
Appeal Decision

Site visit made on 19 May 2026

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd June 2026

Appeal Ref: APP/J2373/C/25/3367141

Land and building known as 3 England Avenue, Blackpool FY2 9JG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Kirk Antonio Erskine, Kafe Housing Solutions Ltd against an enforcement notice issued by Blackpool Borough Council.
 - The notice was issued on 6 May 2025.
 - The breach of planning control as alleged in the notice is without planning permission, the material change of use of 3 England Avenue from a single private dwellinghouse, to a self-contained holiday let.
 - The requirements of the notice are: cease the use of 3 England Avenue as a self-contained holiday let.
 - The period for compliance with the requirements is one month.
 - The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 (as amended). Since the prescribed fees have not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended have lapsed.
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Appeal B Ref: APP/J2373/C/25/3367142

Land and building known as 5 England Avenue, Blackpool, FY2 9JG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Kirk Antonio Erskine, Kafe Housing Solutions Ltd against an enforcement notice issued by Blackpool Borough Council.
 - The notice was issued on 6 May 2025.
 - The breach of planning control as alleged in the notice is without planning permission, the material change of use of 5 England Avenue from a single private dwellinghouse, to a self-contained holiday let.
 - The requirements of the notice are: cease the use of 5 England Avenue as a self-contained holiday let.
 - The period for compliance with the requirements is one month.
 - The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 (as amended). Since the prescribed fees have not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended have lapsed.
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Decisions

Appeal A: APP/J2373/C/25/3367141

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

Appeal B: APP/J2373/C/25/3367142

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

Preliminary Matters

3. Appeal A and Appeal B concern two enforcement notices relating to 3 and 5 England Avenue, respectively. The notices allege the same breach of planning control, and the appeals are made by the same appellant and raise the same

issues. Accordingly, I have dealt with the cases in a single decision letter to avoid duplication but have considered each appeal on its own merits.

4. The appellant initially appealed under grounds (a), (f) and (g). However, as the prescribed fees were not paid within the specified period, the appeals on ground (a), and the deemed applications for planning permission, have lapsed. As such, the planning merits of the case are not before me for consideration.
5. In correspondence, the appellant refers to matters which relate to grounds (b), (c), (d) and (e), but those references are not clearly articulated as grounds of appeal or supported by evidence. The appellant was invited to clarify the grounds being pursued and to provide supporting information. In response, they addressed only grounds (f) and (g) and did not provide further clarification or evidence in respect of the other grounds. In these circumstances, and having regard to the need for procedural fairness, I am satisfied that those grounds are not before me, and I have determined the appeals solely on grounds (f) and (g).
6. Whilst no substantiated case has been advanced as part of a ground (c) appeal, I note that the appellant has suggested that the use of both properties remains within use class C3 of the Town and Country (Use Classes) Order 1987 (as amended) and does not, therefore, amount to a material change of use. The appellant points to the fact that the properties are let as single units and to family groups. However, having regard to the pattern and nature of occupation, including the frequency and turnover of short-term stays, I consider that the holiday let use materially differs from that of a single dwellinghouse. I am therefore satisfied that the matters alleged constitute a breach of planning control.
7. I note the appellant's concerns regarding the Council's handling and investigation of the case, and the nature of the evidence provided by a complainant. However, on the basis of the evidence, I am satisfied that the notices meet the relevant statutory requirements for the purposes of validity. Accordingly, these matters do not render the notices invalid or affect the issues that are before me.

The appeals on ground (f)

8. An appeal on this ground is that the steps required by the notice exceed what is necessary to remedy any breach of planning control or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.
9. When an appeal is made on ground (f), it is necessary to understand the purpose of the notice. Section 173(4) of the 1990 Act sets out the purposes which an enforcement notice may seek to achieve, either wholly or in part. These purposes are either (a) the remedying of the breach of planning control or (b) remedying any injury to amenity which has been caused by the breach.
10. The notices require the self-contained holiday let use to cease. The purpose of the notice must therefore be to remedy the breach of planning control. The cessation of this use is clearly necessary to remedy the breach.
11. The mitigation measures suggested by the appellant, including noise monitoring and limitations on the number of occupiers and the length of each stay, together with the availability of licensing controls, would not remedy the breach as the unauthorised use would remain.

12. The appellant contends that the notices are unjustified and excessive given their belief that there is no harm arising from the unauthorised use, but this matter concerns the planning merits of the case which can only be considered pursuant to an appeal on ground (a). The appellant is concerned that the requirements of the notices could give rise to potential disruption and have financial implications, having regard to the ongoing sale of the properties and the existence of confirmed bookings for the accommodation. However, these are private considerations which do not have a bearing on whether the steps required by the notices are excessive.
13. There are no obvious alternatives or lesser steps to achieve the purpose of the notices. I therefore conclude that the requirements do not exceed what is reasonably necessary to remedy the breach of planning control. The appeals on ground (f) fail.

The appeals on ground (g)

14. An appeal on ground (g) is that the period given for compliance with the notice falls short of what should reasonably be allowed. The compliance period for both notices is one month.
15. To enable them to honour existing bookings and complete the sale of the properties, the appellant suggests that the period should be extended to at least twelve months. However, an appeal on ground (g) is concerned with whether the period given is reasonable in terms of carrying out the steps required to comply. The appellant's financial considerations do not, in this case, justify a longer period. Moreover, the information they have provided on reservations indicates that the bookings have now ceased in any event.
16. The appellant also seeks a longer period to allow for discussions with the Council with a view to reaching a resolution and for the potential submission of a planning application, but there is no evidence before me to indicate that such discussions are ongoing or that an application is likely to be forthcoming.
17. For the above reasons, I conclude that one month is a reasonable and proportionate period to comply with the requirements. The appeals on ground (g) fail.

Other Matters

18. Both parties have referred to a number of other appeal decisions. Whilst I have had regard to these, each case is considered on its own merits, and they do not alter my conclusions in respect of the appeals on grounds (f) and (g).

Conclusion

19. For the reasons given above, I conclude that the appeals do not succeed, and the enforcement notices are upheld.

M Ollerenshaw

INSPECTOR