



Appeal Decision

Site visit made on 29 January 2025

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 March 2025

Appeal Ref: APP/J2373/W/24/3347624

59 Hornby Road, Blackpool, Lancashire FY1 4QJ

- 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 Wayne James Properties Ltd against the decision of Blackpool Council.
 - The application Ref is 24/0044.
 - The development proposed is change of use from a 12-bed hotel with owners' accommodation to 5 self-contained holiday apartments.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from a 12-bed hotel with owners' accommodation to 5 self-contained holiday apartments at 59 Hornby Road, Blackpool, Lancashire FY1 4QJ in accordance with the terms of the application, Ref 24/0044, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development in the banner heading and my formal decision is taken from the planning application form. However, I have removed the words "*Resubmission of Application No. 23/0226...*" as this does not form part of the development.
3. As part of the appeal the appellant has submitted an amended layout plan. This plan shows the provision of two hedge planters to the rear of the property and includes details of existing acoustic insulation that has previously been installed within the property. A revised Management Plan (dated May 2024) was also submitted by the appellant.
4. As part of their appeal submission the Council has had an opportunity to comment on this amended plan and the revised Management Plan. As such, I do not consider that the Council, or other parties, would be prejudiced by my acceptance of these documents. I have therefore determined the appeal on the amended plan (DWG No. 22161_111) and the revised Management Plan (dated May 2024).
5. At the time of my site visit I noted that the internal works have already been undertaken in respect of the proposed conversion and the property was operating as holiday apartments. As such the appeal proposal is retrospective. Nevertheless, I have determined the appeal on the basis of the submitted plans.
6. Subsequent to the Council issuing its decision the revised National Planning Policy Framework (the Framework) was published on 12 December 2024. The main parties were given the opportunity to comment on the implications of the revised Framework and I have taken into account any comments raised.

7. My attention has been drawn to a draft version of the Greening Blackpool Supplementary Planning Document (December 2024) (Draft Greening SPD) which, if adopted, would replace the existing Greening Blackpool Supplementary Planning Document (May 2022) (Greening SPD). The Council has confirmed that the consultation on the Draft Greening SPD closed on 28 January 2025 and substantive objections were received. As such, it is proposed that some amendments will be made to the Draft Greening SPD, before it is taken back to Executive Committee on 17 March 2025.
8. I am not aware of what these substantive objections are, or what amendments will be made to the Draft Greening SPD. This limits the weight I can attribute the Draft Greening SPD in my determination of this appeal.

Main Issues

9. The main issues are:
 - whether the development would provide:
 - satisfactory levels of amenity for future occupiers, with regard to natural light, outlook and internal and outdoor space;
 - an appropriate mix of accommodation;
 - sufficient car parking provision; and
 - appropriate green infrastructure and tree planting both on and/or off-site;
 - and the effect of the development on:
 - the character and appearance of the area; and
 - the amenity of neighbouring occupiers with particular regard to noise and disturbance;

Reasons

Levels of amenity

10. The appeal scheme seeks to change the use of a 12-bed hotel, with owners' accommodation, into 5no. self-contained holiday apartments. The ground floor apartment includes two bedrooms, and all other apartments would contain one bedroom, with two of these being studio apartments.
11. The size of the holiday apartments does not meet the minimum space standards set out in the New Homes from Old Places Residential Conversion and Sub-division Supplementary Planning Document (2011) (New Homes SPD), as well as the nationally described space standards¹.
12. Whilst these standards apply to all residential accommodation, the development is for holiday accommodation rather than permanent living. As such, the requirements of occupiers using these apartments for visitor accommodation would be different to the requirements of permanent residents, where more space would be required. Furthermore, given that most users of the holiday apartments are likely to be tourists visiting the area, it is reasonable to conclude that in most

¹ Technical housing standards – nationally described space standard (March 2015)

cases they would likely spend more time away from the apartments than permanent residents.

