



Appeal Decision

Site visit made on 2 April 2025

by **E Pickernell BSc MSC MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 May 2025

Appeal Ref: APP/U1105/W/24/3356723

Beaumont, Castle Hill, Seaton, Devon EX12 2QW

- 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 David and Gillian Fitzgerald against the decision of East Devon District Council.
 - The application Ref is 24/0167/FUL.
 - The development proposed is change of use of former guest house (Use Class C1 'Hotels') to form single independent dwellinghouse (Use Class C3 'Dwellinghouses').
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Decision

1. The appeal is allowed, and planning permission is granted for change of use of former guest house (Use Class C1 'Hotels') to form single independent dwellinghouse (Use Class C3 'Dwellinghouses') at Beaumont, Castle Hill, Seaton, Devon EX12 2QW in accordance with the terms of the application, Ref 24/0167/FUL, and the plans submitted with it, subject to the following condition:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.

Preliminary Matters

2. The appellant contends that the former guest house use is not the lawful use of the building. However, it is not within the scope of this appeal to determine the lawful use of the appeal site, and I have considered the appeal on the basis of the proposal which is before me.

Main Issue

3. The main issue is the effect of the proposal on employment and the availability of holiday accommodation in the locality, having particular regard to local planning policies.

Reasons

4. The appeal property is located prominently on an elevated site to the western end of Seaton's esplanade, close to Seaton Beach. It comprises a semi-detached building which was formerly used as a guest house, with the second floor, part of the ground floor and basement used as owner's accommodation.
5. The property is not currently being used commercially, as a guest house, although the owners, who are now of retirement age, are still residing at the premises. When operational, the guest house provided employment for the two owners with

occasional part time work for a third person. It is proposed to change the use of the building to a single dwellinghouse.

6. Strategy 32 of the East Devon Local Plan (2013 – 2031) (LP) seeks to resist the loss of employment, retail and community uses. It states that permission will not be granted for the change of use of current or allocated employment land where it would harm business and employment opportunities in the area unless certain criteria apply. Applicable to the appeal scheme is criterion 3) which requires that options for retention of the site or premises for its current or similar use have been fully explored without success for at least 12 months (and up to 2 years depending on market conditions) and there is a clear demonstration of surplus supply or provision in the locality.
7. Policy E18 of the LP states that proposals for change of use or redevelopment of holiday accommodation in seaside resorts, including Seaton, will not be permitted unless the holiday use is no longer viable and/or the new use will overcome clear social, economic or environmental problems associated with the current use. Permission for change of use will not be permitted unless it can be clearly demonstrated that there is no longer a need for such uses and that the building or site has been marketed for at least 12 months (and up to two years depending on market conditions) at a realistic price without interest.
8. In this instance evidence has been submitted which demonstrates that the appeal property has been marketed for in excess of two years by an estate agent. In response to the marketing five viewings were conducted and whilst one offer was received, this was from a residential buyer who did not proceed with the purchase.
9. The Council have questioned whether the asking price for the property was realistic and observed that the price was not lowered during the period of marketing. However, I note the appellants instructed the agents to advise that a lower price would be considered but that no below-asking price offers were received for the building in its use as a guest house. I have no substantive evidence before me which demonstrates that the asking price was unrealistic when compared to similar properties in the area or that the marketing activity was not professional and comprehensive.
10. It is clear from the evidence provided, that there has been little-to-no interest from prospective purchasers in retaining the site in its current use. The Council consider that the marketing statement does not fulfil the requirements of its guidance on the preparation of marketing strategies. However, I note that the guidance states that requests for such information will be proportionate to the nature and scale of the development proposals. In this instance given the relatively small loss of employment and tourist accommodation involved, I find that the marketing which has taken place has been sufficient to fully explore the options for retention of the site in its current or similar use.
11. I have been provided with limited evidence in respect of supply and provision in the locality of this type of commercial use from either the appellant or the Council. However, bearing in mind the low level of employment which was generated by the appeal site the effect of the proposal on employment supply and provision in the area would be negligible.
12. In respect of the supply of holiday accommodation in the area, the proposal would result in the loss of a guest house which has 4 en-suite letting rooms. The appellant

contends that maintenance and running costs are rising, business is seasonal, and the availability of modern hotels and self-catering accommodation makes it hard to compete.

13. The financial viability or otherwise of the business has not been clearly demonstrated through the provision of accounts information. The Council contend that the occupancy rates for hotels and other forms of tourist accommodation indicate that the holiday accommodation market is reasonably active. However, even if the business was shown to be financially viable there has been no interest expressed in taking on the guest house as a going concern and bearing in mind the circumstances of the current owners, it is unlikely that they will be in a position to operate the business again in the future.
14. I recognise the importance of Seaton and its waterfront area to the tourism industry and the local economy. However, whilst the proposal would result in the loss of 4 letting bedrooms, this would have a negligible effect on the availability of holiday accommodation in the locality.
15. Overall, whilst the proposal would result in a loss of employment and tourist accommodation, this would be very minor. The site has not been operational as a guest house for several years and no evidence has been submitted which demonstrates that this loss has had an adverse effect upon employment opportunities or the availability of tourist accommodation in the area. Moreover, the marketing activity has explored the possibility of its retention, to no avail.
16. I conclude that the proposal would not result in harmful effects upon employment and the availability of holiday accommodation in the locality, having particular regard to local planning policies. It would not therefore conflict with Strategies 25 and 32 and Policy E18 of the LP. Together these seek to protect employment sites, promote tourism, and avoid the loss of holiday accommodation in Seaton unless certain circumstances apply.

Other Matters

17. The appeal site is located within the Seaton Conservation Area (CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the CA. The CA comprises much of the town centre and green spaces leading back from the seafront. The appeal property is in a prominent location near to the coast and contributes positively to the significance of the CA as part of a traditional villa. Bearing in mind the nature of the proposal which would not result in any external changes to the building, the character and appearance of the CA would be preserved.
18. I am aware that the site is near to a Grade II listed building, Cliff Castle and St Elmo. Mindful of the statutory duty set out in s66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 I have had special regard to the desirability of preserving its setting. The appeal site forms part of the context of seafront development within which the listed building is located and therefore contributes to its significance. However, given that the proposal does not result in any external changes to the appeal property, I consider that it would preserve the setting of this listed building.
19. I note that the Council had no concerns in respect of these matters either.

Conditions

20. I have imposed the standard time limit condition. No other conditions have been suggested by either party and there are none which I consider necessary.

Conclusion

21. For the reasons given above the appeal should be allowed.

E Pickernell

INSPECTOR