



Appeal Decision

Site visit made on 30 April 2025

by **A Veevers BA(Hons) PGDip(BCon) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 June 2025

Appeal Ref: APP/J2373/W/24/3352636

136 Albert Road, Blackpool FY1 4PL

- 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 Ms Shah of Andice Ltd against the decision of Blackpool Council.
 - The application Ref is 24/0057.
 - The development proposed is use of premises as 2 self-contained serviced holiday flats.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development provided on the planning application form read 'change of use to holiday lets'. The Council changed the description to that in the banner heading above. This description is more precise and was used by the appellant for the purposes of the appeal. Consequently, I am satisfied that no party will be prejudiced by my use of it.
3. Although the application form states the change of use to holiday lets has not started, information submitted with the appeal indicates the appeal property is in use, and advertised as, a holiday let. At the time of my site visit I saw that the building was in use as a holiday let but the layout of the building did not wholly match that of the proposed plans for two holiday lets. For the avoidance of doubt, I have dealt with the appeal on the basis of a proposed development as applied for and as shown on the submitted plans.
4. The National Planning Policy Framework (the Framework) has been updated since the appeal was made. Whilst this made certain revisions to aspects of national planning policy, the provisions in respect of the main issues in this case are largely unchanged, other than paragraph numbering. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework from the main parties, and that no party would be disadvantaged by me determining the appeal accordingly.

Main Issues

5. The main issues are:
 - the effect of the proposal on the living conditions for nearby residents, with particular regard to noise and disturbance;
 - whether the proposal is in a suitable location having regard to local development plan policies;

- whether the proposal would provide an acceptable standard of holiday accommodation for future occupants, with particular regard to private outdoor amenity space; and,
- whether the proposal accords with local policies in relation to the provision of affordable housing, public open space, green infrastructure and biodiversity, with particular regard to whether a planning obligation is necessary in respect of these matters.

Reasons

Living conditions - nearby residents

6. The appeal property is a two storey end terraced building located on Albert Road close to its junction with Regent Road. The property is set back from Albert Road behind a paved frontage that can accommodate two vehicles. There is a central stepped front entrance flanked by ground floor bay windows. At the rear, the property includes a two-storey outrigger and single storey additions. There is a small yard with seating and a door from the yard that provides access to a rear alleyway which is gated and shared by surrounding properties. A relatively large single storey building abuts the rear yard. Evidence indicates this building is not in the ownership of the appellant and is used for storage.
7. The western end of Albert Road is predominantly commercial in character. However, when travelling eastwards along the road the number of commercial and holiday accommodation premises diminish so that, in the vicinity of the appeal property, the area is predominantly residential. While some nearby holiday accommodation is interspersed amongst residential properties, I noted at my site visit that the immediately surrounding properties to the appeal site appeared to be in permanent residential use.
8. The appeal property would be used as two short-term holiday lets, one four-bedroom flat on the ground floor (Flat 1) and one three-bedroom flat on the first floor (Flat 2). Although the plans indicate one single and three double bedrooms within Flat 1, the single bedroom is similar in size to a double bedroom that could easily accommodate two people, indeed, at my site visit, I saw that this room was in use as a double bedroom. Flat 2 would include two double and one single bedroom. Both properties could also include sofa beds in the living areas. Thus, the whole property could accommodate a significant number of people.
9. I note the application form states the last use of the property was as a hotel and the Council's officer report confirms the property was previously used as a hotel. This use falls within Class C1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (UCO) which is described as 'Use as a hotel or as a boarding or guest house where, in each case, no significant element of care is provided'. Little detailed information has been presented by the main parties in relation to how the hotel previously operated or the property's history since the hotel use ceased and there is conflicting evidence in this regard. The Council assert it has been used as permanent residential accommodation and more recently as self-contained holiday accommodation. The appellant's Noise Impact Assessment (NIA)¹ refers to the appeal property as a dwelling. However, no compelling information has been provided for me to be certain that any intervening use was lawful.