13. During my visit I observed that the apartments were finished to a high standard and suitable facilities were provided for self-contained holiday accommodation, including beds, a sufficient kitchen area with cooking equipment, a place to sit and eat, storage cabinets, adequate shower and toilet facilities, and a TV. I therefore found that all the apartments were usable and appropriate for holiday accommodation in respect of their size and the facilities provided.
14. In coming to the above view, I acknowledge the Council's comment that the high-quality furnishing cannot be controlled in perpetuity. However, it is in the appellant's interest to maintain the apartments to a standard that would attract guests in order to provide a viable business.
15. Nevertheless, as detailed, the size of the holiday apartments would not adhere to the nationally described space standards, and the New Homes SPD. This therefore brings the development into conflict with criterion 1(b) of Policy DM5 within the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies (2023) (LPP2).
16. However, for the reasons given, I find the level of accommodation is suitable for holiday accommodation use, which can be secured by condition, and therefore I find no conflict with the overall aim of LPP2 Policy DM5 which seeks to provide a good standard of accommodation.
17. In respect of criterion 2 of Policy CS13 of the Blackpool Local Plan Part 1: Core Strategy (2016) (LPP1). The subtext to Policy CS13 states *"It is essential for new housing developments to make a positive contribution towards Blackpool's overall housing stock by providing a sustainable mix of quality homes where people want to live."*
18. As the development seeks permission for holiday apartments any future occupiers would not be *"living"* in these units as *"homes"*, only staying there for a temporary period of time. Consequently, I do not find that Policy CS13 is directly relevant to proposals for holiday accommodation.
19. With regard to natural light and outlook, the four apartments at first and second floor level all have windows serving the habitable rooms. Whilst I observed that some of these windows were obscurely glazed to protect privacy from overlooking, the built-up nature of the surrounding urban area means that natural light to, and outlook from, these rooms is somewhat limited. Nevertheless, I found these apartments benefited from acceptable levels of natural light and outlook for the intended use, and the levels would not be dissimilar to those provided to guests of the previous hotel use.
20. Neither of the two bedrooms within the ground floor apartment benefit from a window. Whilst this is not ideal, given the holiday accommodation use of the apartment I consider that occupiers would likely spend most of their waking time at the apartment within the shared lounge / kitchen / dining area. This shared area is served by a large window in the front elevation which provides sufficient natural light and outlook. As such, given the holiday accommodation use, I find that occupiers of this ground floor apartment would be provided with a sufficient level of natural light and outlook.

21. The development includes limited outdoor space to the front and rear of the property which would be used for the parking of cars and storage of refuse bins. Whilst the Council has referred to a lack of outdoor amenity space for occupants, I have not been provided with any policy requirement in respect of the levels of outdoor amenity space required for holiday accommodation.
22. The submitted amended plans show that two hedge planters would be provided to the rear, however I do not consider that either the front or rear outdoor areas would provide any useable outdoor amenity value for future occupiers. Nonetheless, guests of the previous hotel use at the property would have likely benefited from the same levels of outdoor amenity space as the appeal scheme. Furthermore, given the holiday accommodation use of the apartments it is envisaged that occupiers would likely access public areas of outdoor amenity space during their stay.
23. In view of all the above, I conclude the development would provide a satisfactory level of amenity for future occupiers of the holiday apartments. In relation to this main issue, the development therefore complies with the overall aims of Policies CS7, CS12, CS21 and CS23 of the LPP1, and Policy DM5 of the LPP2. These policies together seek to ensure, among other things, that development provides quality accommodation; the amenities of potential occupiers are not adversely affected; that existing holiday accommodation is improved; and that refurbished holiday accommodation will be supported.

Mix of accommodation

24. My attention has been drawn to LPP1 Policy CS13 which relates to housing mix, density and standards. This policy requires flat developments to provide at least 70% of accommodation as 2-bedroom or more flats. The development would only provide 1no. 2-bedroom apartment and the Council therefore contend the development fails to comply with this policy. However, for the reasons given above, I do not find that Policy CS13 is directly relevant to proposals for holiday accommodation.
25. Moreover, whilst I acknowledge the Council's concerns that families visiting Blackpool require larger units, I have not been provided with any substantive evidence or information in respect of the overall bedroom mix of holiday accommodation in Blackpool.
26. As such, I find the bedroom mix of accommodation provided by the appeal scheme to be acceptable. I therefore find no conflict with LPP1 Policies CS21 and CS23 which together seek, among other things, to support new and refurbished visitor accommodation within the main holiday accommodation areas.

