



Appeal Decision

Hearing held on 21 & 22 May 2026

Site visit made on 21 May 2026

by M Savage BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2026

Appeal Ref: APP/J2373/C/24/3348067

51 Charnley Road, Blackpool FY1 4PE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended)(the Act).
 - The appeal is made by Constable Investments Limited against an enforcement notice issued by Blackpool Council.
 - The notice was issued on 5 June 2024.
 - The breach of planning control as alleged in the notice is without planning permission, the material change of use of 51 Charnley Road from a guest-house to a self-contained holiday let.
 - The requirements of the notice are to: Cease the use of 51 Charnley Road as a self-contained holiday let.
 - The period for compliance with the requirement is: One month.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (c) and (d) of the Town and Country Planning Act 1990 (as amended). 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 Act.
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Decision

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matters

2. The original appeal decision was challenged under section 289 of the Act. The Appellant challenged the Decision on two grounds:
 - Ground 1: The Inspector determined the appeal under s.174(c) TCPA, a ground which was not argued by the parties and without providing the parties with the opportunity to make further representations or to provide further evidence. As a result, the Appellant argued that the decision resulted in procedural unfairness.
 - Ground 2: The Inspector wrongly concluded that the use of the Premises was for a use falling within class C1 of the Town and Country Planning (Use Classes) Order 1987.
3. In relation to Ground 1, it was acknowledged that the Inspector's approach resulted in procedural unfairness to the Appellant and on that basis, it was agreed that the Decision Letter ought to be quashed and the appeal ought to be re-determined. The error alleged under Ground 2 was not accepted but in light of the concession on Ground 1, Ground 2 did not need to be determined by the Court.

The Consent Order of the High Court allowed the appeal and remitted the decision for redetermination. This decision supersedes that made on 8 April 2025.

4. The appellant has since confirmed that it wishes to pursue an appeal under ground (c) and both parties have been given the opportunity to present evidence on this matter. Given the Court's decision, it is necessary to reopen each of the grounds of appeal and, during the Hearing, evidence was heard in relation to each of the grounds of appeal pleaded, including ground (c).
5. As established in *R (Davison) v Elmbridge BC* [2020] 1 P & CR 1, a previously quashed decision is capable in law of being a material consideration. Whether, and to what extent, the decision maker is required to take the previously quashed decision into account is a matter for the judgement of the decision maker reviewable on public law grounds.
6. Within their appeal form, the appellant identifies the appeal address as Foxhall Guest House, 49-51 Charnley Road, Blackpool FY1 4PE. However, the enforcement notice relates to No 51 Charnley Road only. I have therefore taken the address from the Enforcement Notice.

Ground (c)

7. An appeal under ground (c) is made on the basis that the matters stated in the notice do not constitute a breach of planning control. The main thrust of the appellant's case under ground (c) is that planning permission was granted for the use of the property as a guest house in 1979 and there has been no material change of use thereafter. The burden of proof in a legal ground of appeal is firmly on the appellant to make their case to the civil standard, which is the balance of probabilities.
8. Section 55(1) of the Act sets out that, subject to the following provisions of this section, in this Act, except where the context otherwise requires, "development", means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.
9. Section 55(2) specifies certain operations or uses of land which shall not be taken for the purposes of this Act to involve development of the land, including (f) in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section, the use of the buildings or other land or, subject to the provisions of the order, of any part of the buildings or the other land, for any other purpose of the same class.
10. Planning permission 4/76/2730 was granted in January 1979 for the use of the appeal premises as a guesthouse. The Council does not dispute that the 1979 permission was implemented, or that a C1 use is the last lawful use of the premises. It was agreed during the hearing that the approach I should take is firstly, to establish whether the current use of the property falls within use class C1 and if not, to then consider whether the change from a C1 use to the alleged use was a material change of use.

Whether the current use of the property is a C1 use

11. The Town and Country Planning (Use Classes) Order 1987 (as amended)(the UCO) defines Class C1 as 'Use as a hotel or as a boarding or guest house where,

in each case, no significant element of care is provided'. A guest house clearly falls within Class C1, however, the term 'guest house' is not defined in the legislation. Both parties have sought to assist me in understanding what a guest house is (and what it is not).

