



Appeal Decision

Site visit made on 31 January 2024

by S Brook BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16.02.2024

Appeal Ref: APP/J2373/W/23/3325263

97 Lytham Road, Blackpool FY1 6DT

- 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 Seaside Hoteliers Ltd against the decision of Blackpool Council.
 - The application Ref 23/0001, dated 23 December 2022, was refused by notice dated 3 March 2023.
 - The development proposed is Change of use, including new ground floor frontage and access alterations, to provide 2 no. self-contained flats for flexible use as permanent residential (C3) or holiday accommodation (Sui Generis).
-

Decision

1. The appeal is allowed and planning permission is granted for Change of use, including new ground floor frontage and access alterations, to provide 2 no. self-contained flats for flexible use as permanent residential (C3) or holiday accommodation (Sui Generis) at 97 Lytham Road, Blackpool FY1 6DT, in accordance with the terms of the application, Ref 23/0001, dated 23 December 2022, and the plans submitted with it, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Seaside Hoteliers Ltd against Blackpool Council. This application is the subject of a separate decision.

Preliminary Matters

3. I am advised that the physical works proposed as part of the appeal scheme are unchanged from an earlier proposal providing 2 self-contained flats for permanent residential use (Use Class C3), which has been granted planning permission¹, and that these works have been implemented. I cannot be certain that all works undertaken fully accord with the plans before me. For the avoidance of doubt, I have therefore determined the appeal on the basis of the submitted plans.
4. Commentary is provided by both parties as to whether the proposed holiday accommodation is sui generis or falls within Use Class C3 of the Use Classes Order². However, I am required to consider the appeal based on the development applied for, which is clear in this case from the appellant's

¹ Planning Permission Reference 21/0955

² The Town and Country Planning (Use Classes) Order 1987 (as amended)

description of development. As such, it is not necessary for me to consider this matter further.

5. Since the appeal was lodged, a revised National Planning Policy Framework (the Framework) has been published. This has not raised any new matters which are determinative to the outcome of this appeal.

Main Issue

6. The main issue is whether this is a suitable location for new holiday accommodation, having regard to the Council's policy requirements to achieve resort regeneration and sustainable neighbourhoods.

Reasons

7. The appeal site comprises a three-storey terraced property fronting Lytham Road, a main route leading to the Promenade along Blackpool's seafront. Within the vicinity of the site, Lytham Road contains a mix of uses. A variety of commercial uses occupy ground floor units, including shops, café's, hot food takeaways, and a public house. These uses are interspersed with residential houses and flats, as well as a small number of hotels/guest houses. Off Lytham Road to the east, uses are predominantly residential, whereas to the west, visitor accommodation increases.
8. The area of dispute between the main parties relates only to the proposed use for holiday accommodation. The Council has raised no concerns with the alternative use for permanent residential accommodation, or the physical works proposed. From my own observations and having considered all the information before me, I have no reason to disagree.
9. The appeal site lies within the defined 'Inner Area' of South Beach and the 'Resort Core'. South Beach is noted as a mixed holiday and residential neighbourhood.
10. Policy CS12 of the Blackpool Local Plan Part 1: Core Strategy (2012-2027) Adopted January 2016 (LP) seeks to ensure that future development and investment contributes to sustainable communities, focusing regeneration and improvement in a number of identified priority neighbourhoods, including South Beach. The supporting text explains that the decline in overnight visitors has led to guest houses being converted into poor quality, privately rented residential accommodation, which has unbalanced the housing supply in the area, undermined the quality of the environment, and the social and economic sustainability of the community. Amongst other matters, this policy supports high quality housing of an appropriate mix and tenure, and a healthy, safe, secure and attractive environment and public realm.
11. LP Policy CS21 provides a specific policy relating to Blackpool's town centre and resort core in terms of regeneration, including through the provision of high-quality attractions and accommodation that will broaden the resort's appeal. The policy provides support for new visitor accommodation focused on the town centre, resort core and defined holiday accommodation areas. The supporting text at paragraph 7.30 sets out that there is no basis to justify further accommodation outside of the defined holiday accommodation areas, resort core and town centre, whilst paragraph 7.32 states that the resort core remains the general focus for holiday accommodation.

