



Appeal Decision

Inquiry held on 2, 3 and 4 June 2026

Site visit made on 3 June 2026

by Mark Harbottle BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th July 2026

Appeal Ref: APP/J2373/C/26/3377202

Land and building known as 302 Promenade, Blackpool FY1 2EY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (“the Act”).
- The appeal is made by 1508 Seaside Limited against an enforcement notice (“the notice”) issued by Blackpool Council.
- The notice was issued on 1 December 2025.
- The breach of planning control as alleged in the notice is: Without planning permission, the material change of use of the property from self-contained holiday flats to permanent self-contained residential flats for persons with no other place of abode.
- The requirement of the notice is to cease the use of the property as self-contained permanent residential flats for persons of no place of abode.
- The period for compliance with the requirement is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2)(b), (c), (d), (g) of the Act.

Summary of Decision: The appeal is dismissed and the notice is upheld with a correction and variations in the terms set out below in the Formal Decision.

Applications for costs

1. Applications made by 1508 Seaside Limited against Blackpool Council and by Blackpool Council against 1508 Seaside Limited are the subjects of separate Decisions.

Preliminary matters

2. The inquiry sat on 3 days. All oral evidence was given under affirmation.
3. While the appellant had not specified an appeal on ground (b), its contention that the flats have always been occupied as they were when the notice was issued, denying that a change of use has occurred, falls to be considered on that ground.

The notice

4. The description of the current use as “permanent self-contained residential flats for persons with no other place of abode” does not allow that a resident may have a second home elsewhere. Also, the reference to “persons of no place of abode” in the notice’s requirement is inconsistent with the allegation. The notice should therefore be corrected and varied to refer to “permanent self-contained residential flats for a person’s sole or main residence.” Having consulted the parties, I am satisfied that those changes can be made without causing injustice.
5. The appellant considers the notice to be invalid due to defects, although the concerns relate to how copies were served. A copy was not served on any occupier of apartment 12a, and a copy was not served on the appellant company, despite it

having an interest in the land. While the appellant has confirmed that an appeal on ground (e)¹ is not being pursued, I shall deal with this matter here.

6. The list of people served with copies of the notice includes “The Occupier(s), Flat 13, 302 Promenade, Blackpool, FY1 2EY” but there is currently no flat or apartment 13, it having been renumbered 12a some time ago. The list also excludes the appellant company, which had a lease of the premises when the notice was issued.
7. Section 176(5) of the Act provides that, where it would otherwise be a ground for determining an appeal in favour of the appellant that a person required to be served with a copy of the notice was not served, that fact may be disregarded if neither the appellant nor that person has been substantially prejudiced by the failure.
8. While a copy of the notice was not served on any occupier of apartment 12a, the occupier of that apartment appeared at the inquiry as a witness for the appellant. Accordingly, he was able to make any representation he might have wished to make against the notice. Furthermore, the appellant has been able to pursue the appeal, even though it had not been served with a copy of the notice.
9. For these reasons, I am satisfied that no substantial prejudice arose from the identified failures in service and that the notice is not invalid.

The appeal on ground (b)

10. This may succeed if the appellant can demonstrate, on the balance of probabilities, that any matter alleged in the notice has not occurred as a matter of fact. The appellant contends that the apartments within the appeal premises have always been used as permanent self-contained residential flats and not as self-contained holiday flats. This is a denial that the alleged change of use occurred.
11. While the appellant only has direct knowledge of the premises since 2023, it called a witness, Jacolyn Willcox, who controls the company, Surdev Limited (“Surdev”), that has owned the building since 2017. Ms Willcox confirmed that the layout had followed the plans from a 1978 planning permission² for internal alterations and use of the premises as 16 holiday flats and owner’s accommodation (“the 1978 permission”) at the time of acquisition.
12. The application form for the 1978 permission stated that the premises had previously been a hotel, and Ms Willcox affirmed that she had not made any material changes to the building, only altering and modernising existing kitchens. It is therefore most probable that the kitchens were originally installed to allow the apartments to be used as self-catering holiday flats under the 1978 permission.
13. A July 2009 photograph of the front of the building³ shows signage describing the premises as self-contained holiday flats, advertising vacancies, referring to short breaks and giving a minimum nightly rate. One sign indicates that the premises were then registered with a local tourism organisation. All this suggests there were active holiday flats at that time, consistent with the 1978 permission.
14. A planning enforcement officer, Craig Walker, visited the premises in September 2015. The owner at that time told him that the premises only operated for 6 months in summer, solely for holiday guests and performers appearing at the Winter

¹ That copies of the enforcement notice were not served as required by section 172.