12. The Council has drawn my attention to the dictionary definition, which defines 'guest house' as '*a house where strangers are accommodated; now usu., a (superior) boarding house, esp. one catering for holidaymakers.*' A boarding house is defined as '*a house offering board and lodging for paying guests*' and board and lodging is defined as '*provision of accommodation and meals*'.
13. During the hearing, it was suggested that hotels, boarding houses and guest houses are different things and that what each imply is a tier of service, with a hotel providing the most, followed by a boarding house and then a guest house. If I were to accept this proposition, then using the dictionary definition it would seem logical that a guest house would provide a tier of service above that of a boarding house, since the dictionary definition of a guest house seems to be that it is a 'superior boarding house'.
14. The Council has drawn my attention to various appeal decisions, where self-contained holiday accommodation was held to be a *sui generis* use. Some of the decisions referenced relate to properties previously in a C3 use, while others relate to properties previously in a C1 use. In some cases, whether the use was *sui generis* (or not) was not in dispute, for example, APP/J2373/W/24/3352636 and so the Inspector had no reason to explore it further. In other cases, it was a central point of dispute between the parties, for example, APP/F0114/C/23/3325732. What is clear in relation to the appeals cited is that each case turned on its own facts.
15. In *Empire Communications Limited and Anor v SSHCLG* [2026] EWHC 817 (Admin) the following principles were set out: (a) whether a particular use departs from that of a use class C3 dwelling is a question of fact and degree (per *Moore v SoS for Communities and Local Government* [2012] EWCA Civ 1202); (b) to answer that question one needs to look at the use of the property in the round (per *Welwyn Hatfield BC v SSCLG & Beesley* [2011] UKSC 15); and (c) the character of the use, and (as an example) the duration of stay, is a factor in reaching a decision but is not determinative (per *Gravesham and Mayflower Cambridge Limited v Secretary of State for the Environment* (1975) 30 P&CR 29 respectively). It seems to me that these principles could equally apply to a C1 use.
16. In support of their case, the appellant has drawn my attention to judgements which, it is suggested, set out some guidance on relevant factors which should be considered. The first is the *Winmill* case, *Winmill & Another v Secretary of State for the Environment & Another* [1981] Lexis Citation 300. In that case, the judge suggested that in considering whether there was a material change of use to a guest house, the length of stay, the matter of self-catering compared with the provision of meals, who provides bed linen and who cleans the rooms are all important questions.
17. Further to the *Winmill* case, the appellant commends *Breachberry Limited v Secretary of State for the Environment and another* [1984] Lexis Citation 528 to me, where it was held that the provision of services is no more than one relevant factor. The appellant suggests that what the court is telling us is that you do not

have to have services provided, it is simply a relevant factor. It is suggested that no one factor makes premises a guest house. Provision of services, length of stay, provision of meals (vs self-catering) provision of bed linen, cleaning should all be taken into account.

18. The Council submits that it is implicit and commonly understood that the house will include a host usually living in the premises, usually providing the lodging and the board. In support of this proposition, the Council has drawn my attention to appeal decision reference APP/Q9495/C/22/3310495, which considered the material change of use of a public house and inn to a single self-contained holiday let (*sui generis*). In that decision, the Inspector found the lawful use of the premise to be as a hotel, which would have been a C1 use.
19. When considering whether the premises was in a C1 use, the Inspector says a person who stays in a guest house is one who stays in someone's home. He suggests that the absence of any board, i.e. Food and drink prepared for the occupants, is at odds with the meaning of a boarding house. It is suggested that the provision of meals, particularly breakfast is common place in what is regarded as a hotel, boarding or guest house and, given the dictionary definition referred to above, I agree this is likely to be a relevant factor.
20. The appellant raised concern regarding the difficulties in knowing what they had to do to comply with the notice, given that whether something is a C1 use is a matter of judgement. This is not a hidden ground (f), nor does it go to whether the notice is valid or a nullity, rather the point goes to the difficulties where something is not defined in legislation. During the Hearing, the Council referred to a consultation that the Government carried out in 2023 on introducing a C5 use class and point out that in Wales, there is a C6 (referred to as C5 use during the Hearing) use class.
21. However, to date, no change to the UCO has been made in this respect and so whether a short term let is a C1 use, a C3 use or a *sui generis* use must be considered on a case by case basis. While there are clearly some factors, such as the extent of control guests have over their rooms, which are irrelevant to the question of whether the premises is in a C1 use, what is clear from the caselaw referred to above is that whether something is in a C1 use is a judgement, taking into account relevant factors, none of which is determinative.
22. The appeal property comprises a substantial terraced property, with accommodation laid out over four floors, including a basement with washing facilities, a lounge/diner, a kitchen equipped with an oven, microwaves, fridge-freezers and a toilet on the ground floor and ensuite bedrooms on the first and second floors. To the rear is a modest yard, which is partly covered, with a seating area and bin storage. To the front of the property is a forecourt, with parking for two cars, a key safe, within which are keys which provide access to the property, a camera and a house number sign, which says 'Blackpool Stays'.
23. The appellant states that the property was purchased in 2023, at which time it was laid out as it currently is and was known as 'Foxhall Guesthouse' (and still is). During the hearing it was explained that prior to their stay, visitors to the property are provided with information via email, giving details of check-in and check-out times, key code, WiFi, parking as well as details of rules. The property is cleaned

before a stay, and, if requested during a stay, though it seems this is not done normally.

