



Appeal Decision

Site visit made on 7 July 2026

by **A Berry MTCP (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 July 2026

Appeal Ref: APP/N4720/C/25/3368566

38 Wood Lane, Headingley, Leeds LS6 2BA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) ("the 1990 Act").
 - The appeal is made by Mr D Stevenson of C & C Limited against an enforcement notice ("EN") issued by Leeds City Council.
 - The EN was issued on 4 June 2025.
 - The breach of planning control as alleged in the EN is: Without planning permission, the material change of use from a meeting/office space with overnight sleeping accommodation to a holiday letting/commercial (leisure or business) use [sui generis].
 - The requirements of the EN are:
 - Step 1. Cease the use of the property for short term and holiday letting use [sui generis].
 - Step 2. Permanently cease and remove all forms of advertising (including online) associated with the unauthorised use of the property for short term and holiday letting use.
 - The period for compliance with the requirements is: Three months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the 1990 Act. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the 1990 Act.
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Decision

1. It is directed that the EN is varied by:
 - *the deletion of the words "...for short term and holiday letting use [sui generis]" in Step 1 of the EN's requirements and their substitution with the words "...for holiday letting/commercial (leisure or business) use [sui generis]" in section 5; and*
 - *the deletion of Step 2 from section 5.*
2. Subject to the variations, the appeal is dismissed, the EN is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act.

Matters Concerning the Notice

3. It is necessary for the breach of planning control to be described consistently throughout the EN. Therefore, I have varied the description of the breach within Step 1 of the EN's requirements. As this variation is for precision, I am satisfied they would not cause injustice to either main appeal party.
4. Step 2 of the EN's requirements seeks to cease and remove all forms of advertising (including online). There were no on-site advertisements relating to the letting of the property for holiday letting/commercial use at the time of my site visit, and requiring the cessation of online advertisements falls outside the scope of s173(5) of the 1990 Act. Consequently, I have deleted Step 2. I am satisfied that

the omission of Step 2 would not cause injustice to either main appeal party as providing Step 1 is adhered to, there would be no holiday letting/commercial use to advertise.

Preliminary Matters

5. In the period since the appeal was lodged, the appellant informed the Planning Inspectorate that they no longer rent the property. Consequently, I was unable to access the appeal site. However, I undertook an unaccompanied site visit of the surrounding area and viewed the appeal site from the public highway.
6. At the time of my site visit I saw that the property had a “To Let” sign displayed, and the appellant stated that the property was currently vacant. Consequently, it appeared that the breach of planning control identified in the EN had ceased. However, the appellant chose not to withdraw their appeal.

Appeal on Ground (a) and the Deemed Planning Permission

7. An appeal under ground (a) is that planning permission should be granted for the matters alleged. The **main issue** is the effect of the development on the living conditions of the occupiers of neighbouring properties with reference to noise and disturbance.

Reasons

8. The appeal site contains a large, detached, two-storey building set within a large plot. The building is set back from the road by an area of hardstanding/garden, and there is a large garden to the rear/sides. The appeal site is surrounded by detached/semi-detached dwellings and blocks of flats. The road to the front of the appeal site is narrow, with a pavement along one side. At the time of my site visit, the road was infrequently used by vehicles and therefore, the surrounding area had a tranquil atmosphere. This is supported by comments from interested parties who reside in the surrounding area.
9. The property has been used for holiday letting/commercial use. The Council assert there are 4 bedrooms which, at the time the EN was issued, three bedrooms contained four single beds, and the fourth bedroom contained 6 beds. There were also two sofa beds. Consequently, the property accommodated up to 20 people. There was also a hot tub in the rear garden, and evidence from online reviews indicates that large groups of people book the property to host celebrations such as hen and stag dos. This has not been disputed by the appellant and therefore, I have no reason to disagree with the Council’s assertions.
10. The appeal site shares its boundaries with a semi-detached dwelling to the east that has windows directly facing the property’s front garden/hardstanding. Its rear garden also bounds the side boundary of the appeal site. To the rear is a four storey block of flats that has windows and balconies/roof terraces in proximity of the appeal site’s rear garden. To the west of the appeal site is a purpose-built block of flats that has windows facing towards the appeal site’s side boundary.
11. Since the property has been used as holiday letting/commercial use, interested parties have reported instances of loud music, fireworks, late night takeaway deliveries, occupiers of the property being extremely noisy, shouting and screaming, occupiers frequently coming and going and returning in the early hours of the morning. These effects have caused the occupiers of neighbouring

properties disrupted sleep, stress, anxiety, and the inability to quietly enjoy their homes.