¹ Noise Assessments Ltd, Noise Impact Assessment, dated 30 November 2023

10. Furthermore, even if there have been other unlawful intervening uses, from the information available to me, including the description in the Council's enforcement report², I cannot be certain the hotel use has been abandoned. In my view, a dormant or inactive use may be considered as existing if already lawful and not extinguished by abandonment or superseded by a further change of use. Thus, from all that I have seen and read, I consider the property has an established Class C1 use.
11. It is clear from the submissions, including the layout of the accommodation, that both parties agree the proposal would relate to a material change in use of the property to a 'Sui Generis' use and on the information before me, I have no reason to disagree.
12. The occupation of the property as two reasonable-sized holiday lets has the potential to generate a significant amount of noise and disturbance through general comings and goings associated with the holiday use. Although the holiday lets could be used by families, given the nature of the resort's tourism offer, particularly the available night-time entertainment, and that large groups could occupy the property, occupiers may stay out late and upon returning to the property could generate a significant amount of noise and disturbance, particularly when using the rear yard. This could have a detrimental effect on the occupants of the nearby residential properties, particularly those that face the rear yard, by unduly disturbing their sleep. Such impacts are a relevant factor as evidenced by a neighbouring resident who has experienced occupiers of the current holiday let who have been loud and inconsiderate, particularly within the rear yard area late at night.
13. The appellant has provided a Draft Holiday Accommodation Management Plan (MP) and a NIA. The MP states that a manager or representative would be available to meet arriving guests, but only if required. Guests would have to agree conditions of stay and their contact details would be retained for one year. Emergency contact details and keys would be given to guests. At my site visit, I used a key box attached to the front elevation of the appeal property to return keys when leaving. Provision would be made for the appeal property to be cleaned after each rental and waste removed. In between bookings, management would inspect the property. In terms of noise and anti-social behaviour, CCTV would be installed in communal areas and entrance halls, a deposit bond would be required, and noise-related complaints would be investigated and immediately addressed.
14. While some of these measures could go some way towards limiting the likelihood of noise and disturbance occurring at the property, I note the MP advises guests would be only be asked to leave if management needs to attend more than one report of anti-social behaviour. As there would be no on-site management of the property, it would be very difficult to control noise levels of occupants or anti-social behaviour before the harm has already arisen.
15. I recognise not every potential guest would be likely to cause noise and disturbance to nearby occupiers, and there would be an established level of comings and goings to the property and a degree of noise from guests when the hotel use was in operation. Unlike the hotel use, which would likely have some level of supervision and would include the letting of individual groups, self-catered use would be for independent occupation by reasonably large groups of people. The rear outdoor

² Appendix B of the Council's Statement of Case

yard has the potential to be used as a focal point for people staying in the accommodation to gather, particularly in warm weather. Due to the proximity of surrounding residential properties and their private outdoor spaces, and the enclosed nature of the yard, the use of the property as self-contained holiday accommodation appears to have previously, and would likely, unacceptably adversely affect the living conditions of nearby residents through noise and disturbance.

16. The NIA provides an assessment of the effect of surrounding noise sources on future occupants of the appeal property rather than the potential effect of noise from the use of the property on neighbouring residents. It is therefore not relevant to this main issue.
17. For the reasons given above, the proposal would unacceptably harm the living conditions of the occupants of nearby residential properties, with regard to noise and disturbance. As such, it conflicts with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy (2012 – 2027), adopted January 2016 (CS) and Policy DM36 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies, adopted February 2023 (DMP), which amongst other matters, seek to ensure that amenities of nearby residents are not adversely affected.

Location

18. Policy CS21 of the CS sets out the Council's aspirations to revitalise Blackpool's visitor economy with new high quality attractions and accommodation, as well as investments in existing leisure provision in order to strengthen the resort's appeal to attract new visitors year-round. To achieve this, amongst other things, and while the policy seeks to protect the resort as a whole in not undermining the overall accommodation offer, proposals for new visitor accommodation will be focused on the town centre, resort core, and defined holiday accommodation areas, unless exceptional circumstances justify a peripheral location outside these areas.
19. The Holiday Accommodation Supplementary Planning Document, adopted November 2017 (HASPD) defines the main holiday accommodation areas (MHAA) where holiday accommodation premises cannot normally change to residential use. The appeal property is not within the town centre, resort core or a MHAA.
20. Part 2 (a) of Policy CS23 of the CS says that outside the MHAA, where existing holiday accommodation is viable, its retention will be supported, including measures to improve the quality of accommodation. The thrust of this policy is to seek to manage a reduction in the oversupply of poor-quality holiday bed spaces in order to achieve an economically viable level of quality holiday accommodation.
21. Policies CS21 and CS23 refer to visitor accommodation or holiday accommodation but make no distinctions in locational terms between different types of holiday accommodation.
22. As discussed above, the appeal property was previously used as a hotel, which is clearly a type of visitor/holiday accommodation falling within the C1 Use Class. While the location of the appeal property sits outside the MHAA, it has an established holiday accommodation use. The proposed use would still provide holiday accommodation. It would not result in *new* visitor accommodation.

