



# Appeal Decision

Site visit made on 16 April 2024

by **G Dring BA (Hons) MA MRTPI MAUDE**

an Inspector appointed by the Secretary of State

Decision date: 2<sup>nd</sup> May 2024

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**Appeal Ref: APP/Y2003/W/23/3330780**

**Highbury, Bracon, Belton, North Lincolnshire DN9 1QP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Louise Thorpe against the decision of North Lincolnshire Council.
  - The application Ref is PA/2022/1946.
  - The development proposed is change of use from Class C3 to Sui Generis as a multi-generational family holiday let.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. I have taken the description of development above from the application form, removing wording that does not represent an act of development, in the interests of clarity.
3. The Council has confirmed that the policies referred to in its decision notice including D1, D4 and D11 of the North Lincolnshire Local Plan Adopted Plan May 2003 (LP), were referenced incorrectly and should be Policies DS1, DS4 and DS11. Extracts of the correct policies were provided by the Council and were available to the appellant for comment.
4. The Government published a revised National Planning Policy Framework (the Framework) in December 2023. Those parts of the Framework most relevant to this appeal have not been significantly amended. Therefore, I am satisfied that there is no requirement to seek further submissions on the revised Framework and that no party's interests have been prejudiced by my taking this approach.
5. The appellant has confirmed that the change of use has commenced. The proposal is therefore retrospective, and I have dealt with the appeal accordingly.

## Main Issues

6. The main issues are the effect of the development on the living conditions of the occupants of neighbouring residential properties with reference to noise and disturbance and the character of the area.

## Reasons

7. The appeal site comprises a detached property located on an established residential road that primarily comprises a mix of detached houses and bungalows. A private drive lies adjacent to the southern and eastern

boundaries of the appeal site which leads to existing development, set back behind the frontage. Neighbouring dwellings and associated garden areas are located adjacent to all sides of the appeal site. The area surrounding the appeal site is distinctly residential in character, on the edge of the settlement, with open countryside beyond to the east.

8. The rear garden space associated with the appeal property is enclosed by a combination of close boarded fencing and hedgerows. There is a hot tub and outdoor swimming pool located within the enclosed garden space to the south of the appeal site. A large patio area with outdoor seating is accessed from the rear of the property, with the remainder of the rear garden area being laid to lawn.
9. The appellant states that the extent of the holiday let use has been altered since May 2023, with the advertised number of accepted occupants reduced from 16 to 10 during each stay.
10. I witnessed during my site visit that there were 2 single beds and 4 double beds, along with 2 single futons and a double sofa bed meaning that there were 14 possible bed spaces in total within the property. The appellant states that the 2 futons and double sofa bed are there to provide flexibility in the sleeping arrangements for family groups and that bedding is not provided for them unless specifically requested.
11. The appellant asserts that all adult groups will not be permitted and has provided a screenshot of the online property details which states that 'this property cannot accommodate an all adult party'. The information provided shows that between May and August 2024, all but one booking has at least one child or infant identified. I understand that the booking company identify any child aged 13 or over as an adult and therefore the one booking which identifies 4 adults without any children or infants could include teenagers.
12. Nevertheless, the Council states that the website advertising the property identifies that certain group bookings, including for stag and hen dos, may not be allowed unless special arrangements (including the possible requirement for a safety deposit) are made with the owner. This does suggest that adult group bookings could be accepted in some cases.
13. I understand that the appellant takes care to liaise with the booking company to control the types of groups that are able to book the property. However, a condition limiting the property to a specific number of guests and requiring a number of children or infants to form part of the group could not be readily enforced, nor could the requirement that any group staying must form part of a multi-generational family group.
14. The use of the property, even if it could be restricted to 10 occupants, does lead to a different character in the use of the appeal site, being more intensive than the residential use of one family living at the property permanently. The turnover of guests, particularly given the number that could occupy the property would be clearly discernible. It is likely that people on holiday would utilise the external areas for more extended periods, later into the evening and across consecutive days, particularly given the presence of an outdoor swimming pool, hot tub and patio space, when compared with permanent residents during a normal working week.

15. The existing boundary treatments limit views into the rear garden area, limiting the perception of activity to some degree. However, given the proximity to neighbouring dwellings directly to the north and east, the holiday let use will be clearly detectable, being more obvious in the summer months when neighbouring residents are more likely to use their garden spaces or have the doors and windows open.
16. The appellant asserts that rules are set out that occupants are made aware of before their stay commences and that these are reinforced when guests arrive. I noticed the signage within the rear garden about keeping noise to a minimum. I also note that the property is attended daily, in order to maintain the swimming pool and hot tub. Whilst the current owners of the property may be present at limited times, this may not always be the case and it would not be practicable or enforceable to require them to be on hand to attend the property. I did notice the 'for sale' sign outside the property. Future owners may not have the same intentions in relation to visiting the property daily or over its management.
17. The appellant contends that further restrictions could be put in place to limit the hours that occupants could use the outside area. However, in my view it would be unreasonable, with regard to the expectations of paying guests, to restrict the times which they could utilise the external space and facilities provided.
18. I acknowledge that the appellant suggests noise monitoring equipment could be put in place. However, I have not been provided with any further information on how this would help to mitigate any noise or disturbance. I am not satisfied therefore, based on the evidence before me, that a planning condition requiring the monitoring of noise would overcome my concerns in this case.
19. I therefore find that it is likely that the holiday let use contributes to noise and disturbance beyond that which would be expected from a single household dwelling in what is a distinctly residential area. This view is reflected in the neighbouring resident's objections received by the Council during the planning application consultation.
20. The development is therefore harmful to the living conditions of the occupants of neighbouring residential properties with reference to noise and disturbance and the residential character of the area. The development is contrary to Policies DS1, DS4 and DS11 of the LP and Policy CS5 of the Core Strategy Adopted June 2011 which seek, amongst other things, that developments do not adversely affect the character of a residential area, that the relationship between buildings and the spaces around them and how they interact is considered and that no unacceptable loss of amenity to neighbouring land uses should result in terms of noise or other adverse environmental conditions.
21. The appellant asserts that Policies DS1, DS4 and DS11 of the LP are outdated. The Council has provided a copy of the Direction that identifies them as saved policies. I find that the aims of the identified LP Policies are in general consistency with paragraph 135 of the Framework (previously paragraph 130) with regard to ensuring developments are sympathetic to local character and that they have a high standard of amenity for existing and future users. Therefore, the development is also contrary to the Framework in these respects.

### **Other Matters**

22. I note that in addition to the letters of objection, a number of letters of support or comments raising no objections to the scheme were received by the Council during the assessment of the planning application. I recognise that the provision of holiday let accommodation would allow people to stay in the local area and visit attractions, services and facilities and that this contribution to the local economy is a benefit. However, given the scale of the scheme, this benefit would be limited.
23. I acknowledge that the appellant may have been previously advised by the Council that planning permission may not be required. The appellant asserts that they are able to take up to 90 days of bookings per tax year without the need for planning permission. I have no lawful development certificate before me confirming this fallback position. In any case this application seeks a year round change of use and is therefore materially different to the asserted fallback position.
24. The appellant states that the property utilises solar panels and air source heat pumps and therefore has a minimal effect on the environment. This would likely be the case if the property was used as a permanent dwelling and is therefore not a consideration attributed to the appeal scheme specifically.

### **Conclusion**

25. The proposal conflicts with the development plan as a whole, and there are no material considerations that indicate that I should take a decision other than in accordance with it. The appeal is therefore dismissed.

*G Dring*

INSPECTOR