



Appeal Decision

Site visit made on 1 April 2025

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th April 2025

Appeal Ref: APP/J2373/W/24/3356826

Blackbird Apartments, 74-76 Hornby Road, Blackpool, 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 Mr C Gledhill against the decision of Blackpool Council.
 - The application Ref is 23/0714.
 - The development proposed is a change of use from a 17 bed hotel with owners accommodation to 9 self contained holiday suites.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use from a 17 bed hotel with owners accommodation to 9 self contained holiday suites at Blackbird Apartments, 74-76 Hornby Road, Blackpool, FY1 4QJ in accordance with the terms of the application, Ref 23/0714, including drawing nos 23045_LOC, 23045_110 and 23045_11S and subject to the conditions in the attached schedule.

Application for costs

2. The appellant's application for costs against the Council is the subject of a separate decision.

Preliminary Matters

3. Work to create the 9 holiday units was completed in 2022 and they have been used as such since then. The business management plan indicates that the appellant's company specialises in providing accommodation to dance societies and schools competing at the Winter Gardens. Around 75% of customers are dancers who have previously stayed at Blackbird apartments. Lettings are generally limited to 14 days at a time.

Main Issues

4. These are:
 - Whether the standard of accommodation is satisfactory for occupiers of the holiday suites in terms of floorspace, natural light and outlook and whether there is a suitable mix of unit sizes;
 - Whether alterations should be carried out to reflect the character of the use; and
 - Whether adequate provision would be made for green infrastructure.

Reasons

5. The Council considers that self-contained serviced holiday accommodation is a sui generis use. The holiday industry may have evolved in recent years but given the importance of staying visitors to Blackpool it might be expected that development plan policies would be specific to that use. However, the policies in the Core Strategy and the Site Allocations and Development Management Policies do not clearly distinguish between holiday accommodation and dwellinghouses as defined by Class C3 of the Use Classes Order. Whilst holiday accommodation is a form of residential use, the policies have to be interpreted as written and some allowance made for the differences between long-term and short-term occupation.
6. The appeal site is within a Main Holiday Accommodation Area. Within it, new or refurbished holiday accommodation will be supported and the change of use from holiday accommodation will generally be resisted in line with Core Strategy Policy CS23. However, there is no requirement in that policy for the accommodation to be of a high quality and well designed to drive up standards. That may well be the Council's aspiration but this has not been translated into the development plan.
7. Policy CS21 refers to the improvement of existing holiday accommodation. In that the appeal building has been upgraded internally from the previous hotel use this policy requirement has been met.
8. The proposed use therefore has the broad support of the policies concerned with leisure tourism and the location of holiday bed spaces.

Size and mix of units

9. The apartments are all well below the standards in the Nationally Described Space Standard. Policy DM5 of the Development Management Policies expects proposals for the sub-division and/or change of use of existing buildings to residential use to satisfy that Standard and to have regard to the Council's adopted standards. However, there is nothing specific about room sizes in the Supplementary Planning Document (SPD) on *Holiday Accommodation*. Furthermore, the policy is geared towards residential conversions and the supporting text differentiates this use from the large stock of holiday accommodation. There is therefore no automatic requirement for particular standards to be achieved as this is not a case where a permanent residential use would replace visitor floorspace.
10. Policy CS13 is concerned with the housing mix and standards of new residential development. It is evident that this policy is aimed at ensuring that Blackpool's overall housing stock provides a suitable mix of quality homes where people want to live. This is therefore the focus of the policy rather than temporary stays. Whilst quality living accommodation is expected which meets the relevant standards for conversions, no mention is made of the type of provision required for visitors. Similarly, Policy CS12 deals with sustainable neighbourhoods for residents.
11. The *New Homes from Old Places* SPD dates from 2011 against a backdrop of a long-standing decline in overnight visitors to the resort. It is concerned with the conversion of properties to permanent residential use and therefore its advice has little bearing on this appeal.
12. Nevertheless, in the appeal (Ref: APP/J2373/W/21/3276007) at Bairstow Street in 2022 the Inspector commented that a residential use can include private dwellings

but also other forms of residing, such as those being used by visitors. Furthermore, in the subsequent Holmfield Road appeal (Ref: APP/J2373/W/23/3322847), the view was taken that the standards apply to all residential accommodation. However, from their wording it is far from obvious that Policies DM5 or CS13 relate to cases involving self-contained holiday suites such as this one.

