



Appeal Decision

Site visit made on 27 May 2026

by **D Hartley BA (Hons) MTP MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 May 2026

Appeal Ref: APP/Q9495/C/25/3374615

131 Craig Walk, Bowness-On-Windermere, Windermere, LA23 3AX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Greg Taylor against an enforcement notice issued by Lake District National Park Authority.
 - The notice was issued on 3 September 2025.
 - The breach of planning control as alleged in the notice is without planning permission, the making of a material change of use of the Land to use as short-term holiday letting accommodation.
 - The requirements of the notice are to discontinue the use of the Land as a short-term holiday letting accommodation.
 - The period for compliance with the requirements is one month after the notice takes effect.
 - The appeal is proceeding on the ground set out in section 174(2)(c) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Ground (c) appeal

2. The appeal made on ground (c) is that the matters alleged do not constitute a breach of planning control. The onus is on the appellant to make his case on this legal ground of appeal.
3. The appeal property is located within the Bowness Conservation Area. It is a four storey mid-terraced property, has a small front garden and a back yard. There are steps to the property frontage, as the terrace is set at a higher level than Craig Walk. The appellant's completed planning contravention notice, dated 13 January 2025, states that there is '*a maximum of 12 guests overnight with a minimum stay of two nights and a maximum stay of 28 nights*'. It also states that after each stay the property is cleaned by '*my cleaner plus 1 or 2 helpers*'. I noticed on my site visit that a 9am to 6pm (seven days per week) permit holder parking scheme is in operation in Criag Walk.
4. There is dispute between the main parties in terms of whether the lawful use of the mid-terraced property is a sui generis house in multiple occupation (HMO), or a dwellinghouse falling within use class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (UCO).
5. The marketing particulars for the property in 2023, which refer to '*currently a successful HMO*', cast doubt about the appellant's claim that the property is lawfully a use class C3 dwellinghouse. Moreover, the Authority's additional evidence indicates that a license for a seven-bedroom HMO for ten occupants was provided to the previous owner of the property in 2008, 2015 and 2021, and was then

rescinded in 2025. An email from a Council licensing officer states that on *'23 July 2024 we wrote to Mr Simpson noting that we had been advised the property may not still be operating as a licensed HMO and sent a declaration to confirm the possible change of use'*. The evidence is that the previous owner did not provide a response to such an email.

6. It is noteworthy that the previous owner has commented in a letter, dated 3 October 2025, that *'I did not reside at the property at any time. It was used solely as a rental property throughout'*. The reference to *'rental property'* could have been based on either a rental to holiday makers, or a rental for HMO occupants. Neither the appellant nor the previous owner have provided detailed and precise evidence relating to the specific occupancy of the property.
7. Given the marketing particulars, I find that it is more probable than not that the appeal property was used in accordance with the Authority's HMO license. The appellant considers that the onus is on the Authority to demonstrate a continuous ten-year HMO use. On the contrary, the onus is on the appellant to provide precise evidence in terms of the lawful use of the property. The above letter does not provide sufficient precision in terms of the appellant's claim that the lawful use of the property is a C3 dwellinghouse. Moreover, the letter has only limited weight when compared to say sworn evidence in the form of a statutory declaration.
8. I find that the appellant has not provided sufficiently precise evidence to counter the position of the Authority that the property was being used for holiday-let purposes from about June 2023 (i.e., just after it was purchased by the appellant), and that prior to that time it was lawfully used as a sui generis HMO. On the balance of probability, there is insufficient and precise evidence before me to demonstrate that the lawful use of the property is a C3 dwellinghouse. The absence of any restrictive planning condition relating to the property does not change this position.
9. I note that the Authority's duty planning officer confirmed in an email of 4 May 2023 that it *'was difficult to confirm the use of the property when we have no details of how it has been occupied'*. The duty officer did then say on 5 May 2023 *'I have checked our database and agree with my colleague that the property appears to be classified as a C3 dwellinghouse'*. It is undisputed that there is no planning history relating to the appeal site. Therefore, it is understandable that based on the *'database'* the duty officer said that it *'appears to be classified as a C3 dwellinghouse'* (my emphasis). However, a consideration of what is a lawful use is not as simple as that. Indeed, that is presumably why the duty officer also said, *'for a formal determination on the lawful use you would need to submit an application for a certificate of existing development'*. There is no evidence that such a lawful development certificate was sought by the appellant prior to the property being used as a holiday-let.
10. I have been provided with photographs of the rooms and facilities inside the property. I am satisfied that the appeal property contains all the facilities and characteristics needed for viable day to day living purposes and, to this extent, to be considered as a dwellinghouse in accordance with case law¹. Notwithstanding this finding, it is necessary that I also consider the definition of a C3 dwellinghouse as contained within the UCO, and the requirement for it to include persons forming a *'single household'*. The definition of single household is

¹ *Gravesham BC v SSE & O'Brien* (1983) JPL 306

to be construed in accordance with section 258 of the Housing Act 2004. This states that persons are to be regarded as not forming a single household unless *'(a) they are all members of the same family, or (b) their circumstances are circumstances of a description specified for the purposes of this section in regulations made by the appropriate national authority'*.