23. However, at the time the planning application was submitted, the appeal property was said to be vacant. As such, it was not in existing viable holiday accommodation use as required by Policy CS23. Nevertheless, the evidence suggests that the lawful use of the property is C1 and there is no robust information before me to suggest that a C1 use of the property is not viable. Given the property would remain in visitor/holiday accommodation use, and therefore would not contribute to the over-supply of visitor accommodation I consider it would be compliant with Policy CS23.
24. On the above basis, the proposal is in a suitable location having regard to local policies on the location of holiday accommodation. I find no conflict with the overall aim of Policy CS21 of the CS which is concerned with, amongst other things, the provision of high quality accommodation, whether it be new or the improvement of existing holiday accommodation. I also find no conflict with Policy CS23 of the CS which, along with other matters, seeks good quality holiday accommodation and a reduction in bedspaces. The proposal would comply with guidance in the HASPD insofar as it recognises the contribution good quality holiday accommodation makes wherever it is located.

Standard of holiday accommodation

25. The Council's third reason for refusal refers to the fact that the retention of extensions to the property leave a small outdoor space and allow for increased occupation of the property and sub-division into two flats as well as an increase the concentration of flatted accommodation in the area. It is unclear from the submitted information when extensions to the property were constructed, although from observations at my site visit, additions to the property did not appear recent and they are shown on the existing plans. In any event, as set out above, the application is for a change of use only and I have dealt with the appeal on that basis of the submitted plans. If the Council consider the extensions to be unauthorised then it could take appropriate enforcement action if this was considered necessary.
26. The Council argues that the same space standards for accommodation should apply for both self-contained holiday accommodation and permanent residential accommodation, particularly given that self-contained holiday accommodation could in the future change to permanent residential use without the need for planning permission. However, such a change would currently require planning permission and there is no guarantee that the recent Government consultation in relation to the UCO will be enacted to facilitate changes from holiday to residential accommodation. This therefore has little bearing on the appeal.
27. Having said that, Policies CS7, CS21 and CS23 of the CS seek the provision of high quality visitor accommodation. Although the private outdoor space for future occupants would not be large and would only be accessible to occupants of Flat 1, I consider the requirements for those occupying flats for holiday use are different to those occupying them on a permanent residential basis where more space would be likely to be required. Occupants would also only be likely to stay for short periods of time. The outdoor space would be private, of a reasonable size and include space for a seating area suitable for the number of occupants proposed in Flat 1.

28. While there would be no private outdoor space for occupants of Flat 2, internal accommodation would be adequate in size, with external windows to each room to provide light and outlook. Access to an extensive beach and other outdoor public areas of the resort lie within reasonable proximity by foot. As such, given the holiday accommodation use, I find that future occupants of the property would be provided with a sufficient level of outdoor space.
29. Even though there may be an overconcentration of flatted dwellings in the area, this appeal proposal is for holiday accommodation and planning permission would be required for permanent 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.
30. Overall, given the size of the rooms and levels of natural light to each room, the proposed use as holiday accommodation would function well for family groups or others over the lifetime of the use of the property as holiday accommodation. I therefore find the proposal would provide an acceptable standard of holiday accommodation for future occupants, with particular regard to private outdoor amenity space. Insofar as related to this main issue, the proposal would therefore comply with Policy CS7 of the CS which seeks, amongst other things, that development in Blackpool is well designed.
31. Policy CS13 of the CS is concerned with new residential development and Policy DM5 of the DMP is concerned with the conversion of premises to residential use in terms of providing an important source of housing. While not directly relevant, since the proposed development is not for permanent residential use, holiday occupants would nonetheless, albeit on a short-term basis, reside in the property for the duration of their stay. As I consider the proposal to be acceptable in this regard, the proposal would comply in part with the thrust of these policies to provide good quality accommodation.