² 4/70/282 granted 14 April 1978.

³ Appendix 15 to Mr Bamber’s first proof of evidence.

Gardens or the Grand Theatre, with a maximum stay of 3 weeks. While Mr Walker did not appear at the inquiry, and his evidence was therefore not tested, it states that he saw receipts for payment of the rooms at the time, which confirmed that stays were short-term. His contemporaneous note records that he saw nothing to suggest permanent occupancy of any room.

15. Ms Willcox affirmed that there were permanent residents, including a teacher and a mechanic, in 4 apartments when Surdev bought the premises on 31 October 2017. She recalled that these 4 apartments were small ones, to the rear of the building, possibly numbers 8, 9, 12a and 14. However, she could not say how long any of those residents had been there or how long they remained. Nevertheless, housing benefit correspondence from November 2017 confirms that apartments 2 and 9 were then occupied as sole or main residences. The 4 permanent residents Ms Willcox referred to would, at most, amount to an unauthorised use of a quarter of the holiday flats that had been formed under the terms of the 1978 permission.
16. Ms Willcox told the inquiry that Surdev is a residential lettings business. Her witness statement says that the property has operated as long-term residential accommodation during the entire period of Surdev's ownership. However, that does not appear to be a full description of the use of the premises at the time of acquisition, given that she affirmed there were only 4 occupiers of that nature then.
17. Apart from what Ms Willcox told the inquiry, the appellant has not presented evidence that any apartment had been used other than in accordance with the 1978 permission, and as observed by Mr Walker, before 2017. Overall, it seems most likely that the whole building had been in use as 16 holiday flats and owner/caretaker's accommodation, at least until September 2015.
18. The Council considers the building had then been one planning unit in a single *sui generis* use. As now, each apartment included the facilities required for day-to-day private domestic existence and it therefore had the physical characteristics of a dwellinghouse. However, a critical difference is that in the former use, the visitors depended on guest services provided by an owner, manager or caretaker on the premises. Those services included cleaning and laundry during changeover between lettings and the provision of other support to visitors. This is reflected in the references to early check-in and late check-out, provision of towels, an ironing service, and staff including a caretaker in online reviews.⁴
19. This evidence indicates that while each apartment was physically self-contained in the former use, it was not occupied on a self-sufficient basis. Each apartment therefore operated as part of a building-wide planning unit in which non-residential support activities formed a significant element of the *sui generis* use. That *sui generis* use would have been materially different from the present situation, in which each occupied apartment is an independent self-contained residential flat.
20. The foregoing is sufficient to find that the appellant has not demonstrated, on the balance of probabilities, that the alleged change of use had not occurred before the notice was issued. The appeal on ground (b) must therefore fail.

⁴ Appendices 19 – 23 to Mr Bamber's first proof of evidence.

The appeal on ground (c)

21. This ground is that any matter alleged in the notice is not development. Section 55(1) of the Act defines development to include “the making of any *material* change in the use of any buildings or other land” (my emphasis). It follows that making a change of use that is not material is not development. For a material change of use to occur, there must be some significant difference in the character of the activities from what had gone on previously as a matter of fact and degree.
22. While planning merits are not directly relevant to an appeal on this ground, the Council contends that the effect of the change of use on achieving the wider planning strategy for the area is also an indicator of its materiality. The courts have held that the extent to which a new use fulfils a legitimate or recognised planning purpose may be relevant in deciding whether it is materially different from the previous use.
23. The dependence of the apartments on building-wide support services when in holiday use is a significant difference from their present use as dwellinghouses, in which such services are neither needed nor provided. Another significant difference is the turnover of occupants. In the former use, the occupation of each apartment would change after a short period, sometimes just a weekend, intrinsically linked with the provision of changeover services. Some online reviews suggest those services may not have been provided to the standard expected by some visitors in recent years. However, the fact that they were provided and/or expected indicates that a pattern of occupation dependent on them continued.
24. The dates of the online reviews are when they were posted, not necessarily when the stay occurred. However, it is not credible that none of the 30+ reviews were posted around the time of the events they describe. In any case, when the reviews are read together, they show a common chronology. This is particularly noticeable in the reported decline in the standard of accommodation and support provided to visitors in reviews posted in 2023. Those reviews closely match the dates of similar complaints to the Council’s trading standards team recorded in the first proof of evidence of one of the Council’s witnesses, George Bamber.
25. Holiday use and permanent residential use can also differ in terms of the behaviour of occupiers and their demand for local services and contribution to the local economy. This is an aspect of the Council’s planning strategy for this part of Blackpool, which is a safeguarded Main Holiday Accommodation Promenade Frontage. The appeal premises therefore lie within an area where safeguarding tourist accommodation is an important planning consideration.⁵ The loss of 16 holiday apartments within that area is clearly relevant in terms of the strategy. That is despite the absence of evidence of how behaviour, demand for services and contribution to the local economy may have changed.
26. The Council issued a certificate of lawfulness for the proposed change of use of the adjacent building, 304 Promenade, from 16 self-contained holiday flats to 16 self-contained permanent flats in 1998.⁶ The appellant considers the Council’s decision to issue the notice and its approach to this appeal to be inconsistent with that decision, in which it accepted that the change of use would not be material.

