



Appeal Decision

Site visit made on 17 September 2024

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2024

Appeal Ref: APP/J2373/W/24/3344544

New Wayside, Kitty Lane, Blackpool FY4 5EG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Watmough against the decision of Blackpool Borough Council.
 - The application Ref 23/0155, dated 4 March 2023, was refused by notice dated 20 November 2023.
 - The development proposed is change of use of existing detached outbuilding to provide holiday accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of existing detached outbuilding to provide holiday accommodation at New Wayside, Kitty Lane, Blackpool FY4 5EG in accordance with the terms of the application Ref 23/0155 dated 4 March 2023 and the plans with it, subject to the conditions in the attached schedule.

Procedural Matters

2. There appears to be some confusion with the first reason for refusal given by the Council. Reason 1 states that the proposal is contrary to policy CS23 of the Blackpool Local Plan Part 1: Core Strategy (2016) (the CS). The Council have stated that the policy is CS21 and it was a typographical error.
3. Reading the wording of that reason for refusal, it is apparent that the wording is for policy CS21 rather than CS23. The appellant, in their final comments, has stated that in their opinion, the Council are changing the reason for refusal, but I am satisfied that it is a genuine error as CS23 has little relevance to this specific appeal. I will assess the appeal for the first main issue as policy CS21. I am satisfied neither party is prejudiced by this course of action.

Main Issues

4. The main issues in this appeal are:-
 - The effect of the proposal on the main holiday accommodation areas.
 - The effect of the proposal on the Marton Moss Strategic Site.
 - Whether the proposal would preserve or enhance the character or appearance of the Marton Moss Conservation Area

Reasons

Effect on main holiday accommodation areas

5. The appeal site is located within the garden area of the host property, which is served via an access between two properties. There is a property fronting on to Kitty Lane, then a single storey dwelling to the rear. The outbuilding subject to the appeal takes a spur from the access to the rear property.
6. The appeal building is already constructed, and is timber-clad, single storey in size. The building is entered via a covered patio, which contains seating and a hot tub. Inside the building are lounge and kitchen / dining facilities, with two bedrooms and a bathroom / WC. The appellant lives in the main house, in close proximity to the appeal proposal.
7. Policy CS21(b) of the CS states that proposals for new visitor accommodation should be focussed on the town centre, resort core and defined holiday accommodation areas unless exceptional circumstances justify a location outside these areas.
8. In this instance, the appeal site is some way outside the resort centre, and far closer to Blackpool Airport on the southern side of Blackpool, and is located almost out of the Council area.
9. Policy CS21 seeks to protect the resort as a whole in not undermining the overall accommodation offer. Whilst this is a laudable aim, and the Council have concerns with cumulative impact, there is an appeal decision allowed across Kitty Lane, virtually opposite the site (Mayfield – APP/J2373/W/22/3305901) which is for a similar offer.
10. Reference is made to larger caravan or camping sites potentially being acceptable, due to location and nature of offer compared to the main resort. It seems somewhat perverse that this could be acceptable, but a single property would not. Much as my Inspector colleague stated in the Mayfield appeal *“due to the small scale and type of accommodation and the distances involved from the resort, it is unlikely that this proposal would negatively affect the wider health of Blackpool as a tourist destination”*.
11. I agree with this statement. A single unit, which is not typical of the resort centre offer by the nature of its offer, located away from the main town accommodation is highly unlikely to undermine the resort, and it is also likely to be the case that visitors to the accommodation will travel into the resort and spend in the resort. Added to this, the appeal site is located close to the Council boundary; were it in a slightly different location “over the border” then it would not be subject to the same policy limitations.
12. As the “Mayfield” Inspector also remarked, any scheme can be individually assessed as to its merits, and a wider assessment could be made for cumulative impact if necessary, with evidence to support that position. At present there would be two properties on the section of Kitty Lane with a tourism offer that have gone through this process; this hardly undermines the resorts core appeal, and as stated previously, any occupiers are bringing expenditure into the wider resort. I find that exceptional circumstances are in situ for this specific case, and any other scheme coming forward would also be assessed on its merits.

13. As such, on this issue, I find that whilst there may be some limited conflict with the aims of policy CS21(b) of the CS, exceptional circumstances are generated which can allow a decision other than in accordance with the specific requirements of Policy CS21(b).