24. Guests to the property are provided with a breakfast, which includes tea, coffee, milk and a large box of cereal left in the property. Guests can request the ingredients for a cooked breakfast, with the appellant taking the produce to the property and putting it in the fridge (if required). The food is not cooked for the guests or served to them. Guests staying in the property use the facilities provided to cook any meals they require and are able to access and use all parts of the property, if required. Guests tend to stay for one or two nights.
25. The appellant suggests that a guest house is characterised by a proprietor who lets out rooms to paying guests on a short-term basis. The proprietor may live inside the property or live close by to provide serviced accommodation, and it is not necessary for such activity to be ancillary to the use of a dwelling house. However, in my experience, a guest house usually has some sort of host, who greets visitors and provides access to the property.
26. Visitors to the appeal premises generally access it using the key safe by the front door, which contains the keys. When checking out, visitors replace the keys into the key safe and so, while there may be instances where in-person support is required, visitors may not see the managers during the entirety of their stay. Where support is required, this is provided via email, over the telephone or, if necessary, in person, with the managers based around 10 minutes from the appeal premises. This, in my view, is not typical of a C1 use.
27. Although the appellant places ingredients and food stuffs, such as bread, milk, cereal, tea and coffee, inside the property prior to guests arriving, the appellant does not generally prepare or cook meals for visitors. This, in my view, does not constitute the provision of food or services that would typically be found in a C1 use. The appeal premises also has all the facilities for independent living, with the expectation that they are used. In my experience, it is unusual for guests in a guest house (or other use falling under C1) to have unrestricted access to all parts of the premises, including the rear, day or night.
28. While the appeal premises caters for tourists who pay to stay at the property for a limited number of nights, the provision of services during a stay, such as food which is prepared and cooked for visitors, cleaning and onsite support, which would typically be associated with a C1 use, appear to be largely absent in the appeal premises. Furthermore, the premises is booked out as a whole, with guests able to use the entirety of the premises day or night. While these factors may not be determinative of themselves, taken together, in my judgement, they point towards the use of the premises not being a C1 use.
29. In 2012, the Council investigated the property, reference 12/8245. The appellant suggests that the evidence points towards the premises not having a host in 2012 and submits that this means, since the Council confirmed that there was no breach (the corollary of that being that it was, at that time, a guest house, which is a C1 use) a guest house use does not need to include a host. However, the evidence *does* point towards there being a host, albeit they lived in the adjacent property and provided breakfast to the students who occupied No 51, suggesting that there was some sort of onsite host presence at that time.

30. Floor plans provided in support of a request for pre-application advice in 2013 show a flat within No 49 (described as 'currently used by owners' and an internal door between the two properties. Whether there was a linking door between the two properties or not (a point I shall come on to), it seems likely there was onsite support, not least because the users of the property at that time (students, between the ages of 16 and 19, attending a nearby dance school) were likely to have required supervision.
31. It seems, in respect of the previous appeal decision dated 8 April 2025, the Inspector had not been provided with details of the layout of the property prior to the appellant's purchase of it, and this led them to conclude that there has never been on-site management. However, it appears from the evidence now available that is not the case, albeit the onsite manager accommodation was located within the adjoining building.
32. The fact that the property is rented out as a whole and not on a room by room basis has been advanced as a relevant factor. The Council suggests that for a C1 use, the expectation is that the premises is available on a room by room basis and not as a whole. Reference was made to the ability of a group to book out all the rooms of a hotel or guest house and that this is no different.
33. I note the previous Inspector commented that there is nothing to prevent large parties of a similar size simply booking all the rooms together, however, as the Council pointed out, this is unlikely to be the norm. It is not possible to book the appeal site out on a room by room basis, as would be expected with a typical C1 use. Furthermore, the evidence shows that in 2017 the accommodation was let on a room only rate.
34. That does not mean that the property is always occupied by the maximum number of guests, it just means that two different groups unknown to each other have not occupied the property at the same time. The manifestation of this, the Council suggests, is the off-site impacts. Sites that are exclusively booked out by groups, it is suggested are naturally more boisterous. Individuals staying in a hotel, it is suggested, are more likely to be mindful of other guests, whereas group bookings are likely to not have the same mindfulness.
35. It is suggested that the consequences to neighbours are not the same and the evidence provided supports this. The neighbouring occupants, for example, describe difficulties in relation to noise and disturbance since the property was 'converted into an Airbnb-style rental'. The Council advise that it has found that holiday properties like the appeal site are generating more complaint and that serviced accommodation is a key area of concern in relation to anti-social behaviour in the area. The Council suggests there has been a change since the Covid-19 pandemic.
36. The appellant states that the consequences, i.e., noise and disturbance, could happen under a C1 use. It is suggested that people come to Blackpool to have a good time and are naturally likely to be more boisterous. It was suggested that if there had been a change since Covid, there would be some empirical evidence of this. In their final comments, the appellant has drawn my attention to a document 'Providing serviced holiday accommodation in Blackpool – Advice Note'. Within that note, it states "holiday flats and houses are occupied differently to hotel accommodation and have the potential to generate far more noise and activity.'

