



Appeal Decisions

Site visit made on 3 March 2025

by **A Walker MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 March 2025

Appeal A Ref: APP/J2373/C/24/3348047

384 Promenade, Blackpool FY1 2LB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Sleeps 12 Plus Ltd. against an enforcement notice issued by Blackpool Council.
- The notice was issued on 5 June 2024.
- The breach of planning control as alleged in the notice is without planning permission, the material change of use of 384 Promenade from a dwelling-house to a self-contained holiday let.
- The requirements of the notice are to cease the use of 384 Promenade as a self-contained holiday let.
- The period for compliance with the requirement is one month.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (c), (f) 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, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal B Ref: APP/J2373/W/24/3345255

384 Promenade, Blackpool FY1 2LB

- 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 Sleeps 12 Plus Ltd. against the decision of Blackpool Council.
- The application Ref is 23/0787.
- The development proposed is continued use of no. 384 Promenade as short let holiday accommodation.

Summary of Decision: The appeal is dismissed.

Appeal A – The ground (c) appeal

1. The appeal on ground (c) is whether, on the balance of probabilities, the matters alleged in the notice do not constitute a breach of planning control. The burden of proof is upon the appellant.
2. The appellant contends the property has only been let out, on average, 70 nights per year over the last four years. However, there is no indication that the property is used for any other use, for example a dwelling, during the periods when the property is not occupied as a short-term holiday let. Even when the building is not being occupied as a holiday let, its use is still that of a short-term holiday let. Accordingly, there has been a material change of use of the property to a short-term holiday let. As there is no planning permission for such a use, the material change of use amounts to a breach of planning control.
3. The ground (c) appeal fails.

Appeals A - The ground (a) appeal and the deemed planning application; and Appeal B

Main Issues

4. The Council confirm that a fee has been paid in accordance with Blackpool Council's Greening Blackpool Supplementary Planning Document 2022 and are satisfied that the third reason for refusal with regard to the s78 appeal has been overcome. Accordingly, the main issues are as follows:
 - whether the development is located in a suitable location having regard to the Council's spatial strategy; and
 - the effect of the development on the living conditions of the occupants of neighbouring residential properties, with regard to noise and disturbance.

Suitable Location

5. The appeal property is located within the North Promenade Conservation Area (CA) and the defined Inner Area, as identified in the development plan. It also lies adjacent to the North Shore Cliffs Holiday Accommodation Area.
6. Policy CS1 of the Blackpool Local Plan Part 1: Core Strategy 2016 (LP1) seeks to ensure future growth, development and investment will be focused on inner area regeneration comprising Blackpool Town Centre, the Resort Core and Neighbourhoods within the inner areas. Policy CS21 of the LP1 supports proposals for new visitor accommodation focused on the town centre, resort core and defined holiday accommodation areas (HAAs), unless exceptional circumstances justify a peripheral location outside these areas. As the appeal property is not located within the town centre, resort core nor a defined holiday accommodation area, in order to satisfy Policy CS21, it must be demonstrated there are exceptional circumstances for its peripheral location outside these areas.
7. The appellant contends there is a conflict between Policies CS1 and CS21 in that CS1(2c) states that inner areas will be the focus of growth, development and investment including 'holiday and residential neighbourhoods adjacent to the seafront, and predominantly residential neighbourhoods on the edge of the inner areas'. However, Policy CS1(2a, b and c) simply describes the areas where regeneration will be focused, including Neighbourhoods within the inner areas, including mixed holiday and residential neighbourhoods adjacent to the seafront. It does not describe what type of development is acceptable. It does not state that new holiday accommodation development would be acceptable in these areas. In fact, paragraph 4.8 in the explanatory text to Policy CS1 clearly states that it is essential for the neighbourhoods within Blackpool's Inner areas to be a focus for housing and community growth, development and investment to...rebalance the housing market and make them attractive areas to live. Therefore, Policies CS1 and CS21 fully align with each other.
8. The Blackpool Council Holiday Accommodation Supplementary Planning Document 2017 (SPD) defines the HAAs referred to in Policy CS21. The SPD recognises that Blackpool has too many holiday accommodation bed spaces, with many businesses operating at marginal levels leading to a number going out of business or changing to inappropriate uses that are causing problems. In order to safeguard the strongest clusters of holiday accommodation in sustainable

locations, the SPD defines HAAs where restrictions on change of use apply. This supports Policy CS21, focusing development on specific areas, including HAAs. Allowing new holiday accommodation could further compound the existing problems caused by there being too many holiday accommodation bed spaces.

9. The SPD also recognises that holiday accommodation premises that are not within one of these areas are still part of the resort, but owners have the option to change to residential use should they no longer want to carry on as holiday accommodation. However, this has no bearing on the change of use from residential use to holiday accommodation.
10. Accordingly, I find no contradiction in what Policy CS21 states and what the SPD states. The SPD fully supports Policy CS21.
11. The appellant contends there are exceptional circumstances in that if the property is used for a residential unit/units its proximity to existing holiday accommodation could cause unacceptable harm to the living conditions of its occupants due to noise. However, notwithstanding the uses of the neighbouring properties, which I shall address later in my decision, there is no evidence before me that any potential noise to the occupants of the appeal property could not be sufficiently mitigated, for example through the installation of suitable glazing.
12. I note the argument that there is market demand for the appeal development. However, there is little evidence before me in support of this. Whilst the property has been let since the use began, it may be that it is simply taking business away from existing holiday accommodation located in more suitable locations, such as the town centre, resort core and defined HAAs. This is what Policy CS21 and the SPD is seeking to avoid.
13. Accordingly, I do not find there are exceptional circumstances to justify the development outside the town centre, resort core and defined HAAs.
14. I find therefore, the development is not located in a suitable location for holiday accommodation and as such undermines the Council's spatial strategy. As a consequence, it fails to comply with Policies CS1 and CS21 of the LP1.