12. The supporting text to both policies references LP Policy CS23. This policy seeks to manage a reduction in the oversupply of poor-quality holiday bed spaces in Blackpool by allowing more hotels and guest houses to change to residential use outside 'main holiday accommodation areas' (HAA's), whilst safeguarding and supporting new holiday accommodation within HAA's. The Council's Holiday Accommodation Supplementary Planning Document (2017), (SPD), defines these areas.
13. LP Policy CS21 relates specifically to leisure and business tourism and thus is of direct relevance to a scheme for holiday accommodation, and so I will consider the appeal scheme in this context first. The appeal site is located within the resort core, to which this policy directs new holiday accommodation, in order to achieve regeneration objectives. This policy does not specify that new visitor accommodation must be located only within those defined HAA's that lie within the resort core, nor does it state that new visitor accommodation will only be supported in those areas of the resort core with the strongest holiday character. As such, whilst this part of Lytham Road is not characterised by a high prevalence of existing holiday accommodation, nevertheless, LP Policy CS21 directs new holiday accommodation to this area. Accordingly, I find no conflict with this policy.
14. I note that in considering the suitability of this location for holiday accommodation, the Council references paragraph 6.7 of the supporting text to LP Policy CS12. This states that within the inner area neighbourhoods (including South Beach), current visitor numbers cannot sustain the number of guest houses, and so 'high quality holiday accommodation will continue to be encouraged within the defined holiday accommodation areas in these neighbourhoods', referencing LP Policy CS23. LP Policy CS23 does expressly support new visitor accommodation within defined HAA's, however, it is silent in relation to the acceptability of new holiday accommodation within those parts of the resort core that lie beyond HAA's. An interpretation of this text that concluded new holiday accommodation would only be supported within HAA's in the resort core, would conflict with LP Policy CS21.
15. Having considered the Council's Housing Accommodation Supplementary Planning Document (SPD) (2017), the purpose of which is to define HAA's and inform the implementation of LP Policy CS23, which is not referenced in the Council's refusal reasons, I find no conflict with this guidance either.
16. Turning to LP Policy CS12, this part of Lytham Road includes a mix of commercial and residential uses. I appreciate that the comings and goings of holiday makers would differ from the day-to-day activities associated with permanent residential occupiers, and I note the concerns in this regard from the Council and third parties. However, these can be managed and mitigated in a number of ways.
17. Management plans has been provided for the appeal scheme, which include the requirement to display the details of a local management firm, contactable 24 hours a day, in the event of anti-social behaviour. This could be secured by imposition of an appropriate condition. Whilst it does not specify any formal monitoring of the premises, the Council's Officer Report confirms that the details of these management plans are acceptable.
18. I note the concerns of the Council's Enforcement Officer regarding the living conditions of future occupiers, if use of the building itself were split between

permanent residential use and holiday accommodation. Internal noise transmission could result in inappropriate noise and disturbance in these circumstances. However, I note the appellant's intention to provide either permanent residential or holiday accommodation, not both at the same time, and the appellant's acceptance of a condition to this effect, as suggested by the Council.

19. Concerns are also raised in relation to the potential level of occupancy of the holiday accommodation, with marketing details suggesting occupancy by up to 8 people in the ground floor flat and 12 people in the upstairs flat. This number appears high for the level of bed spaces indicated and would increase the risk of noise and disturbance to occupiers of adjoining residential properties. However, the Council acknowledges that this could also be controlled by the imposition of a suitable condition.
20. Given these management arrangements and the mixed character of the area, the proposed use would not be notably out of character with what the LP recognises to be a mixed holiday and residential neighbourhood. Consequently, the intentions of LP Policy CS12 to achieve sustainable neighbourhoods, would not be undermined by the appeal scheme.
21. In conclusion, this would be a suitable location for new visitor accommodation, with specific regard to achieving resort regeneration and sustainable neighbourhoods. The proposed development complies with LP Policies CS12 and CS21, the purposes of which have been set out above, and I find no conflict with guidance contained within the Council's SPD.