11. The onus is on the appellant to make his ground (c) appeal. While the appellant alleges that the property has been used as a holiday let *'for over 20 years'*, the evidence is not sufficiently precise to demonstrate that only those forming a *'single household'* had been occupying the property when the Authority issued the notice. The only evidence about this matter relates to the appellant's reply to the Authority's issued planning contravention notice. In this regard, the appellant stated that between 21 June 2024 and 17 January 2025 there was *'roughly a 50/50 split between family bookings and adult only bookings'*.
12. It would of course be unusual for only those forming a *'single household'* to have been occupying the appeal property on a holiday-let basis. The comment above casts sufficient doubt about any possible claim that the property has only been used by those forming a single household. In the absence of precise evidence from the appellant about this matter, I would not, in any event, have been able to find that the holiday-let use fell within use class C3 of the UCO.
13. The evidence is that as part of the reply to the planning contravention notice, the appellant also provided the following information to the Authority for the period 21 June 2024 to 17 January 2025: 55 bookings in the 30 week period; 69% of bookings were for a two night stay; 20% of bookings were for a three night stay; there were no stays longer than five nights; 82% of bookings had more than six guests; 49% of bookings had 10 or more guests and 49% of bookings were just over a weekend.
14. While section 55(f) of the Act states that a new use falling within the same use class would not constitute an act of development, and hence planning permission would not be required for it, for the reason outlined above the evidence is insufficient to support a claim that the holiday-let use falls within use class C3 of the UCO even if that were deemed to be the lawful use of the property prior to it being used as a holiday-let.
15. The appellant has not submitted precise evidence to counter the Authority's position that prior to holiday use occurring, the lawful use was a sui generis HMO. It is necessary that I therefore consider whether there has been a material change of use from a sui generis HMO to a holiday-let use. For the sake of completeness, I have also decided to also consider whether a material change of use of the land has occurred from a 'by definition' C3 dwellinghouse to a holiday-let use which does not fall within use class C3 of the UCO.
16. When considering whether a material change of use of the land has occurred, in accordance with case law it is necessary to consider whether there has been some significant difference in the character of the activities from what has gone on previously as a matter of fact and degree. In considering this matter, it is important that I focus on any off-site impacts in relative terms.
17. Even if the property had lawfully been used at full capacity as a ten person sui generis HMO, I find that the evidence of the turnover of guests who occupy the holiday-let property for short periods is such that there has been a relative and

material difference in the amount of comings and goings (sometimes in concentrated large groups) to, from and outside the property when compared to the use of the property as either a ten person sui-generis HMO or, given the claim made by the appellant, as a C3 dwellinghouse.

18. Given the turnover of guests, coupled with the need to clean the property following its use by up to three members of staff, I find that the holiday-let use has resulted in a noticeable/material difference in the frequency and turnover of pedestrian and vehicular movements to, from and outside the property in relative terms. This would be the case whether I had found that the lawful use of the property was a C3 dwellinghouse, or a sui generis HMO used by up to ten occupants. These are matters which in themselves are sufficient for me to conclude that the breach of planning control constitutes a material change of use for which planning permission is required.
19. Notwithstanding the above, I emphasise that the appellant's evidence is not sufficiently precise to counter the position of the Authority that prior to the holiday-let use occurring, it was used for a residential HMO purpose. In this regard, it is noteworthy that policy 15 of the 2021 Lake District National Park Local Plan 2020-2035 (LP) seeks to increase the supply of homes in the area to meet local community need. Policy 18 of the LP states that *'we will only support proposals for the reuse of existing buildings (excluding guest houses) for short term holiday letting where they would not utilise a building that is suitable for providing local need or affordable needs'*. In my judgement, the appeal property is suitable for providing residential accommodation to meet a local housing need both in terms of its internal configuration and its sustainable location. The evidence is that the loss of such a property to a holiday-let use would be contrary to policy 18 of the LP and, importantly, would result in the loss of a building which could be used to provide a local community need.
20. Given the above, I find that the use of the property as a holiday-let unit would have a significant planning consequence from the point of view of the delivery of housing that is needed in this location. While this is not determinative in terms of my finding that a material change of use has occurred, it is nonetheless a matter that adds to such a finding and is in accordance with case law².
21. For the above reasons, I find that the matters alleged constitute a breach of planning control. The use of the appeal property as a holiday-let constitutes a material change of use, whether it be from a C3 dwellinghouse use or a sui-generis HMO use, and hence an act of development in accordance with section 55 of the Act. Consequently, planning permission is required for the holiday-let use. Therefore, the ground (c) appeal fails.

Overall Conclusion

22. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice.

D Hartley

INSPECTOR

² R (oao) Kensington & Chelsea RBC V SSCLG & Reis & Tong (2016) EWHL 1785 (Admin)