



Appeal Decision

Site visit made on 10 April 2025

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 May 2025.

Appeal Ref: APP/V1260/W/25/3358908

5 South View Place, Bournemouth, BH2 5PN

- 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 South View (Bournemouth) Ltd against the decision of BCP Council.
 - The application Ref is 7-2024-28968-B.
 - The development proposed is change of use of existing residential dwelling to a serviced holiday accommodation dwelling.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by the Appellant against BCP. This application is the subject of a separate decision.

Preliminary Matters

3. After the application was refused planning permission, a revised National Planning Policy Framework (NPPF) came into force on 12 October 2024. However, the policies that are relevant to this appeal have not changed, albeit some of the paragraph numbering has. In addition, the appeal was lodged on 14 January 2025 and both parties have had, therefore, an opportunity to refer to the revised NPPF.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of neighbouring occupiers and detriment to the character and appearance of the area.

Reasons

5. In relation to policy CS28 of the Bournemouth Local Plan: Core Strategy (BCS), I agree with the Appellant that this relates to changes of use to form new hotels and guest houses. Policies CS1, CS38 and CS41 of the BCS are more relevant to the issue raised by the appeal, in that they require, amongst other matters, for new development to minimise potential noise, provide a high standard of amenity to meet the day today requirements of future occupiers, for developments including changes of use to enhance the amenities of future occupants and neighbouring residents and to respect the character and appearance of the area. These policies remain consistent with those in the NPPF, in particular paragraph 135 which requires decisions to ensure that developments secure a high standard of amenity

for existing and future users and be sympathetic to local character and the overall quality of the area.

6. The appeal proposal involves the change of use of an existing residential dwelling to a serviced holiday accommodation dwelling. The submitted plans show a layout of five bedrooms, kitchen, living area, bathroom and shower room over three floors. There is no front garden and only a small compact courtyard at the rear.
7. The appeal site comprises a three storey mid terrace property located on a 'T' road of essentially two similar terraces. There is limited unrestricted parking on-street. The road itself is narrow resulting in the terraces being located close to each other. I understand there is a mixture of Houses in Multiple Occupation (HMO), flats and holiday lets. The road forms part of Bournemouth Town Centre (BTC) and to the north west is West Hill pay & display car park. At the time of my site visit, the area was quiet with no perceptible background noise. I appreciate that the latter is only a brief snapshot, but the Council also refer to the area as being quiet and there is no evidence before me to suggest that this position changes materially.
8. The BCS recognises that the economy of the town relies heavily on tourism trade and a positive approach will therefore be taken in relation to tourist development in order to sustain a competitive tourist economy in the future. Even so, I agree with the Council that these benefits do not outweigh the harm that would result from the appeal proposal due to the over-intensification of the use of the site with potential increased levels of noise and disturbance compared to its existing use as a single dwelling.
9. The Appellants Statement of Case (ASOC) put forward a condition to restrict the holiday let accommodation to a maximum of 12 people. In my view, that level of occupancy would be excessive for the host property, bearing in mind that only five bedrooms are shown, its mid terrace location and close proximity to neighbours, including those within the terrace opposite. Whilst referred to as serviced accommodation, there remains very little information on how its expected the accommodation would operate, be managed and in practice used. Even if let for one or two weeks, the property could potentially have 12 people coming and going at all times of the day and night, and that may include people arriving in vehicles and parking on street or in the pay & display car park. The accommodation could potentially be let to 12 individuals or to a group of 12 people (family or friends). The level of activity and the consequent noise and disturbance that such intensive uses could generate would be much greater than if the property were occupied as a single dwelling.
10. There is also the potential that the property would be used as short term holiday lets, which have become increasingly popular, particularly for weekend breaks. The latter is highly likely in this case given the location of the site within BTC, close to the main tourist facilities, attractions and hospitality, all of which make the town a popular tourist destination. The frequency of comings and goings and the potential for noise and disturbance would, therefore, be even greater from short term lets and significantly more than its use as a single dwelling. The increased levels of activity, noise and disturbance and the potential impact on the living conditions of the occupiers of neighbouring properties would, in my view, be significant. As such, it would have a negative impact on the character and appearance of the area.

11. The Council have referred to the consultation response they received from their Environmental Health Officer (EHO). I agree with the Appellant that this is not an objection per se, but it does offer an insight into the local experience of the EHO in dealing with noise and anti-social behavioural issues from holiday lets in the town, the fact that they are transitory and sometimes behave differently and cause more disturbance than permanent residents. As the EHO is local, I attach considerable weight to their comments. I also note that a previous proposal for an HMO on the appeal site was refused due to the potential noise and disturbance combined with the already high concentration of HMO's in the area.
12. The ASOC contends, on a number of occasions, that the appeal site is not located within a typical family street. It's unclear to me as to whether this implies that it is a location where a lower level of amenity would thus be acceptable. Neither local or national policies distinguish between the nature or type of neighbours or residents when seeking to ensure that new development secures a high level of amenity. As I also mentioned earlier, the area was quiet during my site visit and I also observed what appeared to be young families residing, I assume, in either the flats or HMO's in the road.
13. Turning to the conditions put forward by the Appellant, as I confirmed, a restriction on the maximum use of the property for 12 people is, in my view, excessive for the reasons set out above. I also concur with the Council and I am not convinced that such a condition would be enforceable. It would in practice be difficult to detect a breach and seek compliance with it, and, in the circumstances, it would, in my view, be unreasonably onerous for the Council to monitor and thus enforce.
14. As to the two conditions referred to in paragraph 5.8 of the ASOC, these seek to only restrict the period that the holiday accommodation can be occupied, prevent use as a sole or main place of residence and to keep a register of occupiers. The register is only likely to include the name and address of the person(s) letting the property and not necessarily the number of people who will use the accommodation at any one time. In addition, I am not satisfied that a condition which requires the keeping of a register could be considered either workable or lawful under data processing regulations, because the condition itself would provide a lawful basis for the processing of relevant personal data.
15. For all the above reasons, none of the suggested conditions would mitigate for or address the harm that I have identified.
16. The fact that no noise assessment was requested or that there were no objections to the proposed use, does not negate the need for the impact of the proposal on living conditions to be properly assessed or for the decision maker, in undertaking that assessment, to use their experience and judgement in reaching a finding on the matter.
17. Accordingly, I find that the appeal proposal would result in significant harm to the living conditions of existing and future occupiers and as such it would have a negative impact on the character and appearance of the area, contrary to policies CS1, C38 and CS41 of the BCS and paragraph 135 of the NPPF.

Other matters

18. The Council's Delegated Report indicates that the appeal site lies within the Poole Hill & West Cliff Conservation Area (CA). Section 72(1) of the Planning (Listed

Buildings and Conservation Area) Act 1990 requires, therefore, special attention be paid to the desirability of preserving or enhancing the character or appearance of that area. Similar advice is to be found in the NPPF. However, the Council have not raised any specific concerns in relation to the CA and as there are no external alterations, I am satisfied that the appeal proposal would leave the special historic and architectural interests of this CA unharmed.

Conclusions

19. For the reasons given above and having taken all other matters raised into account, I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR