



Appeal Decision

Site visit made on 20 February 2024

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 11 June 2024

Appeal Ref: APP/J2373/W/23/3322847

111 Holmfield Road, Blackpool FY2 9RS

- 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 Coastal Breaks Ltd against the decision of Blackpool Council.
 - The application Ref is 22/0775.
 - The development proposed is use of premises for 4no. self-contained holiday flats.
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Decision

1. The appeal is allowed and planning permission is granted for the use of the premises for 4no. self-contained holiday flats at 111 Holmfield Road, Blackpool FY2 9RS in accordance with the terms of the application, Ref 22/0775, subject to the conditions in the attached schedule.

Application for costs

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

Preliminary Matters

3. A revised National Planning Policy Framework (the Framework) was published in December 2023. The Framework has not, however, raised any new matters which are determinative to this appeal.
4. Since the application was determined the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies was adopted, February 2023 (DMP). Therefore, Policies LQ1, BH3 and HN5 of the Blackpool Local Plan 2001-2016, listed in the second reason for refusal, no longer form part of the adopted development plan. The parties have been consulted and policies relevant to this appeal have been provided and commented upon. I have considered the appeal accordingly.

Main Issues

5. The main issues are:
 - Whether the proposed development would provide satisfactory living conditions for future occupiers with regard to space standards; and
 - Whether this is a suitable location for new holiday accommodation, having regard to the Council's policy requirements for regeneration and creating viable visitor accommodation.

Reasons

Living conditions

6. The proposed development is for four self-contained flats over three floors with three, one-bedroom units and one two-bedroom¹ unit. Whilst the site was previously granted planning permission² for one permanent flat and three holiday flats, the lawful use of the site is now residential³.
7. The appeal building had been refurbished at the time of my visit. All the rooms, apart from stairwells and bathrooms, had windows and they were well-lit and had adequate outlook. The flats were furnished to a high standard, particularly the kitchen areas which had a range of equipment. I was able to see that within all the rooms in the flats the spaces were useable and appropriate. Bedroom sizes varied, but as well as double beds, there was storage for clothes. The living and kitchen areas all had sofas, dining tables and chairs and were suitably roomy for relaxing and preparing food.
8. Apart from one bedroom in flat 1, the rooms would not meet the minimum space standards as set out in the New Homes from Old Spaces Residential Conversion and Sub-division Supplementary Planning Document, 2011, (New Homes SPD). They would also not meet the Nationally Described Space Standards. On this basis, the Council suggest that a single dwelling would be preferable based on the floor area. However, my role is to determine the appeal based on the planning merits and impacts of the proposed development before me. In addition, although these standards apply to all residential accommodation, the proposed development is not for permanent living. Instead, the requirements for those occupying the flats for holiday use would be different to those occupying them on a permanent basis where more space and particularly storage would be required.
9. The failure to meet the minimum space standards and whether satisfactory living conditions would be provided are also relevant to an appeal referred to by the parties at 20 Bairstow Street⁴ (No 20). The Inspector concluded that as the use would be for short-term holiday accommodation, it would provide satisfactory living conditions for future occupiers. Similar to that case, the appeal building is fully furnished and ready for occupation. There would be an incentive in the long term for the holiday flats to be maintained to a high standard to provide a viable business and attract customers.
10. Likewise, those staying at the appeal site would be using the flats as a base for visiting Blackpool and so would unlikely spend long periods of time within them. Therefore, on this basis and subject to an appropriately worded condition that would restrict the numbers occupying the flats, they would provide satisfactory living accommodation for their short-term occupation by visitors.
11. The Council's Environmental Protection Officer comments are based on the type of property and area rather than being specific to the appeal site. Whilst the condition of the site had deteriorated and was subject to anti-social behaviour, the ownership of the site has now changed. From what I saw, the property provides good quality visitor accommodation. It would also be one of a small

¹ The floor plan and what I saw on site shows three bedrooms.

² 88/1039

³ 23/0093

⁴ APP/J2372/W/21/3276007

number owned by an established holiday letting company and would be managed by an existing local team. Although the property is in a residential area, there is other holiday accommodation, as well as houses in multiple occupation nearby. It cannot be assumed that issues of poor behaviour would be restricted only to holiday makers.

