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## Appeal Decision

Site visit made on 26 August 2025

by **P Burley BA (Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 17 September 2025**

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**Appeal Ref: APP/V1260/W/25/3367394**

**31 Chine Crescent, Bournemouth BH2 5LB**

- 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 P Edwards against the decision of Bournemouth Christchurch and Poole Council.
  - The application Ref is 7-2024-4909-AS.
  - The development proposed is change of use of lower ground floor to 3no. holiday let rooms and manager's flat; change of use of ground, first and second floor to provide 12no. rooms for language school students for a temporary period of 3 years.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. Following the submission by the appellant of a planning obligation pursuant to section 106 of the Town and Country Planning Act 1990 (as amended) to provide for an appropriate contribution towards mitigation measures, the Council has withdrawn the reason for refusal relating to the Dorset Heathlands Special Protection Area, Ramsar Site and the Dorset Heaths Special Area of Conservation.
3. The appellant's Statement of Case indicates that the change of use of part of the appeal site to a 12-room HMO has already taken place. When I visited the site I saw that part of the lower ground floor was being used as living accommodation but that the 3 other rooms were not being used as holiday let rooms. I have considered the appeal on this basis.

### Main Issues

4. The main issues are:
  - the effect of the appeal scheme on the tourism function of the area, including on the supply of tourist accommodation; and
  - the acceptability of the living conditions of the occupiers of the house of multiple occupation (HMO) and the associated manager's accommodation.

## Reasons

### *Effect on the Tourism Function of the Area*

5. The appeal scheme involves the change of use for a period of 3 years of part of a hotel in Bournemouth town centre to a 12-room large HMO. Three other rooms in the lower ground floor of the building would be allocated to holiday lets, each with a double bed and therefore providing 6 bedspaces. There would also be accommodation for a manager in the lower ground floor.
6. The appellant has stated that the proposed use would satisfy a clear demand for a certain type of accommodation (language school students) who currently stay in the premises for 12 to 20 weeks and would provide them with a safe environment to complete their studies and embrace the town. It has noted that there have not been any complaints about the behaviour of students, that the students make an economic contribution to the area, and that significant weight should be placed on the need to support economic growth and productivity and to allow the town centre to grow and diversify as noted at paragraph 90 of the National Planning Policy Framework (the Framework). In its Statement of Case the Council has also recognised that there would be some economic and social benefits as a result of the development and future occupation of the appeal property, albeit it has said that only a moderate amount of positive weight should be attached to this consideration.
7. The appellant has argued that the need for this specific HMO use has been proven by its occupation by language school students since at least the start of an enforcement investigation by the local planning authority in the summer of 2023, and that the appellant would not be continuing with this appeal if there was no need argument or business case to provide accommodation for the language school students.
8. However, the appellant has not provided any evidence to demonstrate that the need for short-term accommodation for visiting language students cannot be satisfied by other suitable accommodation elsewhere and that the accommodation would be restricted to occupation by language school students. In any event, before consideration is given to the acceptability of the proposed use, it is necessary to consider whether the loss of the existing use has been justified.
9. The Council has said that the loss of the hotel use conflicts with CS Policies CS28 and CS29. I do not consider that Policy CS29 is directly relevant in this case, however; in the supporting text the CS refers to attractions which draw people to the town such as the Bournemouth International Centre and places to eat and drink as opposed to overnight accommodation.
10. Policy CS28 says that development resulting in the loss of sites or premises used, or last used, as tourist accommodation will only be considered acceptable where it can be demonstrated that the business is no longer viable and has no reasonable prospect of continuing, and that the loss of the tourist accommodation will not harm the function of the area in relation to the tourism industry and the local community. The Tourist Accommodation Supplementary Planning Document (2016) (TASPD) sets out evidence that should be provided, including trading information, financial evidence in the form of an audited profit and loss account, and evidence that there has been a realistic attempt to sell the business, normally over a minimum 18-month period.