⁵ Policy CS23 of the Blackpool Local Plan Part 1: Core Strategy (2012 – 2027) refers.

⁶ 98/0457 issued 24 August 1998.

27. Susan Parker's proof of evidence for the Council addresses this matter. She believes the Council had mistakenly thought that the proposed use would be lawful because the permission for the existing use did not include a condition limiting use to visitor occupation. The Council's current approach is to compare the character of the activities in the existing (or former) use and the proposed (or current) use. That is in keeping with my understanding of how a change of use should be assessed to determine whether the characters of the old and new uses are materially different. Furthermore, it has not been demonstrated that the planning strategy for the area was the same in 1998 as it now is. Accordingly, it cannot be assumed that the effect of the new use on a legitimate planning purpose is comparable.
28. Considered overall, the differences in length of stay and dependence on building-wide services are sufficient to conclude that there had been a significant change in the character of the activities as a matter of fact and degree. The effect of the change of use on the wider planning strategy for the area can only add further weight. It has therefore not been demonstrated, on the balance of probabilities, that the change in the use of the appeal premises was not material, so the appeal on ground (c) must fail.

The appeal on ground (d)

29. This will turn on whether the material change of use occurred sufficiently long ago that it had become too late to take enforcement action when the notice was issued. The onus is on an appellant to demonstrate this on the balance of probabilities.
30. Section 171B of the Act sets out the time limits for taking enforcement action. With one exception, the time limit for the making of a material change of use is 10 years, meaning in this instance that it would need to be demonstrated that it was made on or before 1 December 2015 to be immune. While that may be the correct approach for the entire building, it is necessary to also consider the exception, which is the material change of use of a building, or any part of the building⁷ to use as a single dwellinghouse set out in section 171B(2)(a). Under transitional arrangements,⁸ if such a material change of use was made before 25 April 2024, the relevant immunity period is 4 years.
31. It also needs to be demonstrated that the new use continued without significant interruption throughout the 4 or 10-year period. This is crucial to whether the making of a material change of use is immune from enforcement action. A material change of use may only become immune, and so capable of being certified lawful, if it continued throughout the relevant period, such that the Council could have taken enforcement action at any time. Any significant part of that period in which the use was not carried out cannot count towards immunity.
32. The appellant considers section 171B(2)(a) to apply and if that is the case, the material change of use of any apartment would be immune if it was made on or before 1 December 2021 and continued thereafter without significant interruption. A similar view is expressed in Mr Bamber's first proof of evidence.⁹
33. However, Ms Parker put forward a different view in her oral evidence. Her reasoning is that a self-contained holiday flat and a permanent self-contained

⁷ The definition of a building in section 336 of the Act includes 'any part of a building.'

⁸ Set out in The Planning Act 2008 (Commencement No. 8) and Levelling-up and Regeneration Act 2023 (Commencement No. 4 and Transitional Provisions) Regulations 2024.

⁹ Paragraph 8.5.

residential flat provide the same facilities required for day-to-day private domestic existence and are therefore both dwellinghouses. Consequently, she contends that, while the use of the premises has changed materially, the nature of each apartment as a single dwellinghouse has not. If that were correct, and each apartment has remained a dwellinghouse throughout, immunity could only be acquired if the material change of use occurred on or before 1 December 2015.