12. An interested party's comprehensive noise incident log lists numerous dates/times when parties have occurred at the property and interested parties state that they have complained to local Councillors, Planning Enforcement, the property owner, and Airbnb. The Council has also provided dates and times when their Out of Hours Noise Nuisance Team ("NNT") were contacted due to excessive noise at unsociable hours occurring at the property.
13. Conversely, the appellant states that the Council has failed to provide evidence to qualify that the noise and disturbance experienced by the occupiers of neighbouring properties emanates from the appeal site. However, it is for the appellant to provide evidence to counter the substance of the EN under the relevant grounds of appeal.
14. The appellant asserts that the property is installed with noise monitors and CCTV cameras. A list of dates and precise times when the NNT were contacted is included within the Council's Appeal Statement; and dates and times are included in the noise incident logs provided by an interested party. However, the appellant has failed to provide details of noise levels or CCTV images to disprove that a noise nuisance had occurred at these times.
15. The appellant has submitted an example of a Noise Management Plan ("NMP") that they suggest could be conditioned to prevent noise and disturbance from the property. However, the NMP does not appear to be specific to the appeal property as it talks of alerts being monitored by *"both our on-shore and off-shore team"*.
16. Notwithstanding this, the evidence suggests that the existing noise monitors and CCTV cameras have not prevented noise disturbances from repeatedly occurring. Furthermore, the reliance on off-site staff to control instances of noise and disturbance would be reactive to a noise/disturbance that had already occurred. Therefore, I am not persuaded that a NMP would be effective in controlling noise and disturbance from the property to an acceptable level.
17. The appellant suggests that permission could be granted for a temporary period of 12 months for the material change of use to be assessed by the Council in a measured and objective way. However, there is extensive evidence before me that demonstrates the use of the property for holiday letting/commercial use is harmful to the occupiers of neighbouring properties. Therefore, to extend the use for a further 12 months would only serve to prolong the harmful effect of the development on living conditions.
18. The appellant asserts that the area surrounding the appeal site contains a mix of uses including residential, commercial/offices, retail, nightlife, hotels, and blocks of student housing. I appreciate that these uses can be found in the wider area, however the area immediately surrounding the appeal site is predominantly residential.
19. The appellant has directed me to examples¹ of planning permission granted by the Council they assert are for similar developments and are subject to a NMP condition. However, the permissions do not relate to developments on the same

¹ Planning Refs 24/04942/FU, 24/06689/FU, 22/04080/LI/22/04079/FU

road as the appeal site, and the Council has provided evidence that the uses immediately surrounding these examples are not similar. Furthermore, the permissions relate to individual units of accommodation within one building rather than the use of the whole property as one unit. Consequently, they are not directly comparable to this appeal. In any event, I must determine each case on its own merits.

20. It is for these reasons that the material change of use of the property to a holiday letting/commercial (leisure or business) use [sui generis] causes harm to the living conditions of the occupiers of neighbouring properties with reference to noise and disturbance. It conflicts with Policy P10 of the Core Strategy² and Policy GP5 of the Unitary Development Plan³ that, amongst other things, seek to protect the residential amenity of the area and avoid the loss of amenity.

Conclusion on Ground (a) and the Deemed Planning Permission

21. For the reasons given above, having regard to the development plan as a whole and all other material considerations, I conclude that the appeal on ground (a) should be dismissed, and the deemed planning permission should be refused.

Appeal on Ground (g)

22. An appeal under ground (g) is that the period specified for compliance within the EN falls short of what should reasonably be allowed.
23. The period for compliance is 3 months. The appellant considers this to be unreasonable as they have bookings in place until 29 March 2026 and they have no other properties they can use to accommodate the guests. They consider the time to comply with the EN should be 6 months to allow the business to manage future bookings and to provide appropriate notice to allow the end of employment.
24. The date on which the property had been last let to guests (29 March 2026) has lapsed and the appellant has confirmed they no longer rent the property. Consequently, the breach of planning control appears to have already ceased.
25. For these reasons, I do not find that a compliance period of 3 months is unreasonable. Therefore, the appeal on ground (g) fails.

Conclusion

26. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the EN with variations and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act.

A Berry

INSPECTOR

² Core Strategy (as amended by the Core Strategy Selective Review 2019) Leeds Local Plan, adopted November 2014, Amendments Adopted 11 September 2019

³ Leeds Unitary Development Plan (Review 2006) Volume 1: Written Statement