



Appeal Decision

Site visit made on 22 October 2025

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 03 November 2025

Appeal Ref: APP/B0230/W/25/3368465

1 Quickswood, Luton, LU3 3XT

- 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 and Mrs R Islam against the decision of Luton Borough Council.
 - The application Ref is 25/00333/FULHH.
 - The development proposed is conversion of residential annexe into serviced accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of residential annexe into serviced accommodation at 1 Quickswood, Luton, LU3 3XT in accordance with the terms of the application, Ref 25/00333/FULHH, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) There shall be no external change to the appearance of the building that would indicate the nature of the internal use hereby permitted.
 - 3) No advertisement shall be placed on the appeal building or the dwelling at No.1 Quickswood relating the Airbnb or temporary sleeping accommodation.

Preliminary matter

2. The first refusal reason states: *"The development by virtue of the inaccurate information within the submitted document number(s) 6718-03; 6716-16; DC01, fails to provide a true account of the development on the application site. As such a "Householder Application" is inappropriate for the proposed development which seeks to remove a condition and provide a change of use and the proposed development would, therefore, be contrary to the description of development and to Policies LLP1; LLP17; LLP19; LLP25; and LLP32 within the Luton Local Plan 2011-2031"*. However, the application was validated, a decision was issued, and the merits of that application and its refusal are now before me. A *"Householder Application"* is an application for planning permission, following a somewhat simpler procedure. I therefore see no reason to deal with this as an issue in the appeal.

Main Issues

3. The main issues in this case are: i) whether there is an appropriate functional link between the residential annexe and the proposed use of the building; ii) whether the proposed use of the annexe would have a satisfactory living environment for future occupiers; iii) whether the use of the annexe as proposed would harm the

living conditions of the occupiers of No.12 Milverton Green; iv) whether adequate off-street parking would be provided with regard to pedestrian and vehicular safety on the highway; and v) whether the proposed development is required to provide Biodiversity Net Gain (BNG).

Reasons

4. The application site comprises a detached dwellinghouse on the corner of Quickswood and Milverton Gardens with a garage to the side of the dwelling and a garden to the rear. The surrounding area has similar style detached dwellings. The annexe is the former detached playroom/garage associated with the property and has planning permission (25/00028/FULHH) for use as a residential annexe with guest bedroom and facilities ancillary to the existing dwelling. The 'facilities' are a 'toilet'. The garage building is situated outside the fenced rear garden of No.1 Quickswood, with its only access by way of a side door directly into that garden. The building also has a window that looks directly into the garden area. There is access to the rear garden, other than through the house, by way of a side gate at the front of the property.
5. There is a condition on the planning permission referred to above (condition 4) that states "*4 The garage conversion hereby permitted as defined by the redline, shall not be used for any purpose other than those incidental to the use of the dwelling and no trade or business shall be carried on therefrom, nor shall it be used as a separate self-contained living space or temporary rental or permanent residential accommodation without the prior written permission of the Local Planning Authority*". The reason given for this condition was "*To enable the Local Planning Authority to exercise proper control over the development proposed, in the interests of securing a satisfactory standard of work and of safeguarding the amenities of the surrounding area*".
6. Whilst an alternative approach to the application as made would be to seek to amend or remove condition 4, I cannot see that there is any reason why the application as made should not be considered on its merits since it sought "the prior written approval of the local planning authority" in accordance with this condition. The appellants' appeal statement describes the intended use as: "*The proposal is to secure permission for the operation of a short-term letting system of the approved, detached annexe as serviced accommodation. This would be in the manner of a hotel room that offers sleeping, sanitary and comfort facilities and remains under the control and operation of the householder. It is expected to be let, flexibly, on a single or several day basis to occupying singles or pairs, rather than six months assured tenancies or other arrangements associated with HMOs or tenancy agreements. The publicity for the unit would be on the internet, not by exterior advertising or signage*".
7. The officer's delegated report repeatedly refers to 'a self-contained unit capable of functioning as a separate dwelling'. This is clearly mistaken since, as already noted, the building, both as existing and as proposed, only has a bedroom and a toilet. Quite obviously it fails to provide cooking facilities, a bath or shower, or a dining area, which would enable it to function as a self-contained unit.
8. Nevertheless, it appears that the proposal amounts to a business use of the kind operated by Airbnb – in this case a bed and essential toilet facilities. There is no reference in the proposal to the provision of the breakfast part of 'bnb'. I have not

been provided by either party with an explanation of the law with regard to temporary sleeping accommodation, nor have I been invited to determine whether planning permission is required within Luton Borough. However, since there is currently a clear prohibition on “*temporary rental*” accommodation in condition 4 set out in paragraph 5 above, in this case the proposed use could be open to enforcement action unless specific permission is granted.

9. The ‘garage’ retains the appearance of a garage and so is not “a highly visible and overly prominent separate, self-contained unit”. There is no effect on the appearance and character of the areas compared to the present and permitted situation (refusal reason 2), some very limited extra coming and going from a bedroom being very minor.
10. The proposal is not for a self-contained unit, and no external changes are proposed, and therefore refusal reason three does not address the appeal proposal in a satisfactory way. The fourth refusal reason adds that the annexe would also result in material harm to the adjoining occupiers at No.12 Milverton Green, by way of increased overlooking, noise and disturbance. I cannot see any way in which the proposed use of the building would have any effect of this sort compared to the permitted use of the building.
11. With reference to the fifth refusal reason, there is existing provision for 3 cars to be parked at the front of the garage building which I am told is adequate for the 4+ bedroom property. I understand that the host dwelling is a 3-bedroom house, and therefore I consider that the parking provision would be adequate, and no harm should result to pedestrian and vehicular safety on the highway.
12. Turning to refusal reason 6, Biodiversity Net Gain (BNG) is a mandatory requirement of Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) (Schedule 7A). However, there are exemptions, which include Householder development. In view of the council’s concern about the regularity of the appeal application as a Householder application, I consider that the other exemption that concerns development with de minimis impact, covers the case here.

Conclusion

13. In light of the matters that I have addressed above, and the reasoning that I have given, it appears that, apart from Condition 4 of the permission granted under application 25/00028/FULHH, which was the change of use of the former detached playroom/garage to use as residential annexe with guest bedroom and facilities ancillary to the existing dwelling, there would be no requirement for planning permission for the proposed use. Condition 4 was inserted “*To enable the Local Planning Authority to exercise proper control over the development proposed, in the interests of securing a satisfactory standard of work and of safeguarding the amenities of the surrounding area*”. I have found that the amenities of the surrounding area would not suffer any identifiable harm from the appeal proposal. Therefore, the appeal will be allowed.
14. I should note that condition 5 of permission 25/00028/FULHH is also mentioned by the council, but that condition makes no material difference to the matters that I have dealt with.

Conditions

15. The statutory condition that provides a time limit on the start of development must be imposed. In addition, I consider that conditions should be imposed requiring no external changes to the appearance of the building that would indicate the nature of the internal use and that no advertisement be placed on the appeal building or the dwelling relating the Airbnb or temporary sleeping accommodation. These conditions are necessary to safeguard to character and appearance of the buildings and the surrounding area.

Terrence Kemmann-Lane

INSPECTOR