34. While Ms Parker's view has logic, it does not rest easily with the facts already established that the apartments previously operated within a larger planning unit in *sui generis* use and were not fully independent, being supported by guest services. Thus, while each apartment contained the facilities required for day-to-day living when in holiday use, and so had the physical characteristics of a dwellinghouse, it did not constitute a separate planning unit. The material change of use that has occurred from 2017 onward has gradually divided what had been a single planning unit into 17 separate and self-sufficient dwellinghouses. While the building operator maintains communal areas, that is normal in an apartment block and does not alter the status of each apartment as a separate and independent dwellinghouse.

The whole building

35. While Ms Willcox's statement described the premises as long-term residential accommodation since October 2017, she clarified this when giving her oral evidence. She affirmed that holiday lettings continued after Surdev bought the property, stating that not all apartments were let permanently and there was "an element of both." She further affirmed that holiday lettings of apartments with sea views (numbers 1, 3, 5, 10 and 15) continued while she ran the premises.
36. That is consistent with over 30 online reviews of holiday lettings within the building posted between August 2017 and January 2024 produced by the Council. Furthermore, it cites complaints about the quality of holiday accommodation at the premises received by the Council's trading standards team between 2019 and 2023. There are no complaints from 2020 but that may be due to Covid-19 lockdowns, which prevented the use of holiday apartments for much of that year.
37. The appellant has drawn evidence from a range of sources, including licence agreements, records of rent payments, messages sent to occupiers, and bank statements. Correspondence from the Council's benefits department and the Department for Work and Pensions (DWP) has also been produced.
38. The DWP correspondence confirms that it made payments to support varying numbers of occupiers between 31 October 2020 and 26 October 2022, falling from a peak of 7 in November 2020 to 1 by September 2022. The Council contends that these payments would have been in line with its practice of placing vulnerable people in up to 30% of the rooms in a hotel or guest house for up to 6 months. The Council argues that this should not be considered permanent occupation.
39. There are significant gaps in the timeline of the DWP payments, but some names recur, with one appearing 5 times between November 2020 and January 2022. Those recurrences suggest occupation for longer than 6 months, although the breaks in evidence mean that an occupier moving out and returning later cannot be ruled out. None of the names can be matched to the current or former occupier information provided by the appellant and, critically, there is no indication of which apartments were occupied. Nevertheless, at most, this evidence could only relate

to 7 of the 17 apartments and therefore cannot demonstrate the use of the whole building as permanent self-contained residential flats.

40. Mr Bamber's first proof of evidence refers to an inspection he made of the premises in April 2021 when he recorded that all apartments but one were vacant. This coincides with a gap of some 4 months in the DWP correspondence.
41. Council officers made two unsuccessful attempts to reinspect the premises in May 2021, again coinciding with the break in DWP correspondence. Mr Bamber states that he was present on the first occasion and saw that the building was boarded up and inaccessible. He did not attend on the second occasion, when another officer visited alone. However, his proof refers to Council records that state that no-one was present, lights were off and the building appeared empty. The description of the record continues that the officer subsequently had a telephone conversation with Ms Willcox. While Ms Willcox could not recall this conversation, she is reported to have said there was no gas or electricity supply, that "there were no permanent tenants living there, and that all residents were holiday-makers."
42. Collectively, the available evidence does not demonstrate, on the balance of probabilities, that use of the whole building as permanent self-contained residential flats began on or before 1 December 2015 and continued thereafter without significant interruption. That is particularly so when Ms Willcox's confirmation of continuing holiday lettings is given due weight. It is therefore necessary to examine the evidence relating to each apartment in turn.

Individual apartments

43. To succeed on ground (d) for any apartment, the appellant needs to demonstrate that its use as a permanent self-contained residential flat began on or before 1 December 2021 and continued thereafter without significant interruption. The threshold for demonstrating this is the balance of probabilities.
44. While Ms Willcox affirmed that 4 apartments were permanently occupied when Surdev acquired the building in 2017, she could not be certain which ones they were and there is no corresponding documentary evidence. The Council accepts that up to 6 were used as permanent self-contained residential flats at some time between November 2019 and March 2021, but it is not clear which they were. It believes they reverted to holiday use after it intervened and following discussion with Ms Willcox. When giving evidence, Ms Willcox could not recall this matter or any complaint to the Council's trading standards team. However, when asked why the Council had only been interested in up to 6 apartments, she suggested it was because they were the ones in permanent occupation then.
45. Ms Willcox told the inquiry **Apartment 1** was first used as a permanent self-contained residential flat "through lockdown," presumably in 2020, but the earliest documentary evidence of that use is a licence agreement from April 2024.¹⁰ While the oral and documentary evidence indicates use of the apartment as a self-contained permanent residential flat, it is only Ms Willcox's recollection that places it on or before 1 December 2021. Furthermore, Apartment 1 is one of the 5 with sea views, which she identified as continuing in holiday use until 2023. Accordingly, the evidence is too imprecise and ambiguous to demonstrate, on the balance of probabilities, that the material change of use was made on or before 1 December

¹⁰ Misfiled to Apartment 15.