Living conditions

15. There is a dispute between the parties as to what the uses of the neighbouring properties to the appeal site are. The appellant contends the properties to the north and south are holiday accommodation uses, as are the properties to the rear, with the exception of two, which are assumed to be in residential use. One of these lies behind the appeal site. However, there is no evidence on what basis the appellant has relied on to make such a finding on the uses of these neighbouring properties.
16. The Council contend that the adjoining property, 386 Promenade, is in residential use, based on Building Control records indicating a conversion into flats and the Council Tax Band for each flat being Band A. They also argue there are more residential uses in the row, confirming that the property previously known as 'The Coast' hotel has planning permission for 13 self-contained flats, which are currently under construction. Based on the observations I made during my site visit, there are hotels within proximity of the appeal property as these were clearly identified by advertisements. However, I could not be certain of the uses of other

properties. Whilst they could also be short-term holiday lets, they could equally be flats, houses or houses in multiple occupation. There was nothing on site to indicate that No 386 was not in residential use.

17. The appeal property accommodates up to 16 people. There is a small yard to the rear of the property with seating. Given the nature of the property, it is likely that it would be booked by a single party, potentially up to 16 people. The occupation of the property by 16 people has the potential to generate a significant amount of noise through general comings and goings, playing of music and conversing within and outside of the property. Given the nature of such properties, occupiers may stay out late at night to enjoy Blackpool's nightlife and upon returning to the property could make a significant amount of noise, for example through raised voices and/or playing music upon their return. This could have a significantly detrimental effect on the occupants of the neighbouring residential properties, particularly of the adjoining property, by unduly disturbing their sleep. As there is no onsite management of the property, it would be very difficult to control noise levels of occupants before the harm has already arisen.
18. I acknowledge the suggestion of imposing a condition, were I to allow the appeal, requiring a noise assessment to be carried out. However, there is little evidence before me to indicate that the results of such a survey would adequately address any noise issues identified and that adequate mitigation could be put in place. Accordingly, such a condition would be unreasonable.
19. I have had regard to the lack of any complaints made against the property with regard to noise. However, the absence of complaints does not equate with an absence of harm.
20. I find therefore, the development unacceptably harms the living conditions of the occupants of neighbouring residential properties, with regard to noise and disturbance. As such, it is contrary to Policy CS7 of the LP1 and Policy DM36 of the Blackpool Local Plan Part 2: Development Management Policies (2023) (DMP), which amongst other matters, seek to ensure that amenities of nearby residents are not adversely affected and would not lead to adverse effects on the operation of surrounding uses.

Other Matters

21. The appeal property is situated within the CA. Accordingly, I have applied the statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paid special attention to the desirability of preserving or enhancing the character or appearance of the CA.
22. The Blackpool Council North Promenade Conservation Area Appraisal defines the character of the CA as an almost complete townscape of large hotels and leisure features developed in the early to mid-20th century. The appeal property is a typical, large townhouse that has been well-maintained and makes a positive, albeit limited, contribution to the significance of the CA.
23. The use of the property as a short-term holiday let is in keeping with the other holiday accommodation properties within the CA. However, the significance of the CA largely derives from the large hotels in the CA. Whilst the use of the appeal property is holiday accommodation, thus supporting the tourism heritage of the CA, its frontage is of the appearance of that of a residential property. Overall, I

find the development has a neutral effect on, and therefore preserves, the character and appearance of the CA.

Planning balance and conclusion on the Appeal A ground (a) appeal and the deemed planning application; and, Appeal B

24. Whilst I have found the development would preserve the character and appearance of the CA, this is neutral factor than weighs neither in favour of nor against the development.
25. For the reasons given above, having regard to the development plan as a whole and all material considerations, planning permission should not be granted in response to either the ground (a) appeal against the enforcement notice and deemed application, or to the Section 78 appeal against the refusal of permission. Therefore, the Appeal A ground (a) appeal and the deemed planning application, and Appeal B fail.

Appeal A - The ground (f) appeal

26. This ground of appeal is that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.
27. Having regard to section 173(4) of the Town and Country Planning Act 1990 as amended and the stated requirements of the notice, it is reasonable to conclude that the purpose of the notice is to remedy the breach of planning control.
28. The appellant requests that, in the event I am minded to dismiss the appeals on the basis of the development accommodating up to 16 people, I consider it on the basis of being limited to a maximum of 6 people.
29. This would be a significant reduction in the number of occupants and as a result the level of noise generated by the occupants would be significantly reduced. However, it would still be a form of holiday accommodation that fails to comply with the Council's spatial strategy with regard to focusing development towards the town centre, resort core and defined holiday accommodation areas (HAAs). Therefore, it would still conflict with the development plan. As such, I do not find there are lesser steps that would remedy the breach of planning control.
30. The ground (f) appeal fails.

Appeal A - The ground (g) appeal

31. This ground of appeal is that the period for compliance is unreasonably short.
32. The appellant argues one month is not reasonable as it is too short notice to give to customers who have existing bookings and a period of 12 months would be more reasonable. However, no evidence has been provided of the number of bookings the property has or how far in advance they are made.
33. Whilst I acknowledge there would be financial implications on the appellant in the event I dismiss the appeal, such implications would likely be the same whether the period for compliance is one month or 12 months.

34. Therefore, it has not been sufficiently demonstrated that the period for compliance is unreasonably short.

35. The ground (g) appeal fails.

Formal Decision

Appeal A

36. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal B

37. The appeal is dismissed.

A Walker

INSPECTOR