13. In any event, it was observed in the Bairstow Street appeal that occupants would only be residing there for short periods and that they would be likely to spend most of their time away from the accommodation. The absence of amenity space, other than a hard surfaced rear yard, therefore does not count against the proposal, especially given the proximity to the seafront. The Holmfield Road Inspector also noted that the requirements for those occupying flats for holiday use are different to those occupying them on a permanent basis where more space and particularly storage would be required. The appellant also highlights that the heating system at Hornby Road is centralised so that individual boilers and tanks are unnecessary.
14. Indeed, the living environment for those on holiday or staying for a short time can be distinguished from what is acceptable for full-time residents. In this regard, the nine units are compact but perfectly adequate in size and overall quality for their intended purpose. The majority of bedrooms accommodate double beds and there are combined kitchen and living areas. All of them, including flat 7, have external windows to provide light and outlook and they are pleasant spaces rather than cramped or dingy. The finishes are to a high standard. Whilst fixtures, fittings and decoration can change over time, the interior nonetheless demonstrates a significant investment and a confidence in the future of Blackpool as a destination.
15. Policy CS13 does not contain a specific requirement for a particular mix of unit type for visitors. Neither is an expectation that holiday provision should be made for families contained within Policies CS21 or CS23. In any event, the proposal includes four two-bedroom units which could, in theory, be occupied by a couple with a small child. The suites are a variety of sizes and there is no evidence that the market for holiday accommodation would not be met. There is therefore a reasonable mix of unit sizes and no conflict with Policy CS13 in this respect.
16. The Council is concerned that the units should also be suitable for residential use and refers to levels of deprivation in the area and high concentrations of small flats. There was a large shift from holiday to sub-standard residential accommodation at the end of the 1990s. It is nevertheless not apparent that this trend is a current one. Indeed, on the contrary, the Council refers to a “surge” in the popularity of self-contained holiday units and to “positive signs” that the visitor economy is beginning to revitalise. In any event, planning permission would be required for a residential use. Although detecting an unauthorised change could be difficult, there is insufficient evidence that a fear about what could happen in the future should override the normal approach of assessing the use as proposed.
17. A Government consultation regarding a Use Class for short term lets and associated permitted development rights took place in 2023. However, there is no guarantee that this will be enacted and so the possibility that the legislation could change to facilitate changes from holiday to residential accommodation has little bearing on the appeal.
18. The policy position is not clear cut in terms of whether Policies DM5 and CS13 relate to holiday suites such as these. The Council nonetheless indicates that the

size standards should be applied flexibly and it is notable that only 20% of new build housing is expected to meet the Nationally Described Space Standard under Policy DM1. In any case, the floorspace, layout, natural lighting and outlook of all the units are suitable for holiday use and they include a reasonable mixture of types. They would function well over the lifetime of this development. Therefore, even if there is a breach of development plan policy, the standard of accommodation is satisfactory for occupiers of the holiday suites.