2021 and continued for not less than 4 years without significant interruption. The appeal on ground (d) must therefore fail for Apartment 1.

46. The earliest evidence relating to **Apartment 2** is in correspondence from the Council's benefits department, which indicates that Carolanne Simpkins occupied it as her sole residence between 5 November 2017 and 8 January 2018. Ms Willcox confirmed this in her oral evidence. The correspondence includes an award of housing benefit for a period ending 2 April 2018, but it cannot demonstrate that Ms Simpkins stayed until then. In any event, her name is absent from a list of occupiers in receipt of housing benefit issued on 18 January 2018. Ms Simpkins' witness statement only states that she resided at 302 Promenade "for a period of time" and she did not appear at the inquiry to provide clarification. From the available documentary evidence, it would appear to have been for less than 3 months.
47. Mark Murphy affirmed at the inquiry that Apartment 2 was his sole residence from late 2022, after initially staying in Apartment 7, until September 2023. As for the period between the evidence of Ms Simpkins' and Mr Murphy's occupation, Mr Bamber's first proof of evidence refers to "owner's accommodation (in the basement)" when he inspected the premises in April 2021. Ms Willcox could not recall this inspection but did confirm that Apartment 1, the only other accommodation at basement level, remained in holiday use until 2023, so this is most likely to be a reference to Apartment 2. That is despite the manager's accommodation being at ground level on the floor plan from the 1978 permission.
48. Mr Bamber affirmed that Ms Willcox's son was in a basement apartment as a member of staff and she was living on the first floor at the time of his April 2021 visit. However, when asked whether there had been manager's accommodation in the basement then, Mr Bamber replied that "no one had indicated otherwise." His reply continued that accommodation was "vacant and unfurnished", and it is not clear whether he meant Apartment 2 or other parts of the building.
49. Ms Willcox did not contradict Mr Bamber's recollection in her evidence, indeed she affirmed she had lived in Apartment 4 from 2017 to 2023. However, neither did she confirm her son's occupation of Apartment 2 in April 2021, when it seems the building was being renovated. Considering that, and the absence of any other reference to her son living at the premises, it is possible that he had been carrying out or overseeing the renovation work, and so was there temporarily. The evidence of use of the apartment in April 2021 is therefore imprecise.
50. Overall, the evidence demonstrates use of the apartment as a self-contained permanent residential flat before 1 December 2021. However, it is either missing or imprecise for a period of some 4 years between January 2018 and late 2022. Even if the evidence from April 2021 were precise, it would only represent a snapshot in time. Consequently, and viewed overall, the available evidence does not show, on the balance of probabilities, that the use continued without significant interruption for any 4-year period. The appeal on ground (d) must therefore fail for Apartment 2.
51. Ms Willcox suggested in oral evidence that **Apartment 3** was first occupied as a self-contained permanent residential flat in 2021 or 2022, although she also indicated it had continued in holiday use until 2023. The earliest documentary evidence is a licence agreement from January 2024. This, an agreement from July 2025, and a statement made by the current occupier confirm use of the apartment as a self-contained permanent residential flat. However, owing to the ambiguity

