
Appeal Decision

Site visit made on 29 October 2024

by B Astley-Serougi BA(Hons) LLM MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 March 2025

Appeal Ref: APP/P3040/W/24/3346279

45 C Clifton Road, Ruddington, Nottinghamshire NG11 6DD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mrs Barbara Venes against Rushcliffe Borough Council.
 - The application Ref is 24/00060/FUL.
 - The development proposed is application for flexible letting.
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Decision

1. The appeal is allowed and planning permission is granted for flexible letting at 45 C Clifton Road, Ruddington, Nottinghamshire, NG11 6DD in accordance with the terms of the application, Ref 24/00060/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with drawing nos 02-01/P1 (Ground Floor, Roof Plans and Elevations) 02-01/P2 (Location and Block Plans).
 - 2) The use shall be undertaken in full accordance with the submitted management plan for the life of the development hereby approved.
 - 3) The property shall only be used for short term lets for families or groups of up to a maximum of 6 unrelated persons at any one time and C3 use on a flexible basis. The owner shall notify the Local Planning Authority of the change between agreed uses, frequency of change and reason before the change of use occurs.

Preliminary Matters

2. The appeal relates to an application for planning permission which was not determined by the Council within the prescribed period. I note that the Council would have refused planning permission should it have made a decision on the proposal. I have had regard to the parties' submissions in establishing the main issues which I set out below.
3. The description of development on both the application and appeal forms reference 'retrospective'. This is not a form of development and I have removed words not in relation to acts of development. However, the application form states that the development was completed in July 2023. I have therefore considered the appeal on the basis that the development has already taken place, as did the Council.

4. The revised National Planning Policy Framework (the Framework) was published in December 2024. The parties have been provided with the opportunity to comment on the implications of the revisions to their cases. I have taken account of the revised Framework, and any comments made, in my determination of the appeal as necessary.
5. The application form does not define the flexible use sought by the appellant. However, it is apparent from the Unilateral Undertaking provided by the appellant that the intention is to use the appeal dwelling as a single dwelling house or short term let for up to six persons. The Unilateral Undertaking refers to C1 which is for mainly hotels rather than short term lets and so I give the document limited weight. However, should I be minded to allow the appeal this is resolvable by imposing a condition restricting the occupancy of the appeal scheme to six people without reference to a Use Class.
6. The evidence before me adequately demonstrates that the appellant has applied for a flexible use under Class V of the GPDO. Class V may be used where an alternative use was permitted on a previous planning permission, applied for on or after the 5th December 1988 or when more than 10 years has passed since the permission was granted. There is no requirement within the GPDO for the appellant to specifically state which uses they wish to be flexible.

Main Issues

7. The main issue is the effect of the proposal on the character of the surrounding area and the living conditions of neighbouring occupants with regard to noise and disturbance.

Reasons

8. Clifton Road is situated in a predominantly residential area of Ruddington. 45C Clifton Road (No 45C) is a detached bungalow and is a backland plot beyond the end bungalow of Clifton Road. The immediate surrounding area is predominantly characterised by bungalows. There is pedestrian access to Fairham Close and No 45C is bordered by allotment gardens to the east and north. It is set back considerably from the building line of the other bungalows on Clifton Road. Despite this, there remains a close relationship between No 45C and the other built form on Clifton Road. To the south of the site and adjacent to the garden serving No 45C is Clifton Avenue at the end of which is a cul-de-sac similarly characterised by a group of bungalows.
9. Policy 31 of the RBLP provides support for tourist accommodation, including that for overnight stays as long as the accommodation does not result in an adverse impact upon the surrounding area.
10. Clifton Road accommodates a limited number of dwellings which appear to be occupied by single households. Patterns of movement can vary between dwellings depending upon for example the number of occupants, journeys to work if applicable and deliveries of shopping.
11. A short-term letting use has to some extent a similar character to the occupation of a dwelling by a single household. It is reasonable to assume

that there would be regular occasions when people move in and out of the accommodation and when the premises are prepared for new residents. However, given that I have identified the pattern of movements often vary between single households, these activities would not generate a degree of noise and disturbance which would be incompatible with the quiet character of the area.

