



Appeal Decisions

Site visit made on 3 September 2025

by **AJ Steen BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 September 2025

Appeal A Ref: APP/X3540/C/24/3342283

Appeal B Ref: APP/X3540/C/24/3342284

88 Bridge Road, Oulton Road, Lowestoft NR32 3LR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- Appeal A is made by Mrs Nicola Pickess (ATP Group LTD) and appeal B is made by Mr David Pickess against an enforcement notice issued by East Suffolk Council.
- The notice was issued on 19 March 2024.
- The breach of planning control as alleged in the notice is without planning permission, the unauthorised material change of use of the Residential Dwelling from a single residential unit to two residential units used for holiday letting purposes ("the Unauthorised Use").
- The requirements of the notice are to:
 1. Permanently cease the use of the Residential Dwelling as two residential flats for holiday/tourism accommodation.
 2. Permanently revert the Residential Dwelling into one residential dwelling.
- The period for compliance with the requirements is: 4 months.
- The appeal is proceeding on the ground set out in section 174(2)(b) of the Town and Country Planning Act 1990 (as amended).

Summary Decision: The appeals are dismissed and the enforcement notice is upheld.

Preliminary Matters

1. I was able to view inside the property during my site visit and understand that there have been changes to the facilities provided within the building since the enforcement notice was issued. It appears to now be occupied as a single dwelling. I need to deal with the appeal on the basis of the internal layout at the time the enforcement notice was issued.

The Appeal on Ground (b)

2. An appeal on this ground is that the matters described in the notice have not occurred. The burden of proof for this ground is on the appellant, with the relevant test of the evidence being on the balance of probability.
3. At the time the enforcement notice was issued the building comprised a unit at ground floor with all the facilities for everyday living. It could be occupied as a one bedroom flat separately from the upper floor. The door providing access to the ground floor accommodation from the hallway into the building had a lock such that it resulted in separate accommodation to that on the upper floor.
4. The door at the bottom of the stairs also had a lock that separated access to the upper floor. That floor now contains three bedrooms and a shower room containing shower, W.C. and basin. However, at the time the notice was issued the front bedroom also contained cooking facilities and could be used as a living room. Whilst it may not have contained facilities necessary to do laundry, this would be

sufficient to provide adequate living accommodation for short-term rental, such as holiday-makers.

5. Taking account of the above, the building was laid out such that the first floor could be occupied as a separate unit from the ground floor.
6. The appellant suggests that occupiers were provided with access to the upper floor only if they had booked the accommodation in the building as a whole and that there was also an option to only book the ground floor. However, advertisements for the property provided by the Council indicate that two properties were advertised at 88 Bridge Road, a one-bedroom and a two-bedroom apartment. These were taken from holiday letting websites booking.com and Airbnb. The one-bedroom apartment appears to relate to the ground floor and the two-bedroom apartment appears to relate to the upper floor.
7. From the evidence provided and on the balance of probability, at the time the enforcement notice was issued there were two residential units used for holiday letting purposes at 88 Bridge Road.
8. For these reasons, I conclude that the appeal under ground (b) should fail.

Formal Decision

9. The appeals are dismissed and the enforcement notice is upheld.

AJ Steen

INSPECTOR