Parking provision

27. Policy DM41 of the LPP2 states that proposals must provide car parking in accordance with the parking standards set out in Appendix D1. I have not been provided with Appendix D1 and the Council's submission states that the table setting out parking numbers does not have a specific section for sui generis holiday flats such as those proposed by this development.
28. The Council do however state that C1 holiday uses are expected to have 1no. car parking space per bedroom, before commenting that a flexible approach to car

parking provision will be applied, with holiday accommodation in accessible locations deemed acceptable on balance if they have limited or no parking due to the limitations of the site.

29. I consider the appeal site to be located in an accessible location and the development includes the provision of two car parking spaces to the front and at least one, potentially two, car parking spaces to the rear, depending on the car size. The site is also limited in its ability to provide any additional off-street car parking provision.
30. On the information before me the level of car parking provision appears to be the same as that provided for the previous hotel use which contained 12no. guest rooms, and owners' accommodation. No evidence has been provided by the Council to demonstrate that the demand for parking arising from the appeal scheme for 5no. holiday apartments would be greater than that generated by this previous use.
31. I therefore conclude that the level of car parking provision would be acceptable, particularly when having regard to the accessibility of the site, its limitations in providing additional off-street parking and the previous use of the property as a 12no. bedroom hotel. I therefore find no conflict with LPP1 Policies CS7 and CS12, as well as Policy DM41 of the LPP2, which together seek to, among other things, address the need for a balanced provision of visitor parking, incorporate well integrated car parking facilities and provide car parking in accordance with the parking standards.

Green infrastructure and tree planting

32. The amended plan submitted with the appeal shows the provision of new hedgerow planters to the rear of the property. These hedgerow planters would provide biodiversity net gain in accordance with LPP2 Policy DM35, and their provision on site can be secured by a suitably worded condition.
33. My attention has been drawn to the requirement of the Greening SPD for non-C3 residential development (including change of use) catering for more than 3no. residents to provide one tree for each resident. The development provides accommodation for 12no. visitors and therefore the Council contend that 12no. trees are required to meet the requirement of the Greening SPD, and Policy CS6 of the LPP1.
34. As the constrained nature of the appeal site does not allow for the provision of any new trees to be planted on site, the Council state that a financial contribution of £12,000 (£1,000 per tree) is required by way of a Section 106 legal agreement to provide 12no. new trees off-site.
35. Having reviewed the Greening SPD it is unclear from its wording as to whether the requirement for new tree planting is applicable when a property is changing from one form of holiday accommodation to another, in this case a hotel to holiday apartments. Furthermore, the appeal scheme results in an overall reduction in the number of people that can stay at the appeal property in comparison to its previous use as a 12no. bedroom hotel, with additional owner's accommodation.
36. In this regard, the appeal scheme could accommodate up to 12no. guests at any one time, whereas according to the submitted plans, the previous use as a hotel

could accommodate up to 28no. guests, as well as any additional occupants associated within the owner's accommodation. As such, the appeal relates to a less intense holiday accommodation use, in terms of the number of people it could accommodate, in comparison to the previous use of the building.