37. It is suggested that the Advice Note relies on generalised assertions and the Council's extensive experience, rather than quantified evidence or comparative analysis between Class C1 uses and managed short-term holiday accommodation. The document has not been subject to consultation and so no-one has had the opportunity to query or challenge its evidential basis or reliability.
38. Nonetheless, it seems reasonable to me to give the Advice Note moderate weight: local planning authorities are unlikely to produce a publication without there being some need for it. Furthermore, planning officers, particularly those involved in enforcement, are effectively on the front line, dealing with and investigating complaints made by members of the public.
39. I recognise that there are similarities between the way in which the property is used and a hotel, boarding or guest house. The duration of the stay is similar, linen and cleaning is provided. However, the lack of onsite management and the way guests access the property has resulted in difficulties, an example given where an individual was locked out at midnight. Although the appellant was able to deal with this issue, had there been an onsite presence, it is unlikely that noise and disturbance, which the neighbours state they experienced, would have occurred, since the onsite management would have been able to provide access to the premises.
40. It was explained during the hearing that cameras have been installed which enable the appellant to see the front and rear of the property and intervene if necessary. It was suggested that these cameras have only recently been installed and so their effect is not clear. Nevertheless, in my experience onsite management is a typical feature of a guesthouse. I acknowledge the use of the terms 'typical' or 'common' itself is indicative that there may be instances where such management is not present. Nonetheless, this to my mind points towards the appeal site not being in a C1 use.
41. Although the previous Inspector found, on the balance of probabilities, that the alleged breach of planning control falls within Class C1 of the UCO, I have been provided with evidence and case law which the Inspector did not have, and which have led me to a different conclusion. In my judgement, as a matter of fact and degree, having regard to the way in which the property is laid out and used, the use of the property cannot be fairly described as a guest house, or other C1 use.

Whether a material change of use

42. The appellant's case is that, even if I find the use does not fall within C1 and is a *sui generis* use, then that change is not material. As confirmed in *Lewis v Secretary of State for the Environment and Another* (1972) 23 P. & C.R. 125, a material change of use could not occur merely because the ownership has changed. The basic approach is that, for a material change of use to have occurred, there must be a significant difference in the character of the activities from what has gone on previously as a matter of fact and degree.
43. When considering whether a change of use is material, it was agreed that it was possible to have regard to both onsite and offsite impacts. As set out above, the appellant purchased the property in 2023. It was explained during the hearing that the appellant first saw the property around 2023 and that it was laid out as it is now. The previous manager of the site already had bookings in for the summer of

2023 and they (the previous manager) looked after their own bookings until the October of that same year.

44. However, there is limited first hand evidence as to how the property has been used or the off-site impacts of the use of the property prior to its use as self-contained accommodation. We know that there were enforcement investigations regarding the property in 2012 and 2017, however, details of any complaints are not provided and it is unclear what prompted the investigations. The conclusion drawn in respect of the 2012 investigation is that a letter will be sent to the owner and the case closed, with no evidence of perm [sic] use.
45. The 2017 investigation notes refer to an advert which is incorrect and that, from viewings, they were advising people that it (the property) could not be used as a HMO with planning permission. Again, there is no detail as to what prompted the visit referred to. However, had concerns regarding noise and disturbance been received by the local planning authority, I would expect there to be some record of this.
46. Significantly, the neighbouring occupants describe difficulties since the property was 'converted into an Airbnb-style rental' and the Council advise that the investigation commenced following the receipt of complaints from the occupiers of a neighbouring property in 2023. During the hearing, interested parties explained issues which have been experienced with regards to noise and the effects on their children. The neighbouring occupant explained how they have contacted the managers of the site to raise concerns regarding noise and disturbance at night and during the day.
47. While the appellant suggests that there have been limited complaints within the last year (with the suggestion that there have been two), it was explained that the neighbouring occupants now complain to the Council. Reference was made to visitors gathering in bedrooms and the noise being such that they had difficulty hearing the television.
48. The neighbouring occupant described how they have been provided with noise monitoring equipment and the Council confirms that monitoring has been carried out in late 2025. The Council suggested that there were incidents of noise recorded. While the findings of any noise monitoring have not been provided for this appeal, from the evidence given by interested parties, it seems likely that noise generated by the occupants is having adverse off-site impacts.
49. I note that works have been carried out to the property and, in this regard, I have been provided with a Sound Insulation Test Report, which details testing which has been carried out to demonstrate performance at or better than the performance standard cited in Building Regulations Approved Document E. While the document shows that the building complies with Building Regulations, it does not show what the noise levels generated by the use of the property are.
50. Furthermore, it does not show the noise experienced by neighbouring occupants when windows or doors are left open, or noise generated by users of the rear yard or the front of the property. During the hearing, the Council explained that the noise monitoring referred to above was carried out after sound proofing was carried out. The neighbouring occupant explained that they are no longer able to use the garden, as groups sit out there drinking.

