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# Appeal Decision

Site visit made on 4 June 2024

**by F Wilkinson BSc (Hons), MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 7<sup>th</sup> June 2024**

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**Appeal Ref: APP/E2001/W/24/3339792**

**The Eaves, South Sea Road, Flamborough, East Riding of Yorkshire YO15 1AE**

- 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 Mr Parminder Singh Chana against the decision of East Riding of Yorkshire Council.
  - The application reference is 23/03022/PLF.
  - The development is change of use from dwelling house (Use class C3) to dwelling house (Use class C3) and holiday let accommodation with occupancy limitation set at a maximum of 16 people (retrospective application) (Resubmission of 22/03984PLF).
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is the effect of the development on the living conditions of nearby residents with regard to noise and disturbance.

## Reasons

3. The appeal site is occupied by a detached dwelling within a predominantly residential area. The use as holiday let accommodation has been implemented. The plot is not extensive relative to the size of the dwelling, which the submitted plans show as having five double bedrooms, two lounges and two kitchens. As such, the dwelling, and its outdoor amenity space, which is predominantly to the rear, have a close relationship with the nearby dwellings on South Sea Road and South Sea Way.
4. While South Sea Road leads to the Living Seas Centre and South Landing beach, the area is on the edge of the village away from its centre and South Sea Way is a no through road that only serves the dwellings along its length. While the appellant refers to a mixture of surrounding uses including holiday parks, glamping and camp sites, no specific details have been provided and I did not view such uses in the same general vicinity as the site. On this basis, along with the evidence before me and what I observed during my site visit, which I appreciate was a snapshot in time, in my view the site is located within what could reasonably be described as a quiet residential area.
5. The appellant is seeking permission to use the dwelling as a holiday let for up to 16 guests. I note the appellant's position that this number is not likely and would simply allow flexibility and space for family bookings. There may be occasions where guest numbers would be less than 16. Nevertheless,

- permission is being sought for up to 16 guests to occupy the property at any one time. In my judgement, the comings and goings, noise levels and general disturbance caused by this number of holiday guests at the property, irrespective of whether it is a 'party group' or not, would be of a significantly greater intensity than if in a typical residential use.
6. The rear garden of the property includes a swimming pool, covered hot tub and seating areas. The outdoor areas between the dwelling and its northern boundary and to the front are identified as vehicle parking areas. Consequently, as the main useable outdoor area, and given the facilities, guests would be encouraged to congregate in this rear outdoor space. Due to the proposed number of guests and the proximity to nearby dwellings, this would lead to significant levels of noise for residents in the vicinity. This would be particularly the case during the summer months when both guests and local residents are more likely to want to enjoy the outdoor spaces available to them.
  7. For these reasons, the appeal proposal would significantly detract from nearby residents use and enjoyment of their properties.
  8. The appellant sets out their management plan as a means to control disturbance at the site. Even with the measures proposed, including the use of a response team, I am not sufficiently confident that the holiday use of the property as applied for could be successfully managed without causing significant harm to the living conditions of nearby residents. Furthermore, I am not convinced that the management plan would be reasonable or enforceable to meet the requirements of paragraph 56 of the Framework.
  9. I note that the Council's Public Protection team investigated noise complaints including installing noise monitoring equipment but did not pursue the matter as insufficient evidence was found to substantiate the complaints. However, in this regard, I concur with the Council's point that assessing noise and disturbance complaints stemming from occupants of a property is an inherently difficult investigation due to the fluctuating nature of visitors at the site. The absence of an objection from the Council's Public Protection officer does not in itself render the development acceptable.
  10. For the reasons given, I conclude that the development would result in unacceptable harm to the living conditions of nearby residents with regard to noise and disturbance. It therefore conflicts with the residential amenity requirements of Policies ENV1 and ENV6 of the 2016 adopted East Riding Local Plan Strategy Document (the ERLP SD). It also conflicts with the Framework objectives relating to residential amenity and health and wellbeing.

### **Other Matters**

11. The appellant claims that a number of the objections made to the application are not from residents of nearby dwellings and that a few people have submitted several objection letters. While this puts the number of objection letters received on the application into context, it does not alter or outweigh my conclusion on the acceptability of the development.
12. Policies EC2 and A2 of the ERLP SD are supportive of tourism developments. However, this does not mean that all such developments will be acceptable.

## **Conclusion**

13. The development conflicts with the development plan taken as a whole. There are no material considerations of sufficient weight that would indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

*F Wilkinson*

INSPECTOR