37. I therefore conclude that in this case the requirements of the Greening SPD are not applicable. Consequently, there is no requirement for the appeal scheme to provide 12no. new trees to be planted on-site, or a financial contribution towards the provision of new trees off-site.
38. In coming to this view, I note the appeal decisions referred to by the Council² whereby the respective Inspectors considered that self-contained holiday accommodation is a form of residential accommodation. Whilst I have limited information before me in respect of these appeals, upon review of the decision letters I note that paragraph 27 of the referenced allowed appeal decision 3330132 states *"...as there is an existing holiday use, no tree contributions would be required."*
39. Furthermore, the referenced appeals 3322847; 3308033 and 3276007; were all allowed and in none of these appeals is the matter of on-site tree planting, or a financial contribution towards the provision of new trees off-site, discussed.
40. In respect of dismissed appeal decision 3336502, whilst the Inspector concluded that the Greening SPD was applicable in that case, I note the proposal was for change of use from residential accommodation to holiday accommodation. That appeal, and the relevance of the Greening SPD, is therefore not directly comparable to the appeal scheme before me which seeks to change from one form of holiday accommodation to another, with an overall reduction in the number of potential occupiers.
41. I do not therefore find the appeal decisions referenced by the Council lend support to the argument that the Greening SPD is applicable in the appeal scheme before me.
42. In view of all the above, I conclude that subject to a condition securing the provision of the hedgerow planters, the development would provide appropriate green infrastructure and biodiversity net gain. Furthermore, I do not consider that there is a requirement for the appeal scheme to provide 12no. new trees to be planted on site, or a financial contribution towards the provision of new trees off-site. I therefore find no conflict with Policy CS6 of the LPP1 and LPP2 Policy DM35, where they seek to ensure that development proposals provide biodiversity net gain and incorporate new green infrastructure.

Character and appearance

43. Hornby Road is lined on both sides by properties of varying height, scale, design, style and appearance. Most properties have been significantly extended and altered, resulting in a varied street scene in this urban location.
44. One of the Council's reasons for refusal asserts that the retention of the existing front sun lounge extension and the roof extension would not be sympathetic to the character of the proposed use, the street scene and surrounding properties. Whilst these existing extensions may not conform to current design guidance or policy, they appear to have been constructed a considerable time ago. To that effect the

² APP/J2373/W/24/3336502; APP/J2373/W/23/3330132; APP/J2373/W/23/3322847; APP/J2373/W/22/3308033; and APP/J2373/W/21/3276007

appellant submits that they were granted planning permission in the 1980's and this has not been disputed by the Council.

45. The roof extension at the appeal property is attached to a similar roof extension at the adjoining property. Furthermore, other properties in this row, as well as various other properties in the wider street scene, have been subject to various roof extensions. As such roof extensions are a very common feature of the street.
46. Additionally, ground floor front extensions of varying design and style are also a very common feature on this street, including the row within which the appeal property is located. Indeed, the existing single storey front extension at the appeal site adjoins the single storey extension at the front of the adjoining property to the west.
47. As such, given the varied nature of the built development on this street, and the immediate surroundings, I find these existing extensions to be neutral features that replicate and reflect the surrounding properties and character of the area in general.
48. Consequently, I do not find that the retention of the existing roof extension and single storey front extension harms the character and appearance of the host property, its use as holiday accommodation, or the street scene in general. The development therefore complies with LPP1 Policy CS7, and Policies DM5 and DM17 of LPP2, where they together seek to ensure, among other things, that development is appropriate in terms of scale, mass, height, appearance and relationship to adjoining buildings; establishes residential character; and has regard to the pattern, size and arrangement of streets, buildings and building lines.
49. Given my findings on the surrounding character of the area, which includes various examples of roof extensions, I also find no conflict with the guidance within the New Homes SPD where it seeks the removal of roof-lifts where they are out of scale and character with the property, and have a detrimental effect on the street scene.

Noise and disturbance

50. As detailed above, a revised Management Plan (dated May 2024) has been submitted as part of the appeal. The Council have reviewed this document and confirmed that it addresses some of the concerns they have previously raised, but not all of them. Specifically, details around how any complaints from nearby properties would be addressed and resolved have not been provided.
51. I find that this matter needs to be clarified and the appellant has confirmed that they would be willing to submit a further Management Plan for the approval of the Council to address this issue. The submission of a new Management Plan could be secured by a suitably worded planning condition.
52. The Council's reason for refusal on this matter also states that the application was not accompanied by a noise assessment, or mitigation scheme, to demonstrate that the existing noise attenuation at the site is sufficient to protect the amenity of neighbouring properties.
53. As part of the appeal the appellant has submitted an amended plan which includes details of existing acoustic insulation that was installed within the property in 2022. The Council however contend that a noise assessment is required for holiday accommodation with no on-site management.