51. The appellant suggests that the effects of the use could all happen under a C1 use. People come to Blackpool to have a good time and are naturally more boisterous. It was suggested that it may be possible to have multiple hen or stag dos in the property and that they could interact when having drinks in the garden. However, given the limited size of the property, I consider this to have been unlikely. Moreover, there is no evidence to show that the property was used by multiple hen or stag groups prior to its use as a self-contained holiday let.
52. I note the previous Inspector concluded that the characteristics of the use currently taking place are not materially different to its previous use. However, the Inspector had more limited information than is available to me now. Furthermore, since the Inspector decided that the current use is a C1 use, whether that use was materially different to the previous use was not a matter which the Inspector needed to decide given the provisions of section 55(1)(f) of the Act.
53. As a matter of fact and degree, I find that the current use of the property does not fall within use class C1 and that the change from a guest house to the alleged use was a material change of use. Consequently, the appeal under ground (c) must fail.

Ground (d)

54. An appeal under ground (d) is made on the basis that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by the matters stated in the notice. The enforcement notice was issued on 5 June 2024. To succeed in this ground, the appellant will need to show that the material change of use occurred on or before 5 June 2014 and that it continued without significant interruption for a period of at least 10 years thereafter.
55. The appellant states that they purchased the property in 2023 from an individual, whom I shall refer to as MT, who already had bookings in for the summer of 2023. A spreadsheet, detailing bookings made between 2022 and March 2023 is consistent with the appellant's evidence in this regard. In support of their case, the appellant has also provided me with a series of bookings, which show bookings for 2023 and 2024. The dates are all different, indicating that the premises was booked out as a whole, with many of the bookings identifying the status as 'past guest'.
56. While this points towards the premises being used as self-contained holiday accommodation prior to the appellant's purchase, the appellant confirmed they have no firsthand knowledge of the site in 2012 or in 2017. Notes relating to the enforcement investigation carried out by the Council in 2012 explain that the 'property was Foxhall Guesthouse in the past and has been used for dancers for the past 9 years who all go to Phil Winston dance school...Breakfast is provided every morning to all the students and even the students at 49 Chanley come into the dining room for breakfast.'
57. Although the note adds that fridges and cooking facilities can be used by all the students in the property, the fact that students are described as coming into the dining room suggests that breakfast was generally prepared for them. During the hearing, an interested party explained that they visited the appeal property because they were intending to purchase it before Covid. They explained that the property was run by a couple who owned it. They lived in a ground floor flat in the

adjacent property and used an interconnecting door to do breakfast for dancers attending the Phil Winston Dance School, in the appeal property. While this evidence was not given under oath, it is consistent with the evidence provided by the Council.

58. The Council has provided me with a request for pre-application advice, which described the proposed development as 'To extend the planning permission granted in 1994 for 6 holiday flats + owner accommodation at 49 Charnley Road across the combined properties of 49 and 51. making the flats considerably larger. At the same time applying for permanent residential use.' The current use of land/buildings is described as 'Temporary student accommodation.' A plan, titled 'Existing Ground Floor' shows what appears to be an interconnecting door between Nos 49 and 51, as well as 'Flat 1 Currently used by owners' and 'Lounge Owners Flat' on the ground floor.
59. It seems a further investigation was carried out in 2017, with notes of an investigation stating *'Site visit Property is a mixed use Doubling as student accommodation during the week on a Room only Rate and as holiday accommodation @ weekends & during terms breaks Students [sic] are from local dance school & have been using property like this for the last 6/7 years.'*
60. Although the author of the notes describes the property as 'a mixed use', this appears to be because it was used as student accommodation during the week and as holiday accommodation at weekends and during term breaks. This does not mean that the property was in a mixed use at that time, if the way it was used still fell within a C1 use. No certificate of lawful use has been issued in respect of the property and enforcement action was not pursued.
61. It seems unlikely that the character of the use of the property at that time was the same as its current character, such that the Council could have taken enforcement action against the use of the building as self-contained holiday let at any time during a ten year period.
62. As detailed in the 2012 site investigation notes, students staying at the property were aged 16 to 19 and so some sort of supervision is likely to have been required. Furthermore, from the evidence, it seems likely that food was provided to the users of the property. There is no evidence of noise complaints or anti-social behaviour occurring during that period.
63. I recognise that the appellant has limited knowledge of the use of the premises prior to its purchase of it and that it was likely that it was being used as a self-contained holiday let at the time of purchase. However, I would expect a company purchasing a property to do due diligence. In an appeal under ground (d), the burden is firmly on the appellant to make out their case.
64. The evidence does not show, on the balance of probabilities, that the material change of use of the premises to a self-contained holiday let occurred on or before 5 June 2014 and continued without significant interruption for a period of at least 10 years thereafter. Consequently, the appeal under ground (d) must fail.