Planning Obligation

32. The fourth reason for refusal states that there is no mechanism to secure contributions towards affordable housing or off-site public open space and the proposal does not include on-site green infrastructure or biodiversity enhancement. The appellant's submission suggests that the application did not reach a stage where agreements could be made, and a completed planning obligation has not been provided with the appeal. In this regard the planning obligations section of the procedural guidance³ states that for appeals following the written representations procedure the appellant must ensure that an executed and certified copy of any planning obligation is received at the time of making their appeal.
33. Notwithstanding the absence of a completed planning obligation, it is however for me to determine whether a planning obligation is necessary and whether the contributions requested by the Council meet the tests for planning obligations outlined in paragraph 57 of the Framework and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (CIL Regulations).

³ Planning Inspectorate Procedural Guide: Planning Appeals – England (updated May 2024)

Affordable Housing

34. Policy CS11 of the CS states that development is only permitted where existing infrastructure, services and amenities are already sufficient, or where the developer enters into a legal undertaking or agreement to meet the additional needs arising from the development. Where appropriate, planning contributions will be sought to ensure that the provision of necessary infrastructure, services and community facilities are met. The supporting text to the policy lists affordable housing as an example where such a contribution may be sought.
35. Whilst not listed in the Council's reason for refusal, I have also been provided with a copy of Policy CS14 of the CS. This policy requires developments for between 3 and 14 dwellings to make a financial contribution towards off-site affordable housing provision. My attention has also been drawn to the Council's Affordable Housing Supplementary Planning Document (2023) (AHSPD) which sets out the requirements for affordable housing in new housing development.
36. Other than brief mention of the above policies and guidance, no justification of the amount required or any other details for the proposed contribution has been provided by the Council.
37. The proposal is not for new permanent residential use, it is for the change from one holiday accommodation use to another. There would therefore be no net increase in additional homes. In my view, the proposal is therefore not for the type of development referred to by Policies CS11 or CS14 for which the Council would expect a contribution towards affordable housing. Even if the proposed two self-contained holidays lets were considered to be residential, the proposal would be below the threshold set by Policy CS14 of three dwellings. Furthermore, no evidence has been provided that demonstrates the appeal property previously comprised affordable housing. There is consequently no net loss in this regard.
38. Therefore, having regard to the above policies, and on the basis of the information that I have before me, I find the proposed development would not trigger an affordable housing requirement. In light of the statutory tests set out in the CIL Regulations, this requirement would not be necessary to make the development acceptable in planning terms. Accordingly, the absence of a planning obligation to secure the required affordable housing contribution results in no conflict with Policies CS11 and CS14 of the CS. There would also be no conflict with guidance in the AHSPD, all of which seek that particular developments provide affordable housing.

Public Open Space

39. Policy CS6 of the CS requires all development to incorporate new or enhance existing green infrastructure of an appropriate size, type and standard. This policy states that where on-site provision is not possible, financial contributions will be sought to make appropriate provision for open space and green infrastructure. The Greening Blackpool Supplementary Planning Document (2022) (GBSPD) sets out the levels of public open space required for development.
40. The Council has not articulated in its submission what financial contribution towards public open space would be required as a result of the development. Regardless, I note the key requirement of the GBSPD in relation to public open space relates only to the provision of new residential development (including change of use) of

more than 3 dwellings. As referred to above, the proposal is not for residential development. There would be no net increase in additional dwellings.

41. Therefore, having regard to Policies CS6 and CS11 of the CS, and on the basis of the information that I have before me, I find the proposed development would not trigger a requirement to contribute towards public open space. In light of the statutory tests set out in the CIL Regulations, this requirement would not be necessary to make the development acceptable in planning terms. Accordingly, the absence of a planning obligation to secure the required public open space contribution results in no conflict with Policies CS6 and CS11 of the CS. There would also be no conflict with guidance in the AGBSPD, all of which seek that particular developments provide a contribution towards public open space.