Other Matters

22. Reference has been made by both parties to a government consultation on the introduction of a C5 use class for short term lets and the likelihood of an Article 4 direction being introduced by the Council to restrict this. However, as this change remains at the consultation stage, it has not been necessary for me to consider this matter further.
23. I have determined this appeal on its individual planning merits and any future planning applications to the Council for this type of development would need to be considered on the same basis.

Conditions

24. I have considered the conditions put forward by the Council with reference to the Framework and the Planning Practice Guidance. The appellant has had the opportunity to comment and has suggested amendments, which I have taken into account.
25. As discussed above, I cannot be certain that all the works undertaken to date fully accords with the plans before me. Therefore, I have included a condition which imposes the statutory time limit for implementation of this permission. In the interests of certainty, I have also imposed a condition concerning the approved plans.
26. In order to secure the ongoing living conditions of future occupiers, a condition is included that restricts the use of the two flats to either residential use or holiday accommodation use at any one time, as agreed by the main parties.

27. A condition requiring implementation of the measures contained within the noise management documents is necessary to ensure the proper operation of the premises, so that harm to the living conditions of occupiers of neighbouring properties is minimised. For the same reason, a limit on the number of visitors occupying the holiday lets is considered reasonable and necessary. I acknowledge that such a condition was not included in the appeal decision referred to at Bairstow Street³, however in that appeal, the effects of the comings and goings of holiday makers on the area does not appear to have been in dispute.
28. A condition is proposed to secure the provision of the cycle parking, in order to encourage travel by modes other than the private car. In the interests of the character and appearance of the area, I have imposed conditions requiring implementation of the approved landscaping details and boundary treatment as these did not appear to have been completed in accordance with the approved plans at the time of my site visit. For the same reason, I have included a condition proposed by the Council (albeit amended), to prevent storage of waste to the property frontage, given that the LP establishes this as a key gateway to the town centre, where a high-quality public realm is supported. The appeal site benefits from alternative external storage at the rear. I see no reason why the Council would be unable to enforce this condition through monitoring.
29. Conditions requiring external works to be completed in accordance with the approved plans and materials specified are unnecessary given that I was able to confirm at my site visit that these works have been completed in accordance with the plans before me. A condition requiring the internal layout of the proposed flats to be implemented as shown is unnecessary as this is secured by the approved plans condition.

Conclusion

30. For the reasons set out above, having had regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be allowed.

S Brook

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 following approved plans: Site Location Plan (90)001, Existing and proposed floor and elevation plans LF/AW/3704 Rev C.
- 3) The flats hereby approved shall only be used simultaneously as either dwellinghouses (Use Class C3) or holiday apartments (Sui Generis). There shall be no combination of these uses within the flats at any one time.

³ APP/J2373/W/21/3276007

- 4) The holiday accommodation use hereby approved shall not commence until the recommended measures contained within the SLR Noise Management Plan: Client Ref: 134806 (dated December 2022), and the Serviced Accommodation Management: Sasco's Management Plan have been fully implemented. These measures shall thereafter be retained as approved and the holiday accommodation shall operate at all times in accordance with any ongoing measures detailed within these management plans, unless otherwise agreed in writing by the Local Planning Authority.
- 5) The holiday accommodation hereby approved shall not exceed the following number of bed-spaces, other than through the provision of travel cots for infants: Flat 1 (Ground Floor) – 3 bedspaces, Flat 2 – (Maisonette) - 5 bedspaces. For the avoidance of doubt, sofa-bed provision counts as a bed-space provision.
- 6) The flats hereby approved shall not be occupied until the cycle storage shown on plan ref. LF/AW/3704 Rev C has been provided for use. The cycle storage shall thereafter be retained as approved for the lifetime of the development.
- 7) The flats hereby approved shall not be occupied until the boundary treatments detailed on plan LF/AW/3704 Rev C has been provided as approved. The boundary treatments shall thereafter be retained as approved for the lifetime of the development.
- 8) All planting, seeding or turfing comprised in the approved landscaping scheme shown on plan ref. LF/AW/3704 Rev C shall be carried out in the first planting and seeding seasons following first occupation of the approved development; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 9) No waste materials shall be stored outside of the building frontage onto Lytham Road.