



Appeal Decision

Site Visit made on 8 July 2024

by J Whitfield BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2024

Appeal Ref: APP/J2373/C/23/3332434

18 Watson Road, Blackpool FY4 1EG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Stephen Burgess, S&C Housing Limited against an enforcement notice issued by Blackpool Borough Council.
- The enforcement notice was issued on 9 October 2023.
- The breach of planning control as alleged in the notice is, without planning permission, the material change of use of 18 Watson Road from a single private dwelling-house, to a self-contained holiday let.
- The requirements of the notice are: cease the use of 18 Watson Road as a self-contained holiday let.
- The period for compliance with the requirements is 1 month.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary of Decision: The appeal is dismissed, and the enforcement notice is upheld with a correction and variation in the terms set out below in the Formal Decision.

The Enforcement Notice

1. The notice alleges a material change of use to a self-contained holiday let. Whilst the appellant does not dispute that the material change of use to a self-contained short term let has taken place, it is stated that it has been let not just for holiday use. It seems to me that the breach would better be described as self-contained short term visitor accommodation. The appellant has made their case on that basis. Likewise, the LPA state that it appeared to it that the property was in use for short-term visitor accommodation at the time the notice was issued. As such, no injustice would arise to either the appellant or the LPA if I correct the notice accordingly.
2. As a result of the correction, it is necessary to vary the notice so that it requires the cessation of the use as self-contained short term visitor accommodation to reflect the corrected allegation. Again, I am satisfied no injustice would arise to either the appellant or the LPA from such a variation.

Appeal on ground (a)

Main Issues

3. The main issues are:

- whether the development will undermine the strategy for new visitor accommodation set out in the Blackpool Local Plan (2012-2027) Part 1: Core Strategy (the CS); and,
- the effect of the development on the living conditions of neighbouring residents with particular regard to noise and disturbance.

Reasons

Accommodation Strategy

4. Policy CS21 of the CS states that, in order to physically and economically regenerate Blackpool's resort core and town centre, proposals for new visitor accommodation focussed on the town centre, resort core and defined holiday accommodation areas will be supported unless exceptional circumstances justify a peripheral location outside these areas.
5. It is stated in the CS that there is an identified need to reduce the amount of poor-quality holiday accommodation whilst supporting high quality accommodation. It identifies that the resort core is the general focus for holiday accommodation with specific areas identified in CS Policy CS23.
6. The appeal site does not lie within any of those areas identified by Policy CS21. As such, unless exceptional circumstances are demonstrated, the development will be contrary to CS Policy CS21.
7. The appellant argues that the LPA's strategy relates to new holiday accommodation and thus is not relevant as the notice, as corrected, relates to visitor accommodation. However, the wording of Policy CS21 is clear that it relates to new visitor accommodation, which would be relevant to those using the property for short term purposes aside from holidays. Thus, Policy CS21 is relevant here.
8. To that end, the appellant has proffered very little evidence that exceptional circumstances apply. As a result, in the absence of any exceptional circumstances having been demonstrated, the development will fail to support the regeneration of Blackpool's resort core and town centre.
9. I conclude, therefore, that the development will undermine the LPA's strategy for new holiday accommodation, in conflict with CS Policy CS21.

Living Conditions

10. The appeal property comprises a two-storey, mid-terraced property with a basement level. Whilst close to the Blackpool Pleasure Beach amusement park, it is nevertheless located in an area which is predominately characterised by streets of dwellinghouses.
11. The property can accommodate up to eight guests. It is indicated that those staying at the property do so for holidays as well as working in the area and attending events and conferences. Stays are generally for two to five nights.
12. I note that a guest register is kept, that handover measures are in place and that signage is displayed inside and outside the property. However, visitors staying in the accommodation are, by definition, more transient in nature than residents living in their permanent home. Whilst every guest may not cause

undue noise and disturbance, the high turnover increases the number of guests who are less likely to temper their behaviour to accommodate the living conditions of their neighbours, since they do not have to live alongside them beyond a few days.

13. I note that mitigation in the form of soundproofing has been installed in the property. However, whilst that may mitigate against the transfer of noise from the internal areas of the property, there is still the potential for adverse noise to arise from the use of the internal areas whilst windows and doors are open.
14. Moreover, I saw from my site visit that the property has an outdoor space to the rear which is accessed via double doors from the kitchen/dining room. There is also a hot tub which is enclosed but is accessed from the rear garden via the doors. The garden is relatively small in terms of the distances to the properties either side and the flank wall of the property on Jesmond Avenue to the rear. The outdoor space has a raised patio area which is adjacent to the boundary with 20 Watson Road. The outdoor space lies in close proximity to both the garden, ground floor and first floor windows of No 20. Likewise, the outdoor space is close to the garden and windows in No 16, as well as windows in the flank wall of 2 Jesmond Avenue.
15. Noise generated from people congregating in this area will result in an increase in noise experienced both within the gardens and within the habitable rooms of those three properties. That noise is likely to be harmful if experienced during early hours of the morning or late at night when residents fairly have expectations of a reasonable level of peace and quiet.
16. I note the appellant is willing to adopt technology which monitors noise and occupancy, and which alerts the owner if noise or crowding in the property is detected. In addition, contact details for a management agent will be displayed on the premises. However, even with such management, the response will be reactive and any instances which result in noise and disturbance will have already resulted in harm to the living conditions of neighbours before any management response has resolved the situation.
17. I conclude, therefore, that the development will have a harmful effect on the living conditions of neighbouring residents with particular regard to noise and disturbance. As such, the development will conflict with CS Policy CS7 which states that new development should ensure the amenities of nearby residents are not adversely affected.

Other Matters

18. The appellant has provided two appeal decisions which they say are relevant. However, the appeal in respect of 20 Bairstow Street related to a material change of use from a hotel to six self-contained holiday apartments where the main issue was whether the development provided acceptable living conditions for future occupiers of the flats. Moreover, the appeal in respect of 58 Dean Street related to a property located within the resort core and thus the Inspector found compliance with CS Policy CS21. As a result, the circumstances in respect of both cases are not directly comparable to those before me here. I thus afford those decisions very little weight.

Conclusions

19. For the reasons given above, I conclude the appeal on ground (a) should not succeed and the deemed application for planning permission is refused.

Appeal on ground (g)

20. An appeal on ground (g) is made on the basis that the period specified in the notice as the time for compliance falls short of what should reasonably be allowed.

21. The notice gives a period of one month to cease the use of the property as a self-contained holiday let. The appellant argues that a time period of nine months is necessary as they pre-book accommodation with prospective tenants for approximately nine months in advance.

22. However, no details of any such bookings are before me. Moreover, it seems a period of nine months would unduly prolong the harm arising from the development which I have identified in respect of the appeal on ground (a).

23. In contrast a period of one month for compliance seems to me to be a reasonable period to cease the use.

24. The appeal on ground (g) therefore fails.

Formal Decision

25. It is directed that the enforcement notice is corrected by:

- The deletion of the words, "a self-contained holiday let" and their substitution with the words, "self-contained short term visitor accommodation" in section 3 of the Notice.

26. And varied by:

- The deletion of the words, "a self-contained holiday let" and their substitution with the words, "self-contained short term visitor accommodation" in section 5 of the Notice.

27. Subject to the correction and variation, the appeal is dismissed and the enforcement notice is upheld.

J Whitfield

INSPECTOR