12. I have identified above the close relationship of the bungalows on Clifton Road. The Council and interested parties have referred to an incident that has previously taken place when the short-term letting of the appeal property resulted in a large noisy group party. Both the appellant and Council agree that the party was unacceptable and resulted in disturbance to the neighbouring properties.
13. The Council's environmental health officer has stated concerns regarding the proposed use and the likelihood of noise associated with guests and their activities outside of reasonable day time hours. The appellant has provided a management plan for the appeal scheme as well as information regarding noise monitoring devices.
14. Whilst there is limited evidence before me to suggest that there have been more complaints since the aforementioned large party, this does not negate the need for an adequate management plan for the development given the residential character of the surrounding area.
15. The submitted management plan provides contact details of the letting agent who would be available to address any problems that arise from the letting of the dwelling at all times including that of noise and disturbance. The plan also refers to the noise monitors that are installed in the dwelling which enable the agent to monitor the noise at the dwelling consistently.
16. In addition, the display of the contact details permanently on the entrance to the site, as well as being given to the neighbouring properties also provides further assurances that should there be any concerns regarding noise and disturbance, it can be dealt with reasonably. Consequently, the management plan provides sufficient mitigation measures to ensure living conditions of neighbouring occupants are not harmed by the development.
17. The proximity of the letting agent to No 45C is not identified in the management plan. However, the appellant highlights that the agent is able to intervene remotely and lives near to the site. Nevertheless, the noise monitors fitted at the dwelling have the capability to send notifications to the occupants when high levels of noise are detected without the need for manual input. Therefore, in conjunction with the other provisions in the management plan regarding the occupant's obligations, I consider this to be adequate in the management of the appeal scheme and would prevent harm to the living conditions of neighbouring occupants.
18. The Council have highlighted the possible number of trips to and from the appeal property as a result of the short term let and the harm to living conditions as a result of the noise from these movements. However, it is likely that groups who would use the short term let would share vehicles. Therefore, the noise as a direct result of vehicular movements would not

significantly harm the living conditions of neighbouring residents on Clifton Road.

19. In conclusion, the appellant has adequately demonstrated that the noise levels as a consequence of the short term let can be adequately managed and given that I can condition the maximum number of occupants for the short term let, I am satisfied the appeal scheme would not result in harm to the living conditions of neighbouring occupants. It therefore complies with Policies 1, 10, 31 and 40 of the RBLP. These policies seek, amongst other things, to ensure that developments do not result in harm to the amenity of neighbouring properties and the surrounding area as well as providing developments that are of a high-quality design, assimilate with the surrounding area and reinforce valued local characteristics.

Other Matters

20. The Council has indicated that the access drive to the site is adjacent to the Ruddington Conservation Area (the CA) and has provided a plan showing the extent of the CA. Given the distance and intervening development between the appeal site and the CA, the appeal site does not contribute to the significance of this heritage asset. Consequently, the development itself would not harm the significance of the CA as a designated heritage asset.
21. An interested party has stated that they do not wish for the appeal scheme to take place and that they are a landowner. However, the comments from the interested party do not suggest that the notice served by the appellant is incorrect. Nevertheless, an appellant does not have to own a site to seek planning permission. Given that I am satisfied that the notice served was correct, any other matters between landowners would not be in the scope of the appeal before me.
22. Concerns regarding traffic disruption and parking spaces have not been raised as a reason for refusal by the Council. There is limited evidence before me to suggest that the appeal scheme results in harm to highways matters and therefore, I do not disagree with the Council on this matter.
23. I am satisfied that the management plan and provisions of contact details are adequate to prevent anti-social behaviour as a consequence of the appeal scheme. Reference to waste collection has not been highlighted as a concern for the Council and there is limited evidence before me to suggest that waste collection cannot occur regularly for the appeal scheme. I therefore do not consider this to result in a reason for refusal.
24. Discussion of the appeal scheme, lane maintenance by the appellant with neighbouring residents, the perceived attitude of the appellant and reference to a covenant are not within the scope of this appeal. This is because these are private matters between the parties. The application is for a flexible use and the Council validated the application. I have therefore determined the appeal before me accordingly.
25. The appellant referred to a fallback position of the possibility of the appeal property becoming a house in multiple occupation (HMO). It is not unreasonable for the appellant to outline what could be carried out under the Town and Country Planning (General Permitted Development) (England)

Order 2015 (the GPDO) and this would constitute a material planning consideration. However, I have identified that the appeal scheme does not result in harm and therefore I have not had to assess the implications of the fallback position.

26. Finally, a concern has been raised in regard to a loss of community spirit and threat to local harmony as a consequence of a short term let. This is not a strong material planning consideration in this case, nevertheless I have identified that the management plan in conjunction with conditions will result in the appeal scheme assimilating with the surrounding area.

Conditions

27. The Council has provided a list of suggested conditions which I have considered against the Framework and advice contained in Planning Practice Guidance. I have amended the wording of suggested conditions for clarity and to ensure accordance with the tests set out in paragraph 57 of the Framework.
28. I have attached a condition specifying the approved plans to provide certainty (1). In addition, a condition requiring the development to accord with the submitted management plan is necessary to ensure adequate noise management as a result of the use (2). I have not imposed a condition requiring the submission of a revised management plan because it would not be reasonable given that the submitted plan provides adequate mitigation and management strategies with regard to noise and disturbance.
29. Finally, I have imposed a condition limiting the occupancy of the short term let aspect of the appeal scheme to six people so as to prevent an unacceptable level of noise and disturbance.

Conclusion

30. The material considerations do not indicate that a decision should be made other than in accordance with the development plan. For the reasons given above the appeal should be allowed.

B Astley-Serougi

INSPECTOR