54. Given the use of the apartments for holiday accommodation with no on-site management, I find that a noise assessment is required to demonstrate whether the existing acoustic insulation is sufficient to protect the amenity of neighbouring properties, and if not, details provided of any further noise attenuation that would be required. This however could also be secured by a suitably worded planning condition.
55. In view of the above, subject to planning conditions requiring the submission of a new Management Plan and a noise assessment, including details of any required mitigation measures, I find that the development would not have a harmful impact on the amenity of neighbouring occupiers by way of noise and disturbance. I therefore find no conflict with Policy CS7 of the LPP1 and Policy DM36 of the LPP2 where they require new development to, among other things, demonstrate that it will be compatible with adjacent uses and not lead to unacceptable adverse effects on the amenity of surrounding uses and occupants with reference to noise and nuisance.

Other Matters

56. I acknowledge a reduction in the number of apartments within the property, along with removal of the existing extensions, could allow for the provision of larger apartments with more bedrooms, as well as the potential for improved outlook, higher levels of natural light and additional outdoor amenity space. I must however determine the appeal scheme that is before me and for the reasons given above, I find the submitted development to be acceptable in respect of these matters.
57. My attention has been drawn to a Government consultation³ in respect of the potential introduction of a new use class for short term lets. However, the weight I can give to this consultation document is very limited at this stage given that it is subject to change and no final document or legislation to its effect has been published.
58. I note the Council comments that the volume of holiday accommodation in Blackpool makes effective monitoring and enforcement action impractical, with frequent unauthorised conversions of holiday accommodation to permanent residential accommodation. However, the appeal scheme clearly seeks consent for holiday accommodation, which can be secured by condition, and the potential that these apartments could be converted to permanent residential accommodation without the required consent is not a valid reason to dismiss this appeal.
59. An interested party has raised a concern in respect of damage caused by missing drains at the front and rear of the property. The appellant has commented that this issue has now been addressed, and in any case, this is a private matter and therefore not a planning consideration.

Conditions

60. The Council has provided a list of suggested planning conditions, which I have considered against paragraph 57 of the Framework, and the advice contained in the Planning Practice Guidance, and I have edited to improve precision and enforceability.
61. As the development has been completed and the property is being occupied as holiday accommodation, it is not necessary to include the standard time limit

³ Introduction of a use class for short term lets and associated permitted development rights – published 12 April 2023

condition. I have however attached a condition specifying the approved plans to provide certainty (1).

62. The Council has suggested a number of conditions requiring the submission and approval of specific details within one month of the date of any permission. However, whilst the submission of such details within one month of the date of any permission is within the appellant's control, the subsequent approval from the Council within this specified time period is outside of the appellant's control. Consequently, the wording of these suggested conditions is not reasonable and enforceable, and I have therefore amended them accordingly.
63. The Council suggested a condition requiring the submission and approval of a landscaping scheme. Given the constrained nature of the site I do not consider that a full landscaping scheme is necessary. Furthermore, the submitted plans show the provision of new hedgerow planters to the rear of the property.
64. As such, condition (2) is imposed to ensure that the details of these native hedgerow planters, along with a timetable for their installation on site, are submitted, approved and implemented to provide appropriate green infrastructure and biodiversity net gain. There is a strict timetable of 2 months for compliance because permission is being granted retrospectively, and it is not possible to use a negatively worded condition to secure the approval and implementation of the native hedgerow planters before the development takes place. The condition will ensure that the development can be enforced against if the requirements are not met.
65. Condition (3) is imposed to ensure that a noise survey, along with details of any required mitigation and attenuation measures that need to be incorporated into the appeal property, and a timetable for their implementation, is submitted, approved and implemented to protect the amenity of neighbouring occupiers. There is a strict timetable of 3 months for compliance because permission is being granted retrospectively, and it is not possible to use a negatively worded condition to secure the approval and implementation of the noise survey and any required mitigation works before the development takes place. The condition will ensure that the development can be enforced against if the requirements are not met.
66. Condition (4) is imposed to ensure that a Management Plan is submitted, approved and implemented to ensure the proper operation of the premises and to protect the amenity of neighbouring occupiers. There is a strict timetable of 2 months for compliance because permission is being granted retrospectively, and it is not possible to use a negatively worded condition to secure the approval and implementation of the Management Plan before the development takes place. The condition will ensure that the development can be enforced against if the requirements are not met.
67. To ensure that the premises is not occupied by more people than the development has been designed for and to ensure it would provide satisfactory amenity levels for occupiers, a condition limiting the number of bedspaces within the accommodation is both reasonable and necessary (5).
68. To ensure the development is occupied for visitor accommodation only, a condition to ensure the apartments are not occupied as a person's sole or principal residence, and to limit occupation to 30 days, is necessary (6).

