



Appeal Decision

Site visit made on 23 July 2024

by C Skelly BA (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 August 2024

Appeal Ref: APP/N4720/W/24/3340290

25 Skelton Terrace, Osmondthorpe Leeds LS9 9ES

- 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 Mrs Deniz Akgul against the decision of Leeds City Council.
 - The application Ref is 23/04880/FU.
 - The development is the change the use of a Use Class C3 dwelling house to a Sui Generis short term holiday let.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Within the context of an appeal under section 78 of the Act it is not within my remit to formally determine whether the development requires planning permission as questioned by the appellant. An application has been submitted for the change of use and I will determine the proposal based on its merits. As the appellant is aware, if the argument that the existing use is lawful, then an application under section 191 of the Act can be submitted for consideration.
3. I have omitted reference to the word 'retrospective', from the description in the banner heading above as this is not an act of development. I observed during my site visit that the use is taking place, and this is confirmed by the appeal submissions. Nonetheless, I have dealt with the appeal on the basis of the revised description outlined.

Main Issue

4. The main issue is the effect of the development on the living conditions of neighbouring dwellings with regards to noise and disturbance.

Reasons

5. The appeal site is a 4 bedroom, brick built, double fronted, end of terrace dwelling located in a quiet residential area. To the front of the property there is off street parking for one car and a small area of paving enclosed by a brick wall. There is a gap between No 25 and its neighbour No 23, which provides access via a gate to the rear of the terrace.
6. The neighbouring streets are arranged in a grid formation and the rear garden of the appeal site backs onto the rear gardens of dwellings on Skelton Road. The property is physically attached to No 27 and in close proximity to several other dwellings. The rear garden shares a boundary with that of No 27 and is

only separated from several other gardens by the narrow footway which runs along the rear and side of the terrace.

7. The development is for the change of use from Use Class 3 (dwelling) to Sui Generis (short-term holiday let). The appellant states that the property has been used as a holiday let for 5 years and that guest numbers fluctuate with a minimum stay being 2 days and a maximum stay of 3 months.
8. Policy P10 of the Leeds Core Strategy (as amended by the Core Strategy Selective Review 2019) (CS) says that proposals will be supported where they accord with a number of key principles including where they protect the visual, residential and general amenity of the area through high quality design, and where they create a safe and secure environment that reduces the opportunities for crime without compromising community cohesion. Policy GP5 of the Leeds Unitary Development Plan Review 2006 (UDP) seeks to ensure proposals avoid loss of amenity.
9. The property has 4 bedrooms and thereby could reasonably accommodate quite a few occupants, which could at times attract a mix of groups. When occupied in this way, the pattern of comings and goings by this number of visitors, especially in the evenings is likely in my view, to be different from the lifestyles of many of the permanent occupiers, particularly given the proximity of Leeds City centre and its nighttime offer. A higher turnover of new visitors could contribute to a more transient character, including with vehicles and related movements and activities which would be less compatible with the general lifestyle and amenities of residential neighbours. As No 27 is physically attached to the appeal property the short-term letting use could cause particular disturbance to these neighbouring occupiers, including in relation to front and back doors being opened and closed at night.
10. Although there is no guarantee that the external spaces of a C3 dwelling would not be used regularly and during anti-social hours, there is potentially a greater likelihood of this occurring with a holiday let, especially during fair weather, as people using the accommodation would be on holiday or away for a short period. Given what I consider to be the general appearance of a quiet character to the area, and the close proximity of neighbouring properties, even a limited increase in activity would carry noise and cause disturbance to surrounding occupiers.
11. I am conscious of the objection to the use from a local resident who has detailed instances of behaviour resulting from the use that appear to go beyond what may be normally expected from a typical residential property. The appellant disputes this information, nevertheless, this representation reinforces my concerns with the proposed use at this property as a short-term letting use and the potential adverse impact on the living conditions of adjoining occupants.
12. The appellant has suggested that the use of the site could be managed through a condition requiring formal agreement, adoption and implementation of a visitor management plan and a draft has been submitted as part of the appeal. Paragraph 56 of the National Planning Policy Framework (the Framework) requires conditions to meet six "tests" which include that they are enforceable. I consider that given the transient nature of guests the ongoing monitoring of the proposed planning condition would be difficult. I have taken into account all the information supplied including checks on potential letters, management

rules and other mechanisms to help ensure that the use would not be undertaken in such a way so as not to disturb neighbours. However, I am not satisfied that this would be sufficient in the circumstances of this property, its size and potential number of guests, such that a condition, or similar approach would be effective and enforceable in the short period when occupants were on site, and therefore a reasonable approach when considered in the round. I am therefore not satisfied that conditions attached to any approval could overcome the harm I have found.

13. I conclude that, given the information before me, the change of use of the property would cause harm to the living conditions of neighbouring dwellings with regards to noise and disturbance. It therefore conflicts with Policy P10 of the CS and Policy GP5 of the UDP, which amongst other things seek to protect residential amenity of the area. The development also conflicts with paragraph 135(f) of the Framework which requires the creation of places with a high standard of amenity for existing and future users.
14. Although the development would add a small contribution to the supply of sustainable tourist accommodation close to Leeds City Centre and support local visitor and tourism strategies, this benefit would be modest and does not outweigh the significant harm outlined above. I also appreciate that this is a small business and the proposed use would benefit the local economy. However, I consider that the harm I have found to the living conditions of occupants of neighbouring properties is a significant planning issue and the benefits that would, and presently, result from the development would not outweigh that harm.

Other Matters

15. The appellant has referred to the potential fallback position in relation to the Government's recent consultation on a registration scheme for short-term lets. This consultation was undertaken by the previous government, and it is not clear whether the proposals will progress. I therefore give this potential fallback limited weight given its current status.

Conclusion

16. The development conflicts with the development plan when considered as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
17. For the reasons given above the appeal should be dismissed.

C Skelly

INSPECTOR