Ground (a)

65. An appeal under ground (a) is made on the basis that planning permission ought to be granted for the matters stated in the notice as constituting the breach of planning control.

Main Issues

66. The main issues of the ground (a) appeal are:

- The effect of the appeal scheme on the living conditions of neighbouring occupants; and
- The effect of the appeal scheme on the character of the area; and
- Whether the appeal site is a suitable location for the appeal scheme, having regard to relevant development plan policies concerning tourism.

Reasons

Living conditions

67. The appeal premises comprises a mid-terrace property with accommodation set over four floors (including the basement, within which are washing facilities), with a modest yard to the rear and parking to the front. No 53 is a residential property which adjoins the appeal premises. Policy DM36 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies (2023)(the DMP) sets out that development will be permitted where it can be demonstrated that the development will not lead to unacceptable adverse effects on amenity, amongst other things.
68. Issues have been raised by the occupants of No 53 regarding guests checking in throughout the night, leading to disturbance, loud music and celebrations that continue into the early hours and gathering in the garden, singing and laughing loudly, with responses (it is suggested) delayed until the following morning. I have been provided with a number of mobile phone screenshots, which are stated to show messages sent to the managers of the appeal property by the occupant of No 53, raising concern regarding noise. Photographs of groups congregating outside the premises have also been provided.
69. The appellant states that they are able to respond to a complaint or issue within 10 minutes. However, it seems replies to messages have been a number of hours after the initial complaint is sent. For example, a complaint dated Saturday 18 May at 1:02 and 1:45am was responded to at 6:01am. During the hearing the neighbouring occupant explained the effect the use of the property is having on their children, resulting in disturbed sleep, making their children unwell and scared. It was explained that problems occur during the day and night, though the occupant advised that she is 'not allowed to message through the day'.
70. As set out above, sound proofing was carried out in 2024 and a Sound Insulation Test Report provided to show that the works perform at or better than the performance standard cited in Building Regulations Approved Document E. However, as also explained above, the report does not show what noise levels generated by the use of the property are, nor does it show the noise experienced

by neighbouring occupants when windows or doors are left open, or noise generated by users of the rear yard or the front of the property.

71. Although the appellant suggests there have been limited complaints since sound proofing has been carried out, the interested parties explained that they have stopped complaining to the appellant as they now tend to deal directly with the Council. The Council also confirmed during the hearing that noise recordings have been done in June and November 2025, well after the sound proofing was installed, with incidents of noise recorded. Examples of issues experienced were given, such as noise being so loud occupants were unable to hear the television, swinging on railings, parking across neighbours parking spaces, playing karaoke loudly, swearing in the garden.
72. Although the appellant suggested that the premises does not allow stag and hen groups, the evidence suggests otherwise. The neighbouring occupant has provided photographs, including a photograph of a woman wearing a veil, which is suggestive of a hen do. Furthermore, the Council pointed out that other groups, such as Young Farmers are comparable to stag and hen parties.
73. The appellant has installed cameras, which would enable the appellant to intervene remotely. However, to be effective, this would require continuous monitoring. The management plan put forward by the appellant suggests that CCTV is reviewed promptly upon any complaint of anti-social behaviour and so the harm to amenity is likely to have already occurred.
74. It would not be reasonable in my view, to require that these cameras are continuously monitored. Furthermore, the cameras are located at the front and the rear and require a judgement as to what behaviours or activities are deemed unacceptable or harmful to the living conditions of neighbouring occupants. This may be more difficult remotely. As a consequence, I consider the use of cameras is unlikely to address the harm generated by the use of the property.
75. It was explained during the hearing that visitors to the site are sent information prior to their stay setting out rules, including a '2 strike policy', which sets out that the appellant will speak to the visitors if a complaint is received and, if they don't listen, the appellant will ask them to leave. However, despite the various concerns raised by the neighbouring occupants, the appellant states that they have not had to stop individuals booking again as visitors have always listened.
76. Even if the appellant was to penalise the group booking the appeal premises, it seems the financial penalty would be limited depending on the booking platform used. A booking is generally made in one name and so even if one individual was banned from using the booking platform or booking the premises in future, this would not prevent other members of the same party from booking again. Moreover, the harm to living conditions has already occurred.
77. A Community Protection Warning Notice was issued on 5 September 2024 under the Anti-Social Behaviour Crime and Policing Act 2014, with regards to the noise nuisance at the property. It seems, from the evidence, that following the issue of that notice, the appellant installed a Reducto Clip Wall Solution between 16 September 2024 and 21 September 2024. A Sound Insulation Report details the results of testing carried out on 14 October 2024 at the property and shows that the insulation performs at or better than the performance standard cited in Building Regulations Approved Document E.