12. Based on the evidence presented and subject to a planning condition relating to an updated management plan, the proposed development would not harmfully result in an increase in nuisance or result in an unacceptable increase in comings and goings which would result in harmful levels of noise and disturbance. In addition, if the building operated as four separate residential units, based on the Council's own evidence within this area, there could be similar noise and behaviour issues, which could be more longstanding as the length of occupancy would be much greater than its use for short-term holiday lets. Consequently, the proposed development would not have an unacceptable effect on nearby sensitive receptors.
13. For these reasons, I conclude that the development proposal would provide satisfactory living conditions for future occupiers. In relation to this main issue, it would not conflict with the aims of Policies CS7, CS12, CS13 and CS23 of the Blackpool Local Plan Part 1: Core Strategy (2012-2027), adopted 2016, (CS). These seek to achieve quality design and living accommodation, a sustainable housing mix and the regeneration and improvement of the community. It would also not conflict with DMP Policies DM5, DM17 and DM36. Together, these policies seek to improve the quality of accommodation, avoiding further over-concentrations of residential flats, whilst enhancing the character of the local area and being compatible with adjoining existing uses.
14. The development proposal would also accord with paragraph 135 of the Framework which states that planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

Suitable location

15. Policies within the development plan recognise that as part of regenerating Blackpool there needs to be a change in the numbers and quality of holiday accommodation. The Council's approach to providing an economically viable level of quality holiday accommodation is set out in CS Policy CS23.
16. The Holiday Accommodation Supplementary Planning Document, 2011, (HA SPD) defines the main holiday accommodation areas (HAA) within Blackpool. The appeal site is within the inner area⁵ and is outside a HAA. The HA SPD seeks, amongst other things, to support the HAAs and enhance the vitality and viability of these areas. This includes by addressing the over-supply of small flats and poor-quality dwellings particularly in the inner area and improving the character and quality of existing and emerging residential neighbourhoods.
17. Outside the HAA, CS Policy CS23 supports existing holiday accommodation if it is viable and permits a change of use to permanent residential use where high quality homes are provided. Where new visitor accommodation is proposed, CS Policy CS21 states that it will be focused within the town centre, resort core

⁵ CS Policy CS12

and the HAAs unless exceptional circumstances justify a peripheral location outside these areas.

18. The appeal site is a two storey, semi-detached property on the corner of Holmfield Road with Shaftesbury Avenue. It is located in a residential area, close to a small group of shops. On the opposite side of the road junction to the appeal site there is a large guest house, with other hotels close by on the sea front promenade. Whilst I saw a mix of residential properties in the immediate area, the Council's evidence highlights that the housing consists of many small one-bedroom flats, which were previously holiday accommodation.
19. Whilst the Council seeks to rebalance the supply of holiday accommodation, the HA SPD highlights that it also wishes to address the oversupply of poor-quality small flats particularly in the inner area. The property already has a residential use, therefore even if the appeal did not succeed, it would retain three small flats, as well as the larger one, which the policy seeks to prevent. The HA SPD does, however, continue to recognise that holiday accommodation would continue to be located outside HAAs. The site is close to a HAA and to other facilities, guesthouses and the Blackpool seafront, and the building has previously been adapted and used for holiday accommodation.
20. For these reasons, the proposal would provide a suitable location for new holiday accommodation having regard to the Council's policy requirements for regeneration and creating viable visitor accommodation. The proposal would conflict with CS Policy CS23, in that it is outside the HAA and is not existing holiday accommodation, nor a change of use to residential accommodation. However, exceptional circumstances to justify this peripheral location in accordance with CS Policy CS21 have been demonstrated (including location close to a HAA and to other facilities, guesthouses and the Blackpool seafront, and the building has previously been used for holiday accommodation). Furthermore, it would provide high quality accommodation with good access to the resort facilities and transport routes. In addition, as the site is located within the inner area, the proposal would help to address the current over supply of small flats and improve the character and quality of the area in line with the HA SPD.

Other Matters

21. No external changes are proposed and so there is no dispute that the proposal would harm the character and appearance of the area. The Council have referred to DMP Policy DM21 which relates to landscaping, but there is no proposed landscaping at the site. Likewise, DMP Policy DM41, relates to transport requirements for new development. Consequently, these policies do not directly relate to the reasons for refusal.
22. Since the planning application was determined, a lawful development certificate⁶ has been granted for the existing use of the flats as residential. This would allow the building to operate as four residential units. Whilst the floorspace standards apply whether the flats are used as permanent residential or as holiday flats, these standards are not met. However, despite the Council's concerns regarding the provision of poor-quality accommodation, the residential use of the building is lawful. Therefore, if the appeal was not to succeed the appellant has stated that the fallback position would be

⁶ 23/0093

implemented, despite the conflict with development plan policy. Due to the lawful development certificate and evidence presented, there is a real prospect of this fallback development being implemented if the appeal was dismissed.

23. I acknowledge the Council's concerns regarding development that does not accord with adopted standards which would make it harder to resist similar schemes in the future and result in cumulative harm. However, each case must be considered on its merits, and a generalised concern of this nature does not justify withholding permission in this case.