11. The appellant has submitted a letter from a hotel property consultancy which explains challenges that the hotel business has faced, issues with the hotel's facilities and changes in the tourist accommodation market. However, it does not address all of the criteria in the TASP, including evidence to demonstrate that the business is not financially viable or that it has been marketed without success. Thus, and whilst the appellant has argued that the change of use is a flexible and agile response to market conditions and that such an approach is championed by the Framework, it has not been demonstrated that even though it is a small facility, the hotel cannot still make a valuable contribution to the tourism industry.
12. The appellant has also referred to other schemes nearby which involve the loss of traditional hotels but which have retained a small element of holiday flats. However, it has not provided further details and as such I am unable to consider the reasons behind the approval of those planning applications. Nevertheless, whilst the appeal scheme would include some holiday let accommodation, the 6 bedspaces would not replace the number of bedspaces in the original tourist accommodation and, therefore, would also conflict with the TASP in that respect.
13. The Council has also said that the proposed holiday lets would not be afforded the best possible views / outlook which would fail to maximise the ongoing attractiveness of the holiday lets and which, in turn, would negatively impact on the viability and longevity of the use. When I visited the site I noted that the lower ground floor rooms all had good levels of natural light and whilst they might not have an extensive outlook, they are well-located to the town's tourist attractions and could offer a reasonable standard of accommodation for short-stay visitors.
14. Overall, however, I consider that the appeal scheme conflicts with CS Policy CS28 and the TASP as a result of the net loss of tourist accommodation which has not been fully justified and therefore that it would harm the tourism function of the area.
15. Whilst the Council has also referred to saved Policy 6.17 of the Bournemouth District Wide Local Plan (February 2002) (LP) in its reason for refusal relating to the effect on the tourism function of the area, LP Policy 6.17 relates to the acceptability of HMOs and in terms of the character of the area and the standard of accommodation provided. Therefore, I do not consider it to be relevant to this issue.
16. The appellant has also argued that the temporary nature of this proposal ensures that there will be no medium or long term loss and that in three years' time (2028), the appellant can take a look at the tourism requirements in Bournemouth and decide whether to revert to a hotel use, to apply to make the proposed use permanent or consider an alternative use. However, I do not consider that this lessens the conflict that I have identified with the aforementioned policy or the amount of weight that I should attach to that conflict given that there is clear potential that the hotel use may not be resumed after the three-year period.

### *Living Conditions*

17. The Council has stated that the manager's flat in the lower ground floor and the second-floor bedrooms do not accord with the nationally described space standard (NDSS). In respect of the second-floor bedrooms, it has noted that approximately 50% of the floorspace has a ceiling height of less than 2.3m and that this has a notable impact on the useable space in the rooms and on the feel of the rooms for

occupants. It has also said that the kitchen is insufficient to provide for 12 individual tenants and that apart from a single dining room, there are no further communal habitable rooms.

18. The NDSS relates to self-contained residential accommodation rather than HMOs, although the floor-to-ceiling height can provide a useful rule of thumb to assess the usability of living space. However, I also note that the appellant has said that the bedrooms have been considered suitable for occupation by the Council's HMO licensing team, that the communal facilities have been assessed as adequate, and an HMO licence has been issued.
19. Having inspected the premises I did not find the manager's accommodation, which I considered to be ancillary to the main use, to be unduly small or that the second-floor bedrooms represent a substandard form of accommodation in and of themselves, albeit the sloping ceilings would limit the usability of the full floor area. However, I noted that communal facilities were limited to a kitchen and a relatively small dining room which is unlikely to be able to comfortably accommodate all residents at the same time. Even though there are restaurants and takeaways nearby, the lack of space would mean that there would be little alternative to residents spending most of their time in their bedrooms while in the HMO. On that basis, I consider that the appeal scheme represents a poor standard of accommodation overall.
20. Therefore, the appeal scheme conflicts with CS Policy CS41, Policy D4 of the Bournemouth Town Centre Area Action Plan (2013) and LP Policy 6.17 which together seek to ensure that new developments enhance the amenities of future occupants and that adequate facilities are provided in HMOs.

## **Other Matters**

### *Conservation Area*

21. The appeal site is in the West Cliff and Poole Hill Conservation Area (CA) and I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. I do not consider that the change of use or that the proposed bin and cycle stores, subject to their discreet siting and appropriate materials, would be materially harmful to the CA. Accordingly, I consider that the appeal scheme would preserve the character and appearance of the area and that this is a neutral consideration in the overall planning balance.

### *Enforcement Issues*

22. The appellant has said that given the temporary nature of the application, it also means that the local planning authority can rest assured that there is no danger of time accruing which would lead to immunity for the current unlawful use after a period of ten years and that the approval of the appeal application would 'stop the clock' on any enforcement issue. However, issues relating to any enforcement action that may be in progress are beyond the matters that I am able to take into account in determining this appeal; the Council is aware of the enforcement issue and it would be for it to take action to ensure that any unlawful use does not gain immunity from enforcement action.

## **Planning Balance**

23. The Council cannot demonstrate a 5-year supply of deliverable housing sites, and therefore paragraph 11 d) of the Framework is engaged.
24. The appeal scheme would result in 12 HMO rooms, a consideration to which I would generally attach significant weight. However, that weight must be moderated downwards in light of the poor overall standard of accommodation for occupants of the HMO element of the appeal scheme.
25. Given that the appellant has not proposed to restrict the occupation of the HMO accommodation to language students, I attach a small amount of positive weight to the economic and social benefits that would flow from the occupation of the HMO rooms by language students, and a small amount of positive weight to the 3 proposed holiday let rooms.
26. However, I consider that the harm that allowing this appeal would cause to the tourism function of the area would significantly and demonstrably outweigh those benefits when assessed against the policies in the Framework taken as a whole.
27. Whilst the appellant has argued that the temporary period for which permission is sought should be weighed in the overall balance, given that the appellant has also suggested that the hotel use might not be reinstated after the 3-year period has elapsed, this factor does not change my overall conclusion.

## **Conclusion**

28. For the reasons given above the appeal should be dismissed.

*P Burley*

INSPECTOR