78. While the document shows that the building complies with Building Regulations in this regard, it does not show what the noise levels generated by the use of the property are. Furthermore, it does not show the noise experienced by neighbouring occupants when windows or doors are left open, or noise generated by users of the rear yard. During the hearing, the Council explained that the noise monitoring referred to above was carried out after sound proofing was carried out. The neighbouring occupant explained that they are no longer able to use the garden, as groups sit in the garden of the appeal premises drinking, generating excessive noise and swearing.
79. Although the appellant has carried out sound proofing within the property, this does not address noise generated by users of the outside space. Furthermore, such measures are less likely to be effective during the summer months when users of the property may choose to open windows and/or doors.
80. During the hearing it was discussed whether it would be possible to restrict the opening of windows and doors by condition, except for access and egress during nighttime hours, or to restrict the use of the rear yard. I have concerns regarding the reasonableness of such conditions. The rooms are likely to have multiple occupancy and users of the property may wish to air rooms during their occupation of it, particularly during the summer months, whether they are inside a room or not.
81. Limiting the time that users of the property use the outside space may go some way to addressing noise generated at night, however, the neighbouring occupant explained that noise and disturbance is not limited to the night time. Given the modest size of the outside space and the potential number of individuals who may use the appeal premises, it is not surprising that noise generated by users of the outside space is causing neighbouring occupants disturbance, even during the day when background noise levels are likely to be higher. The difficulty is likely to arise because of the terraced nature of the building, the position of windows in habitable rooms and the proximity of the outside spaces.
82. Although users of a C1 use may also use the rear, there is no evidence to suggest that users of the guest house congregated to any significant extent or that noise arising from its use was harmful. On-site management, whether in the appeal property itself, or in the adjacent building, is likely to have prevented issues arising in the first place.
83. While a Community Protection Order has not been issued to date and the Council has not taken action under the Environmental Protection Act in terms of statutory nuisance, the Council is clearly concerned about the effect the use of the premises is having on neighbouring occupants, having issued an enforcement notice on the basis that it has a detrimental impact on the amenity of neighbouring residents.
84. The appellant has put forward a management plan which has been operational since January 2026 and which, it is suggested, could be secured via condition. However, it is not clear to me that the harm that is arising in terms of living conditions would be addressed by a management plan.
85. Interested parties stated during the hearing that there has been no change since its introduction, with issues which have occurred since and required intervention by the managers described. Significantly, despite the appellant providing rules and having the option to penalise individuals booking or report them to the relevant

booking platform, it was confirmed during the hearing that this has never been done.

86. There was also discussion as to whether it would be possible to address concerns regarding noise through the use of a noise condition and, in this respect, I drew attention to conditions imposed in respect of appeal decision reference APP/J2373/W/24/3347624, which included conditions limiting noise levels. However, I do not know what levels of noise would be reasonable to impose, since there is no assessment before me. The appellant already communicates its rules to its guests and noise mitigation has already been installed; however, it seems noise and disturbance which is having an adverse effect on living conditions is still being experienced by the neighbouring occupants.
87. There was some discussion during the hearing as to whether it would be reasonable to restrict capacity of the property, however, the appellant made it clear that they are applying for a capacity of 18 and so they want a capacity of 18. Furthermore, were I to restrict the capacity to 17 or 16, it is not clear what effect, if any, this would have in terms of the off-site impacts. Concerns raised by neighbouring occupants, for example, have been made when occupancy is suggested to have been much lower¹.
88. Noise and disturbance generated by the use of the property is clearly having an adverse effect on the living conditions of neighbouring occupants at No 53 and is changing how they use the property. The neighbouring occupant, for example, explained during the hearing that they no longer allow their children to use the outside space to the rear of the property when the appeal property is being used by groups and will seek to take her children to stay elsewhere at a weekend because of it.
89. I recognise that there are no conditions attached to the 1979 permission and that there would be no restriction in terms of comings and goings or noise. However, there is no evidence to suggest that noise and disturbance was harmful prior to the premises being used as self-contained holiday accommodation. As suggested by the Council, were the premises to revert to a C1 use, it is likely that there would be some onsite presence, which is likely to affect how visitors to the property use it.
90. The appellant points out that people come to Blackpool to have a good time and are naturally more boisterous, whether they stay in self-contained accommodation or a guest house. However, while groups may also seek to book into a guest house or hotel, a C1 use is less likely to be booked out by single large groups who may be more likely to generate noise and disturbance compared with smaller groups, couples and individuals and who are more likely to be mindful of other users of the property and behave accordingly.
91. The Council has identified conflict with policy DM41, which sets out transport requirements for new development. The Council explained during the hearing that its concerns relate to amenity and parking and are not a highways concern pre se. However, in terms of accessing the site, visitors to the site may choose to access it via private vehicle whether it is self-contained or a guest house. Furthermore, I saw that there is a car park on the opposite side of Charnley Road, which could be used by visitors to the site.