Green Infrastructure and Biodiversity

42. The GBSPD expects that, amongst other scenarios, either all new non C3 residential development (including change of use) catering for 3 or more residents will be required to provide 1 tree for each resident, or, all new non-residential development (including change of use) will be required to provide 1 tree for each 100 square metres of floorspace. Both these scenarios also specify that if the full provision of tree planting cannot be provided on-site, a financial contribution towards tree planting off-site will be required. Paragraph 4.55 of the GBSPD suggest any financial contribution should be at a sum of £1000 per tree.
43. Again, very little information has been provided by the Council in relation to the above requirements and it is not clear which of the above option, if any, are applicable in this case. While the proposal would cater for short-term visitors, holiday accommodation is not listed in the GBSPD as one of the types of uses that cater for 'residents'. Even if occupants of the holiday accommodation were considered to be residents, it is not clear what number of occupants the requirement would apply to in this case and therefore what the financial contribution would be, particularly as the proposal only involves changing from one type of holiday accommodation to another.
44. Similarly, the requirement for tree planting based upon floorspace appears to relate to new build commercial and leisure development as set out at paragraph 4.58 of the GBSPD.
45. For the above reasons, I consider it has not been adequately demonstrated that the requirements of the GBSPD are directly applicable to this proposal in relation to tree planting. As such, from the information before me, I find the proposed development would not trigger a requirement to contribute towards off-site tree planting.
46. The Council also refers to the absence of on-site green infrastructure and biodiversity enhancement as part of the proposed development. The appeal site is not currently vegetated, the rear yard and site frontage are paved. No measures have been proposed to enhance green-infrastructure or biodiversity at the site. Nevertheless, measures such as vegetated planters, bird boxes and the like could be secured by an appropriately worded condition in the event that the appeal was allowed.
47. To conclude on this main issue, taking account of the evidence before me, I consider the requirements of Policies CS6 and CS11 of the CS are not applicable

to the proposed development insofar as they relate to affordable housing, public open space or tree planting. Consequently, a planning obligation would not be necessary to make the development acceptable in planning terms. Furthermore, through the imposition of appropriately worded conditions, the proposal would accord with relevant requirements of Policies CS6 and CS11 of the CS which seek, amongst other things, the enhancement of on-site green infrastructure and biodiversity.

Other Matters

48. The appeal site is located within the Town Centre Conservation Area (CA). In accordance with the statutory duty set out in Section 72(1) of the Act, I have therefore paid special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. The appellant's 'Design and Access Statement and Heritage Assessment' states that the character of the CA largely derives from the age and architecture of buildings in the town's historic civic and commercial core.
49. No external alterations are proposed to the appeal property, and I note that the Council and Blackpool Civic Trust raise no concern about the impact of the proposal on the CA. In light of this together with my own observations, I am satisfied that the development would have a neutral effect on, and therefore preserve, the character and appearance of the CA and insofar as is relevant to this appeal, the significance of the CA derives from this.
50. In support of the development, the appellant draws my attention to other holiday accommodation outside the MHAA in the vicinity of the appeal site. Limited information has been submitted in relation to these other developments and the considerations at the time of them being given permission, or whether any are unlawful. In any event, the circumstances of each proposal are likely to be different, and the fact that apparently similar development has been granted permission is not a reason, on its own, to allow unacceptable development. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.

Planning Balance

51. The proposal would support jobs and tourism spend in Blackpool with wider benefits for business in line with the Framework's support for economic growth. I attribute significant weight to this benefit.
52. The proposal could improve the quality and mix of holiday accommodation and there could be some minor green infrastructure and biodiversity enhancement to the property. However, there is no substantive evidence before me to suggest that these benefits could not be achieved by a proposal that would not result in the identified harm. Hence, I attribute limited positive weight to these factors.
53. The proposed use would be acceptable in respect of its location and standard of accommodation, with particular regard to outdoor amenity space for future occupiers. However, absences of harm in such matters would weigh neither for nor against the scheme. I also note that no objections were raised to the proposal by the Council's Highway, Environmental and Heritage teams. However, this is a neutral factor rather than carrying positive weight in favour of the development.

54. Despite the weight afforded to the benefits of the scheme, they would not, even collectively, outweigh the significant weight I attach to the harm that would result to the living conditions of nearby residents. The adverse impacts in this case significantly outweigh the benefits when assessed against the development plan and Framework.

Conclusion

55. The proposal would fail to accord with the development plan as a whole. There are no material considerations that indicate that the proposal should be determined otherwise than in accordance with the development plan.
56. Therefore, for the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

A Veevers

INSPECTOR