Effect on Marton Moss

14. Policy CS26 of the CS was put in place to protect the distinctiveness of Marton Moss until the advent of the neighbourhood plan (the NP) which was “made” in November 2023. The NP acknowledged the contribution to control set by policy CS26 but states that the NP replaced CS26 and now takes precedence.
15. Objective 10 of the NP is to allow tourism uses that are in keeping with the open character of the area and this objective is tied into policy MM2 of the NP. There is no specific requirement with regards to holiday accommodation, but the supporting wording to the policy references policy CS21 of the CS which I have already assessed in the report above.
16. Therefore, I find no conflict with the policies as set out in the NP, which on the matter of holiday accommodation references back to policy CS21 in the CS.

Conservation Area

17. In accordance with the duty imposed by Section 72(1) of the Act I am required to pay special attention to the desirability of preserving or enhancing the character of the conservation area.
18. Moreover, paragraph 205 of the National Planning Policy Framework states that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation.
19. From the Conservation Area Appraisal, the area is summarised as drained mossland with an agricultural tradition that was sustained in the 20th Century by the glasshouse industry. Development is low density and concentrated on the main arterial routes. The cobbled buildings that were once common in the area are now few in number.
20. The proposed development would see the retention of an outbuilding for use as holiday accommodation given the proximity of the area to the holiday area of Blackpool.
21. The building is already in situ and the change of use is for it to be an accommodation offer. As such, this will not affect the wider Conservation Area and as such, the effect is neutral on the Conservation Area.
22. Therefore, for the reasons above, the proposed development would not harm the significance of the character or appearance of the Conservation Area in accord with the historic environment objectives of the Framework.

Conditions

23. I have taken into consideration the conditions requested by the Council were the appeal to be successful and consider all five conditions to be fair and reasonable.

24. I note the objection of the appellant with regard to the condition appertaining to the submission of a management plan, but I consider this to be reasonable to allow a correct level of control over the management of the accommodation offer. The condition relating to bedspaces is also reasonable to ensure that the level of accommodation stays realistic for the size of the tourism offering and cannot be exploited.
25. Condition 1 is in the interests of proper planning. Conditions 2 and 4 relate to effective accommodation management whilst Conditions 3 and 5 correctly restrict the development and the occupancy levels.

Conclusion

26. For the reasons given above, I conclude that the appeal should succeed.

Paul Cooper

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development shall be carried out, except where modified by the conditions attached to this permission, in accordance with the planning application received by the Local Planning Authority including the following plans and information:

Location Plan received by the Council on 06/03/2023 and drawings;

Proposed Site Plan – 22037_11S

Proposed Floor and Elevation Plans – 22037_110

The development shall thereafter be retained and maintained in accordance with these approved details.

2. The occupation of the main dwellinghouse as shown on the approved plan shall be limited to the owner/caretaker of the planning unit and their immediate family or dependents only.
3. The outbuilding accommodation shall be used for serviced holiday accommodation only within the category of sui generis and for no other purpose within the Schedule to the Town and Country Planning (Use Classes) Order 1987) as amended. For the avoidance of doubt, the accommodation shall at no time be occupied on a permanent basis or by persons who are not on holiday. A person is considered to be on holiday where the duration of the stay does not exceed 30 days.
4. Prior to any part of the accommodation hereby approved being first brought into use, a Management Plan for the operation of the premises 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 this agreed Management Plan. For the purpose of this condition, this Management Plan shall include:
 - arrangements for the storage and collection of waste
 - arrangements for the arrival and departure of guests
 - arrangements for the cleaning and servicing of the apartments
 - a means by which contact details for a managing agent can be displayed on the premises
 - arrangements for the resolution of any issues that are identified to the managing agent
 - the keeping of a register of guests (to include guest name and permanent home address) staying at the premises to be retained for at least 12 months and to be made available to the Council for inspection upon request.
5. The number of bedspaces within the approved holiday unit shall not at any time exceed four, other than through the provision of travel cots for infants.

For the avoidance of doubt, sofa-bed provision counts as bed-space provision and lounge and kitchen spaces should not be used for sleeping.

END OF SCHEDULE