- about earlier events the evidence fails to demonstrate, on the balance of probabilities, that the use began on or before 1 December 2021. The appeal on ground (d) must therefore fail for Apartment 3.
52. The appellant's documentary evidence does not include any record specific to the past or present use of **Apartment 4**. However, when Ms Willcox was asked when it was first used as a self-contained permanent residential flat, she replied that she had lived there from 2017 to 2023, a period of more than 4 years.
 53. Mr Bamber's first proof of evidence states that Ms Willcox was living on the first floor when he visited the premises in April 2021. While he states Ms Willcox accompanied him during the inspection, she could not recall it. Nevertheless, as Apartment 3 has a sea view and is one that Ms Willcox indicated had continued in holiday use until 2023, it is likely that this was Apartment 4.
 54. Ms Willcox ran the premises while she occupied Apartment 4, and the evidence points to a mix of holiday apartments and permanent flats within the building at that time. As such, her use of the apartment was linked to the continuing use of the building, or parts of it, as holiday accommodation and the provision of services to guests under her management. Even if the building-wide planning unit of the 1978 permission no longer existed then, there remained a clear functional link between Apartment 4 and Apartments 1, 3, 5, 10 and 15, where holiday use continued.
 55. Considering this and the limited information about Ms Willcox's occupation of Apartment 4, it has not been demonstrated that it was used independent of the wider holiday letting business within the building. It has therefore not been demonstrated, on the balance of probabilities, that any separate use of the apartment as a self-contained permanent residential flat began on or before 1 December 2021. The appeal on ground (d) must therefore fail for Apartment 4.
 56. Ms Willcox told the inquiry that **Apartment 5** was first used as a self-contained permanent residential flat at the end of 2022. There is no documentary evidence prior to a licence agreement from October 2024. While that and a statement by the current occupier confirm use of the apartment as a self-contained permanent residential flat, they fail to demonstrate, on the balance of probabilities, that it began on or before 1 December 2021. Furthermore, Apartment 5 is one that Ms Willcox identified as continuing in holiday use until 2023. The appeal on ground (d) must therefore fail for Apartment 5.
 57. Ms Willcox could not recall when Apartments 6, 7, 8 and 9 were first used as self-contained permanent residential flats. The earliest evidence for **Apartment 6** is the appellant's identification of an occupier from June 2023 onward.¹¹ This fails to demonstrate use of the apartment as a self-contained permanent residential flat on or before 1 December 2021. The appeal on ground (d) must therefore fail for it.
 58. Correspondence from the benefits department indicates that **Apartment 7** was someone's sole residence between April June 2018. This includes an award of housing benefit for a period ending 1 April 2019, but it cannot demonstrate that the occupier stayed until then. Even if he had, the appellant's evidence does not account for a subsequent period of some 4 years before rent payments are recorded from June 2023 onward.¹²

¹¹ Payment data misfiled to Apartment 2.

¹² Misfiled to Apartment 6.

59. While the evidence demonstrates that use of the apartment as a self-contained permanent residential flat began before 1 December 2021, there is a 4-year break. It therefore fails to demonstrate, on the balance of probabilities, that the use continued for any 4-year period without significant interruption. The appeal on ground (d) must therefore fail for Apartment 7.
60. The earliest evidence relating to **Apartment 8** is receipt of rent in February and March 2024. While this may show use of the apartment as a self-contained permanent residential flat, it has not been demonstrated, on the balance of probabilities, that it began on or before 1 December 2021. The appeal on ground (d) must therefore fail for Apartment 8.
61. Correspondence from the Council's benefits department indicates that someone occupied **Apartment 9** as his sole residence between November 2017 and November 2018. While the correspondence includes an award of housing benefit until 1 April 2019, it cannot demonstrate that he stayed that long. Even if he had, there is no evidence of any use of the apartment between then and when a different person appears on the appellant's schedule of past occupiers at least 3½ years later in February or October 2023.¹³
62. The evidence indicates that use of the apartment as a self-contained permanent residential flat began before 1 December 2021. However, there is a later 3½ year break, so it fails to demonstrate, on the balance of probabilities, that the use continued for any 4-year period without significant interruption. The appeal on ground (d) must therefore fail for Apartment 9.
63. **Apartment 10** is one of the 5 apartments with a sea view and Ms Willcox affirmed that it had not been used as a self-contained permanent residential flat while she ran the property. The earliest documentary evidence relating to it is a licence agreement dated 13 January 2024. While this confirms use of the apartment as a self-contained permanent residential flat, it has not been demonstrated, on the balance of probabilities, that it began on or before 1 December 2021. The appeal on ground (d) must therefore fail for Apartment 10.
64. There is no documentary evidence about **Apartment 11** before a name in the appellant's schedule of past occupiers with a November 2023 move-in date. There is no corresponding licence agreement or record of rent payments for this occupier or the next, stated to have been present between April and September 2024. Even if this limited evidence could confirm use of the apartment as a self-contained permanent residential flat, it would still not be demonstrated, on the balance of probabilities, that it began on or before 1 December 2021.
65. While Ms Willcox told the inquiry the apartment was first used as a self-contained permanent residential flat in 2017, the occupier and their length of stay are unidentified. Therefore, even if this were accepted as proof of that use on or before 1 December 2021, it has not been demonstrated, on the balance of probabilities, that it continued without significant interruption for a period of not less than 4 years. The appeal on ground (d) must therefore fail for Apartment 11.
66. The earliest documentary evidence for **Apartment 12** is a licence agreement from September 2023 and the appellant's record of rent receipts from that month until July 2025. While this evidence is indicative of use of the apartment as a self-

¹³ The date appears '08.102.2023' in the schedule.

