude that the appeal is dismissed.

M J Francis

INSPECTOR