69. A condition preventing the storage of bins and refuse forward of the front elevation of the building, other than on bin collection day, is reasonable to safeguard the visual amenity of the area and the living conditions of neighbouring occupiers (7).

Conclusion

70. For the reasons given above, having considered the development plan as a whole and all other material considerations, the appeal is allowed.

R Major

INSPECTOR

Schedule of Conditions

- 1) The development hereby approved shall be carried out in accordance with the following approved plans:
 - 22161_LOC – Location Plan
 - 22161_111 – Drawing for Planning Appeal Purposes – Proposed Plans
- 2) The use hereby permitted shall cease within 30 days of the date of failure to meet any of the requirements set out in i) to iv) below:
 - i) Within 2 months of the date of this permission, details of the new native hedgerow planters to be installed in the rear yard area shall have been submitted for the written approval of the Local Planning Authority. These details shall include the size, number and species of the hedgerows to be planted, and a timetable for their installation on site.
 - ii) If within 12 months of the date of this decision the Local Planning Authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved details specified in this condition, any section of hedgerow that is removed, uprooted, destroyed, dies, or becomes severely damaged or seriously diseased within 7 years of planting shall be replaced within the next planting season with a hedgerow of similar size and species to those originally required.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 3) The use hereby permitted shall cease within 30 days of the date of failure to meet any of the requirements set out in i) to iv) below:
 - i) Within 3 months of the date of this permission, a noise survey shall have been submitted for the written approval of the Local Planning Authority. In the event that this noise survey identifies a need for mitigation, the noise survey shall include details of a scheme for the provision of noise attenuation to ensure that the below cumulative noise levels are not exceeded in

neighbouring properties, as well as a timetable for the implementation of the mitigation measures:

- 35dB LAeq (16hr) from 0700 to 2300 within living rooms
 - 30dB LAeq (8hr) from 2300 to 0700 within bedrooms
 - 45dB LAFmax from 1900 to 0700 for single sound events within bedrooms
 - 50dB LAeq (16hr) from 0700 to 2300 for outdoor living areas
 - The evening standard LAFmax will only apply where the evening LAFmax significantly exceeds the LAeq and the maximum levels reached are regular in occurrence, for example several times per hour.
- ii) If within 12 months of the date of this decision the Local Planning Authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
- iv) Any noise attenuation scheme that is agreed as part of this condition shall be implemented in full accordance with the approved details and the timetable for implementation, and shall be retained and maintained as such thereafter.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 4) The use hereby permitted shall cease within 30 days of the date of failure to meet any of the requirements set out in i) to iv) below:
- i) Within 2 months of the date of this permission, a Management Plan shall have been submitted for the written approval of the Local Planning Authority. The Management Plan shall include the following details:
- 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, and
 - 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.

- ii) If within 12 months of the date of this decision the Local Planning Authority refuse to approve the Management Plan or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
- iv) The use thereafter shall at all times proceed in full accordance with the approved Management Plan.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 5) The development hereby permitted shall not at any time exceed the following number of bedsits within the apartments as marked on the approved plans, other than where infants are sleeping in travel cots:

Apartment 1 – 4 bedspaces
Apartment 2 – 2 bedspaces
Apartment 3 – 2 bedspaces
Apartment 4 – 2 bedspaces
Apartment 5 – 2 bedspaces

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

- 6) 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.
- 7) No bins or refuse shall be stored forward of the front elevation of the building other than on the day of presentation for collection.

***** End of Conditions *****