- contained permanent residential flat, it cannot demonstrate, even on the balance of probabilities, that it began on or before 1 December 2021.
67. Ms Willcox affirmed that the apartment was first used as a self-contained permanent residential flat in 2017. As with Apartment 11, the occupier and their length of stay are unidentified, so it has not been demonstrated, on the balance of probabilities, that the use continued for 4 years without significant interruption. The appeal on ground (d) must therefore fail for Apartment 12.
 68. Gary Cox affirmed at the inquiry that he has occupied **Apartment 12a** as his sole residence since mid-January 2024. That fact is supported by a licence agreement from that month and the appellant's records of rental receipts ever since. The appellant identifies a previous occupier from May 2023.¹⁴
 69. A November 2018 letter from the Council's benefits and customer services team identifies that an earlier occupier of Apartment 12a had claimed a housing benefit and council tax reduction at that time. This is consistent with Ms Willcox's oral evidence of first use as a self-contained permanent residential flat in 2017. However, there is no further evidence about that person or any other occupier before May 2023, so it has not been shown that the use continued without significant interruption.
 70. Accordingly, while the evidence indicates use of the apartment as a self-contained residential flat before 1 December 2021, for part of 2023, and from January 2024 until the date the notice was issued, a period of some 4½ years is unaccounted for. The appellant's evidence therefore fails to demonstrate, on the balance of probabilities, that the use continued for any 4-year period without significant interruption. The appeal on ground (d) must therefore fail for Apartment 12a.
 71. The earliest record of any occupation of **Apartment 14** is a licence agreement from October 2023. While this and later evidence may confirm use of the apartment as a self-contained permanent residential flat, they cannot demonstrate, on the balance of probabilities, that it began on or before 1 December 2021. The appeal on ground (d) must therefore fail for Apartment 14.
 72. The earliest documentary evidence for **Apartment 15** is a person named in the appellant's schedule of past occupiers with an October 2023 move-in date. This and later evidence confirm use of the apartment as a self-contained permanent residential flat. However, the apartment has a sea view, and Ms Willcox told the inquiry that it remained in holiday use until 2023. The evidence therefore fails to demonstrate, on the balance of probabilities, that the use began on or before 1 December 2021, so the appeal on ground (d) must fail for Apartment 15.
 73. Correspondence from the Council's benefits department indicates that someone occupied **Apartment 16** as his sole residence in November and December 2018. While the correspondence includes an award of housing benefit until 1 April 2019, it cannot demonstrate that the recipient stayed that long. Even if he had, there is no evidence of any use of the apartment after that, until a different person began occupation over 4 years later, under a January 2024 licence agreement.
 74. Accordingly, while the evidence demonstrates use as a self-contained residential flat before 1 December 2019 and from January 2024, a period of over 4 years is not

¹⁴ The date vacated is assumed to be 12 December 2024, not 12 December 2025 as recorded.

accounted for. The evidence therefore fails to demonstrate, on the balance of probabilities, that the use continued for any 4-year period without significant interruption, so the appeal on ground (d) must fail for Apartment 16.

75. What is now the **Rear Apartment** is annotated 'owner's existing private accommodation' on drawings submitted as part of the application for the 1978 permission. Condition 5 of that permission limited its occupation to a resident owner or caretaker and Mr Walker's contemporaneous note of his visit in September 2015 indicates that it was still in that use during that year's summer season.
76. There is no other documentary evidence for this part of the building until 19 April 2023, when a person named in the appellant's schedule of past occupiers moved in. This and later records confirm use of the apartment as a self-contained permanent residential flat.
77. However, Ms Willcox affirmed that the apartment was not occupied by a resident owner or caretaker when Surdev acquired the property in 2017 and that it was first used as a self-contained permanent residential flat that year. As with her evidence for Apartments 11 and 12, the occupier and their length of stay are unknown.
78. The evidence therefore fails to demonstrate, on the balance of probabilities, that the use, if it began on or before 1 December 2021, continued without significant interruption for any 4-year period. The appeal on ground (d) must therefore fail for the Rear Apartment.