Character of use

19. 74 Hornby Road has a single storey flat roof projection at the front. This was given planning permission in 1980 and, according to the Council, was required to adhere to licensing requirements. There are multiple other examples of similar additions along Hornby Road where there are numerous hotels, serviced apartments and establishments with ensuite rooms.
20. Policy DM5 expects the conversion of properties from non-residential to residential use to include appropriate proposals to establish residential character. The supporting text refers to the removal of inappropriate additions. Furthermore, the SPD on *New Homes from Old Places* expects sun lounges to be removed to improve the street's appearance and to allow greening.
21. However, holiday accommodation is referred to as a non-residential use at paragraph 3.71 of the Development Management Policies. In other words, this part of the policy is concerned with changes of use to housing within Class C3 and does not apply to quasi-residential uses such as guest suites. Furthermore, the proposal is to change from one type of visitor accommodation to another. It does not involve a residential conversion. The policy requirement to achieve a residential appearance at criterion 1.d. is therefore not relevant.
22. In any case, as the sun lounge at No 74 is consistent with many other similar forward additions, it does not stand out from or disrupt the street scene. It contrasts with the bay at No 76 but the projection is modest so the overall effect is not incongruous or disjointed. Furthermore, this small extension does not obviously appear as an adjunct to a hotel but could equally have been built to enlarge the domestic footprint. There is therefore no imperative visual reason to insist on the removal of the sun lounge and no conflict with Policies CS7 or DM17 on design.
23. Reducing the size of No 74 would also run counter to the Council's aim of providing good size accommodation whether for holiday or full residential use. Rather than ensuring flexibility and adaptability to respond to future needs decreasing the floor area of the building would have the opposite effect.
24. There is therefore no need for alterations to be carried out to reflect the character of the proposal since there is no incompatibility between the appearance of the existing building and the use proposed. There is no conflict with Policy DM5.

Green infrastructure

25. Core Strategy Policy CS6 requires all development to incorporate new or enhance existing green infrastructure of an appropriate size, type and standard. Where on-site provision is not possible, financial contributions will be sought to make appropriate provision for open space and green infrastructure. Policy DM35 of the Development Management Policies seeks to provide net biodiversity gains. Policy

CS11 refers to planning obligations to ensure the particular facilities required for the proposed development are met. At the time the application was determined and to meet these policies, the Council expected a financial contribution to be made towards off-site tree planting.

26. However, a revised *Greening Blackpool* SPD was adopted in March 2025. This removes the requirement for tree planting to be provided as part of conversion schemes. Therefore, a payment is not necessary to make the development acceptable in planning terms and there is no objection to the absence of any specific provision towards green infrastructure. There is no conflict with relevant policies as a contribution is not appropriate in the light of the updated SPD.

Other Matters

27. The proposal would, in general terms, support jobs and tourism in Blackpool with wider benefits for business in line with the Framework's support for economic growth. These considerations also favour the scheme and there are no others that count against it.

Conditions

28. As the proposal is retrospective the approved plans are listed as part of the grant of permission. Given that the use is intended for short-term or holiday use, rather than permanent residential accommodation, occupation should be limited in this way. To ensure that the use functions properly and respects its surroundings, the management plan should be adhered to and the recommended noise attenuation measures incorporated. The display of a contact board is included in the management plan so there is no need to require this separately.
29. The management plan also confirms that there is a maximum capacity on occupation of all properties and therefore a specific condition in this respect is unnecessary. The refuse storage container is in the rear yard and it would not be practical to move it to the front of the property and so a condition to this effect is also not required.

Conclusion

30. There are no objections to the proposed use. The proposal complies with the majority of relevant policies in the Core Strategy and the Development Management Policies and therefore accords with the development plan as a whole. There are no material considerations that outweigh this finding. Therefore, for the reasons given, the appeal should succeed.

David Smith

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The self-contained holiday suites hereby permitted shall only be used as serviced holiday accommodation and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). None of the individual suites shall be continuously occupied by the same person or persons for a period in excess of 30 days.
- 2) The noise attenuation measures specified in the Acoustic Assessment by Martin Environmental Solutions Ltd dated April 2024 (Ref: 2704-1) shall be fully implemented within three months of the date of this decision. Those measures shall thereafter be retained.
- 3) The use hereby permitted shall be operated in accordance with the Management Plan dated August 2024 accompanying the application unless any variation is first agreed in writing by the local planning authority.