



Appeal Decision

Site visit made on 11 October 2024

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2024

Appeal Ref: APP/D1590/W/24/3341307

11 Hartington Road, Southend-on-Sea SS1 2HR

- 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 and Mrs Grice (Grice Property Ltd) against the decision of Southend-on-Sea City Council.
 - The application Ref is 23/01735/FUL.
 - The development is the change of use from dwellinghouse (Class C3) to short term let rental unit (sui generis).
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from dwellinghouse (Class C3) to short term let rental unit (sui generis) at 11 Hartington Road, Southend-on-Sea SS1 2HR in accordance with the terms of the application, Ref 23/01735/FUL, and drawing number (23) 10/12 PL01, subject to the following condition:
 - 1) The property shall be occupied as a short term let rental unit for visitor accommodation only and shall not be occupied by any person(s) exceeding a period of 90 consecutive days or 90 days in any calendar year. An up-to-date register containing details of the names of all the occupiers of the accommodation, their main home addresses and their dates of arrival and departure from the accommodation shall be kept and be made available for inspection by the local planning authority upon request.

Procedural Matters

2. The main parties do not dispute that a material change of use has occurred through using the appeal property as a short term let rental unit (STLRU). This is the basis on which I have assessed the appeal. As the appeal development has commenced, I have removed retrospective from the description of development in the banner heading.
3. The Government recently published a revised National Planning Policy Framework ("the Framework"). There are no material changes relevant to the substance of this appeal and therefore I am satisfied that no one will be prejudiced by the changes to the national policy context. All references to the Framework in this decision relate to the revised document.

Main Issue

4. The main issue in this appeal is the effect of the STLRU on the housing stock in the Council's area.

Reasons

5. The appeal property occupies an uncommonly small, wedge-shaped plot, which tapers down sharply in width from front to back. The internal rooms have irregular shaped floor areas and compact dimensions. The kitchen area is contained within the thinnest end of the wedge-shaped floor plan, with limited clearance in places between the units and the opposing wall. The bedrooms are relatively small. The rear bedroom is of an awkward shape with limited circulation space around the bed and little floor space to accommodate necessary items of bedroom furniture.
6. By comparison to Nationally Described Space Standards (NDSS) the appeal property is below the minimum gross internal floor area for a 1 bedroom, 2 person, 2 storey dwelling. It falls well below that for a 2 bedroom property not accounting for its irregular shaped floor areas and 2 flights of stairs. Whilst the NDSS do not retrospectively apply to the appeal property, those standards are a useful indicator of its small size relative to the sizes expected of new properties.
7. I have not been referred to any national or local definition of what might constitute a 'smaller property' or 'accommodation suitable for families'. On the evidence before me I find that the property's compact size and awkwardly shaped floor areas would provide unduly cramped living conditions unsuited for occupation by most families and their furniture and paraphernalia. To find a 3 storey property with such small and unusually shaped floors is a rare occurrence, unlikely to be replicated in other cases.
8. To my mind, the appeal property is closer in description to a smaller property. Consequently, using the appeal property as a STLRU has not resulted in the loss of a family home or, in the context of the South Essex Strategic Housing Market Assessment, accommodation suitable for families.
9. The appeal property would continue to be unavailable for occupation as a person(s) permanent home if planning permission was granted. The loss of a permanent home, particularly in the context of the Council's current housing land supply, would be at odds with Policy CP8 of the Southend on Sea Borough Council Core Strategy 2007 ("the CS"), insofar as it seeks to resist the loss of residential resources.
10. However, the home in question is a small home, amongst the most numerous property types in the Council's area. Moreover, it is uncommonly small for a 3-storey terraced property with an awkwardly compact and cramped internal configuration, unsuited for occupation by most families. There is limited evidence before me that the appeal development is having anything other than a small negative effect on the stock of housing in the Council's area. Whilst incremental losses of permanent homes to STLRUs might add up over time, I have limited substantive evidence of the number lost in this way.
11. Furthermore, the appeal property is located a short walk from the beach and nearby tourist attractions and facilities along the seafront. There is no dispute that it is located within an area where holiday accommodation is directed to as a matter of principle by Policy DM12 of the Southend on Sea Borough Council Development Management Document 2015 ("the DMD"). On the evidence before me I see no reason to disagree.

12. The seafront promenade is visible to the front of the appeal site at the junction of Hartington Road and Hartington Place. The beach and numerous other tourist facilities and attractions can be accessed from the appeal property along a short, convenient walking route that requires few roads to be crossed and where vehicle speeds were low. In these respects, the appeal property has a clear and strong relationship with the nearby seafront, consistent with DMD Policy DM12.
13. Whilst an Inspector dismissed an appeal¹ at Number 49 Christchurch Road, the evidence suggests that it related to a 4-bedroom family sized dwelling located outside of the city centre and some 17 minutes' walk from the seafront. As such it would not have complied with DMD Policy DM12 and its support for tourist accommodation. Given these differences, the appeal decision at Number 49 is of limited relevance and weight to my considerations in this appeal.
14. Taking all the above into account, including the property's internal configuration, I find that using the appeal property as a STLRU, makes a modest but valuable contribution to the local economy in a location where tourist accommodation is supported as a matter of principle by DMD Policy DM12. This is consistent with the development principles of economic and social regeneration in CS Policy KP2.
15. Even if the Council's housing shortfall was acute, the benefits of the appeal development in a location consistent with Policy DM12, outweighs its small negative effect on the housing stock in the Council's area. Consequently, the appeal development complies with the development plan as a whole.

Conditions

16. The Council has suggested a number of planning conditions in the event of the appeal being allowed, which I have considered in accordance with the tests in the National Planning Policy Framework and the Planning Practice Guidance.
17. For the avoidance of doubt, I have included the approved plan in the grant of planning permission in paragraph 1 above. For certainty as to the scope of the permission granted and to retain the accommodation for visitors it is necessary to impose conditions controlling the use and occupation of the property. A register of occupation is necessary to meet the test of enforceability and requires personal data to be recorded and retained by the operator. However, the condition establishes a lawful basis to do so under data protection regulations.
18. There is limited evidence that the appeal property could be put to alternative uses without the grant of a separate planning permission. Therefore, it is unnecessary to require the approved use to be retained. Imposing a condition to allow the property to revert to its pre-existing use would unreasonably alter the terms of the development described on the application form. It would also conflict with the occupancy limitation condition as suggested by the Council. Therefore, I have not imposed it.
19. There is limited evidence that the arrangements for storing waste and recycling at the appeal property are materially different or harmful when

¹ APP/D1590/W/23/3333854

compared to its pre-existing use, or the properties nearby. As such, it is unnecessary to secure a scheme for waste management.

Conclusion

20. For the reasons given above, I conclude that the appeal development is consistent with the development plan as a whole, and there are no material considerations of sufficient weight, including the Framework, to indicate that a decision should be made other than in accordance with that plan. The appeal should be allowed.

G Sylvester

INSPECTOR