
Appeal Decision

Site visit made on 29 October 2025

by **J D Clark BA (Hons) DpTRP MCD DMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 November 2025

**Appeal Ref: APP/D0650/W/25/3372152,
Rotherham House Lunts Heath Road, Halton, Widnes WA8 5BB**

- 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 Mrs Sharon Rotherham against the decision of Halton Borough Council.
 - The application Ref is 25/00254/COU.
 - The development proposed is flexible letting.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The decision notice and the appeal form describe the development as proposed change of use to flexible letting. The property is described on the application form as being a house (C3) so I have considered this appeal on the basis of it being for the change of use from a house (C3) to flexible letting. Flexible letting is not fully explained in the appeal documents but the proposal is described as including short term holiday lets and paid events.
3. The Council has issued an enforcement notice on the appeal property and this is subject to a separate appeal. My decision is based on this Section 78 appeal only.

Main Issue

4. The main issue is the effect of the proposed change of use on the living conditions of the occupiers of neighbouring residential properties by reason of noise and disturbance, loss of privacy and an increased demand for on-street parking.

Reasons

5. Rotherham House is a detached 5 bedroomed property with a hardsurfaced area to the front for car parking and a garden to the rear. Within the garden there is a swimming pool and an outbuilding. The area is a residential one and Lunts Heath Road is a busy road with no parking restrictions. Most of the houses have driveways.
6. The property can accommodate a maximum of 12 overnight guests. During the day, events such as spa days, afternoon tea's, christenings and baby showers and hen do's are referred to. Reference is also made to up to 40 guests visiting the premises during the day.
7. There are clearly two different potential uses involved in the flexible letting referred to. One being holiday lettings and the other being lettings for events. The appellant

states that there is a significant demand for short term holiday lets in the area. However, there is no information as to what is meant by short term. If the holiday lets are mainly a few days then the turnover would be greater than if the change overs were weekly or longer. Either way, the amount of activity associated with new people arriving and departing on a regular basis and the transient nature of occupancy would be greater than that associated with a family home.

8. Daily events are more likely to cause more noise and disturbance to nearby residents. Whilst the house could accommodate 12 overnight guests, it is possible that larger numbers could attend day events. This level of commercial activity is not compatible with a residential area. Such activities may overspill outside the house into the rear garden where the swimming pool and outbuilding provide outdoor entertaining space.
9. The appellant disputes that there has been any evidence that such events have caused noise or disturbance. Nor have events caused parking problems in the area as the appeal site is in a very accessible location for public transport being only 1.2 miles from Widnes railway station and is accessible by bus. Also, for some events, visitors are likely to share cars.
10. The submitted plans indicate that four cars could park in the front hardstanding area. The appellants suggest that between six and eight cars could be parked here. The road is also capable of accommodating some on-street parking. I note the appellants reference to car sharing and the use of public transport. However, whilst there may be space for overnight parking, not all visitors to events could park on-site and, despite the availability of public transport or car sharing, due to the potential scale of the proposal, the potential level of cars and activity associated with the proposed flexible letting caused by people arriving and departing, parking and/or looking for space to park, would cause noise and disturbance to the occupiers of neighbouring properties.
11. There is reference to Rotherham House being the appellant's main residence and only occasionally commercially let. I also note that the appellant sometimes use the property for personal use involving friends and family. It is also stated that two trial commercial events have been held but these did not attract large amounts of comings and goings. As I have stated above, it is not within the scope of this appeal to comment on matters raised by the enforcement notice so what has or has not happened is not a determining factor in my assessment. However, I am mindful that the Council's Environmental Health Officer has raised an objection to the proposal due to the number of noise complaints from the use of the premises. I have also taken into account the objections received from local residents to the planning application.
12. The benefits of the proposal have been pointed out which include providing a luxury house and a luxury experience. I observed the high standard of accommodation provided so cannot dispute this claim. The property is also said to attract people from all over the UK, promoting Widnes and supporting local businesses. The running of the property also includes employing local people and reference is made to cleaning staff and caterers, amongst other things. I note the appellant also supports a local community group dedicated to support people in Widnes who are experiencing hardship by donating food etc. However, the harm caused by the flexible letting proposed outweighs these benefits.

13. The appellant has suggested that conditions could be imposed to lessen the effects of the proposal. These include limiting the use between the hours 1000 – 2200 (Monday to Sunday/Bank Holidays). However, this would be unrealistic for the proposed flexible use which includes short stay holiday lets. For events, it would be necessary to enforce their cessation at 2200 hours which may involve a system of monitoring the events and policing when they finished. This could be difficult to resource or sustain especially if it relied on third parties to monitor the situation. Therefore, due to it being imprecise and difficult to enforce, the condition as suggested would fail the tests in the National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG).
14. The appellant also suggest a condition limiting the number of attendees at an event. However, no suggestion is made as to what that number should be and so I have no basis as to determine what would be acceptable either in terms of the impact I have raised above or on the economic viability. Such a condition would be neither precise nor reasonable and so also fail the tests in the Framework and PPG.
15. A noise management plan has been suggested by the appellant. Such a condition would require the written approval of the local planning authority. It is suggested that this could provide local residents with a 24 hour complaint procedure whereby complaints would be handled in a positive time effective manner. This would be unreasonable as it would require third parties to monitor the operation. It would be unreasonable to expect local residents to be expected to raise complaints whenever they occurred as part of a management plan. Signage throughout the property advising guests to keep noise to a minimum etc would simply be good practice in any commercial venture close to residential properties.
16. The Council has not suggested any conditions as it considered that none could overcome the harm caused by the proposal. I agree with the Council on this matter.
17. The property is a substantial one and the amount of space available, indoors and outdoors, is such that the proposed flexible letting would have the potential to lead to a considerable amount of commercial activity. Given the residential nature of the neighbouring properties and the surrounding area, this would be harmful. The reason for refusal includes a loss of privacy but no evidence has been submitted to justify this. However, the proposed change of use to flexible letting would have a harmful effect on the living conditions of the occupiers of neighbouring residential properties by reason of noise and disturbance and an increased demand for on-street parking.
18. Consequently, this would conflict with Local Plan¹ Policies GR2, RD5 and C2 which collectively require all development to avoid detriment to the living environment of existing residential properties, ensure that non-residential uses have regard to their effect on amenity and to provide an appropriate level of safe, secure, accessible and viable parking.

Other Matters

19. The appellant has referred to another site where permission has been granted for the change of use from a dwelling house to a mixed use dwelling house and

¹ Halton Borough Council – Halton Delivery and Allocations Local Plan Adopted: 2 March 2022.

holiday let at Chota Gher, Halebank Road, Widnes (Ref: 25/00009/COU). Notwithstanding any differences about the location of this property compared to Rotherham House, that case is described as a mixed use being a dwelling house and a holiday let. The proposal subject to this appeal is for flexible letting and as described above includes events as well as holiday letting. It is therefore not comparable.

Conclusion

20. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Consequently, for the above reasons the appeal should be dismissed.

J D Clark
INSPECTOR