Planning Balance and Conclusion

24. The proposal would conflict with the development plan and New Homes SPD with regards to the Council's space standards for residential accommodation, as well as the change from residential to holiday flats outside a HAA. However, the residential use of the flats would not address the oversupply of small flats in the inner area and the Council have confirmed that they have a five-year housing land supply. Additionally, based on the Council's assessment of the space standards within the building, the flats are not suitable for permanent residential occupation. Therefore, I consider that the fallback position, which has a real prospect of being implemented, would be more harmful than the appeal scheme. I therefore give this substantial weight in favour of the proposed development. Furthermore, for the reasons set out above, I have found that the development proposal would provide satisfactory living conditions for future occupiers, and the proposal would provide a suitable location for new holiday accommodation.
25. 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.

Conditions

26. I have considered the conditions suggested by the Council with reference to the Framework and the Planning Practice Guidance. In addition to the standard time limit, a condition listing the plans is necessary in the interest of certainty.
27. To ensure that the proposed development is run efficiently and without causing disturbance to the occupiers of neighbouring properties, contact details set out at the front of the property are required. The updated Management Plan shall include a means by which contact details for a managing agent can be displayed on the premises. A condition ensuring that the property is run in line with this is necessary and reasonable.
28. The appeal site has a small yard at the rear. This is not identified as an outdoor space for the users of the flats, and it is not clear if users of the accommodation could access this area. Therefore, to safeguard the living conditions of existing occupiers and protect the character and appearance of the area, any external use of the outdoor space, including restrictions on hours of use should be included in an updated Management Plan to be agreed with the Local Planning Authority. Likewise, details of the management of the bins and refuse should be included in the Management Plan. A condition requiring that bins and refuse should only be outside the property on collection days is not reasonable or enforceable.

29. To ensure that the building is not occupied by greater numbers than the proposed development has been designed for and to ensure it would provide satisfactory living conditions for future occupiers, a condition limiting the number of bedspaces within the accommodation is considered reasonable and necessary. The parties have been consulted over these numbers as the submitted drawing did not identify bedrooms within the flats. Whilst the Council refers to 3 bed spaces for flat one, I saw that it had 3 bedrooms and so I have amended this to 6 bed spaces. There was only one bedroom in flat 4 so this has been amended to 2 bed spaces. Flats 2 and 3 follow the Council's suggestions. The Council considers that the lounge and kitchen areas should not be used for sleeping and the use of sofa beds should not be allowed in addition to the prescribed bed spaces. This is because Lancashire Fire and Rescue have raised concerns regarding this in the past. However, this proposal has not been subject to any formal consultation with the Fire and Rescue Service. Based on the evidence submitted, it is not reasonable or necessary to include this within the condition.
30. A condition setting out the proposed use and the maximum length of stay is required to ensure that the property is only used for visitor accommodation, and not for permanent residential use, based on the space within each flat. However, a condition to retain the layout of the proposal is not considered necessary as there have been no physical changes to the building. The existing and proposed layout is for four flats, which is set out in the description of development.
31. The Highway Authority commented on the parking arrangement at the site and requested that formal parking spaces were laid out. I agree that a condition to achieve this is necessary and reasonable to ensure that vehicles are parked and access the site safely.
32. The Council has suggested a noise survey. However, the building already has a residential use, and I have found the development would not result in an unacceptable increase in noise and there are no physical changes to the building. Therefore, it is not necessary or reasonable for such a survey.
33. Any amendments I have made to the Council's suggested list of conditions are in the interests of precision and clarity and to ensure compliance with the Framework.

M J Francis

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, 599-01 (drawing titled existing plans, elevations & site plan).
- 3) Prior to any part of the development hereby approved being first brought into use, an updated Management Plan shall be submitted to and agreed in writing by the Local Planning Authority, and the use thereafter shall at all times proceed in full accordance with the agreed Management Plan. For the purposes of this condition, this Management Plan shall include:
 - arrangements for the storage and collection of bins and refuse,
 - a means by which contact details for a managing agent can be displayed on the premises,
 - arrangements for the use of the outdoor space.
- 4) The development hereby permitted shall not at any time exceed the following number of bedspaces, other than where infants are sleeping in travel cots:

Flat 1: 6 bedspaces
Flat 2: 2 bedspaces
Flat 3: 2 bedspaces
Flat 4: 2 bedspaces.
- 5) The development hereby permitted shall be used as visitor accommodation only and shall not be occupied by any person(s) as their sole or main place of residence. No person(s) shall occupy the premises for a period exceeding 30 days.
- 6) The development hereby permitted shall not be brought into use until a plan showing four parking spaces accessed off Shaftesbury Avenue, with details blocking access from Holmfield Road are submitted and agreed with the local planning authority. Development shall be carried out in accordance with the approved details and thereafter retained as such.

End