Additional evidence

79. The appellant has produced bank statements from February 2023 onward. These record payments from another account held by the company and other sources, which may relate to rental income. However, there are no records from on or before 1 December 2021 and the evidence, as presented, does not connect any receipt to a particular apartment, so I can only afford it limited weight.
80. The witness statements of Mark Murphy, Gary Cox, Anthony Yates and Carolanne Simpkins all say that other people who were in the building when they stayed there were permanent residents, not visitors. While all but Ms Simpkins appeared at the inquiry, none identified the people they described, when they were there, or which apartments they were in. Accordingly, I can only afford this aspect of their evidence limited weight.

Conclusion on ground (d)

81. The available evidence does not, on the balance of probabilities, demonstrate use of the entire building as permanent self-contained residential flats on or before 1 December 2015. Furthermore, and for the reasons set out above, the use of any apartment as a permanent self-contained residential flat on or before 1 December 2021 and without significant interruption for any period of not less than 4 years has not been demonstrated on the balance of probabilities.
82. The additional evidence does not alter the above findings and the appeal on ground (d) must therefore fail.

The appeal on ground (g)

83. The appellant contends that 3 months is not a reasonable period to cease the use of the property as self-contained permanent residential flats and suggests a variation to give 6 to 12 months instead.
84. Compliance with the notice would result in occupiers of the apartments losing their homes, interfering with their rights for respect for private and family life and protection of property¹⁵ incorporated in the Human Rights Act 1998. Those rights are qualified, so they may be interfered with to secure a relevant aim. This requires that the rights of individuals are balanced against the legitimate interests of others and the wider public interest. In this ground of appeal, the matter to be considered is whether the period for compliance is proportionate in human rights terms.
85. When questioned, the appellant indicated that occupiers have a 2-month notice period and Mr Cox told me his notice period is 1 month. However, Mr Cox's licence and all other current licences presented by the appellant state, "The licence may be determined by the landlord giving not less than 1 weeks' notice in writing served at any time." In this context, 'determined' is understood to mean ended. The 3-month period to comply with the notice is therefore generous in comparison and has not been shown to be disproportional.
86. Nevertheless, the appellant suggests that changes introduced by the Renter's Rights Act 2025 may allow occupiers to challenge any period of notice they are given. The provisions of that Act only came into force recently, so it may be too early to say with authority what challenges it could afford. Nevertheless, it should not be forgotten that the onus to comply with the notice, and the risks arising from failure to do so, would not only fall on the owner or operator but also on any person still in permanent residence. Furthermore, occupiers have known about the notice and its possible effect on them for over 7 months and therefore have had opportunities to consider other options.
87. However, and while there is little evidence about the local rental market before me, it could be that if several people had to move at the same time, they would compete for limited comparable housing opportunities. While the 3-month period given in the notice is proportionate, the Council would accept a 6-month period instead.
88. Noting these matters, I consider that an extended period of 6 months should be allowed. The appeal on ground (g) therefore succeeds to that extent and the notice will be varied.

Conclusion

89. Notwithstanding the success on ground (g), and for the reasons given above, I conclude that the appeal should not succeed. I shall uphold the notice with a correction and variations.

Formal Decision

90. It is directed that the notice is corrected in section 3 by the deletion of the words "for persons with no other place of abode" and the substitution of the words "for a person's sole or main place of residence."

¹⁵ Under Article 8 of the European Convention on Human Rights and Article 1 of its First Protocol.

91. It is directed that the notice is varied in section 5 by the deletion of the words “for persons of no place of abode” and the substitution of the words “for a person’s sole or main place of residence.”
92. It is further directed that the notice is varied in section 6 by the deletion of the words “Three months” and the substitution of the words “Six months.”
93. Subject to the correction and variations the appeal is dismissed, and the notice is upheld.

Mark Harbottle

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Arshad Ellahi

He called
Jacolyn Willcox
Arshad Ellahi
Mark Murphy
Gary Cox
Anthony Yates

Director, 1508 Seaside Limited.

FOR THE LOCAL PLANNING AUTHORITY:

Catherine Knight

She called
George Bamber

Susan Parker MRTPI

Planning Enforcement Officer, Blackpool
Council
Head of Development Management,
Blackpool Council

Document submitted at the Inquiry

Second Proof of Evidence of George Bamber (excluding appendix 2)