¹ Appendix 11 of the Council's Hearing Statement

92. While there is no conflict with policy DM41 in this regard, for the reasons set out above, I find that the use of the property as a self-contained holiday let is harmful to the living conditions of occupants, contrary to policy DM36 of the DMP, the requirements of which are set out above.

Character

93. Charnley Road is generally characterised by commercial properties and hotels towards the junction with Coronation Street and residential terraced properties towards the junction with Regent Road. Externally, there is very little to distinguish the appeal property from surrounding properties. From the evidence, it seems the property has not been in residential use for well over 40 years. Although the appeal property is not currently in use as a guest house, as set out above, it is not disputed that this is the last lawful use or that it would be possible to revert to a C1 use were the notice to be upheld.
94. While the adjacent property, No. 49, is used as holiday accommodation, this part of Charnley Road is generally characterised by residential properties, in contrast to the other end of Charnley Road, which is characterised by hotels and other commercial premises. Interested parties have provided me with photographs showing groups congregating outside the premises, which is not characteristic of this part of Charnley Road and is harmful to the character of the area.
95. Even though the premises has previously been used as a guest house, as set out above, occupants paid a room only rate and so large groups are unlikely to arrive and leave at the same time. There is no evidence to show that occupants congregated in this way prior to the use of the premises as self-contained holiday accommodation. Given the fact that students stayed at the premises regularly and were likely to be subject to some sort of supervision, it seems unlikely that they would have used it in this way.
96. Although the appellant stated during the Hearing that stag and hen parties are not allowed, the evidence provided suggests otherwise. Given that the property would be booked out as a whole, with capacity for up to 18 people, it seems highly likely it would be booked out by 'party-style groups'. Furthermore, given that correspondence prior to a booking is likely to be electronic, it is not clear how the appellant could identify the purpose of a booking.
97. As pointed out by the Council, other large groups, such as the Young Farmers, may use the premises in a similar way, which are comparable to a stag or hen party and which is likely to generate noise and disturbance which is not characteristic of this part of Charnley Road. Even if the appellant were to revert back to the previous use, such large group bookings are unlikely given the modest size of the property.
98. During my visit, I saw there is a car park opposite the appeal site, which was granted permission for the provision of an additional 51 spaces in 2022, reference 22/0581. There are no conditions relating to noise or opening hours attached to the permission, save for during the construction phase, and, given its proximity to various hotels along Charnley Road, it is likely to be used by guests staying at these establishments. However, users are likely to park and then walk to their respective destinations rather than loiter in groups.

99. Despite the proximity of the appeal premises to other visitor accommodation along Charnley Road, including accommodation within the Main Holiday Accommodation Area, in my judgment the use of the property as self-contained holiday accommodation is harmful to the character of the area, contrary to policy CS7 of the DMP, which seeks development which enhances the character of the local area.

Whether a suitable location

100. Policy CS21 of the Blackpool Local Plan Part 1: Core Strategy (2012-2027)(adopted 2016)(the Core Strategy) seeks to focus redevelopment within the established resort core and town centre. To achieve this, the policy directs new visitor accommodation to the town centre, resort core and defined holiday accommodation areas, unless exceptional circumstances justify a peripheral location outside these areas. It is not disputed that the appeal site falls outside these areas.
101. The Holiday Accommodation Supplementary Planning Document (2017)(the SPD) explains the importance of holiday accommodation, however, it recognises the need to allow the reduction of holiday bed spaces to reach an economically viable level that supports Blackpool's tourism economy. Although not referred to in its Enforcement Notice, the SPD details policy CS23, which the Council has drawn my attention to.
102. Policy CS23 of the Core Strategy sets out that where existing holiday accommodation is viable, its retention will be supported, including measures to improve the quality of accommodation. Change of use from holiday accommodation to permanent residential use will be permitted where proposals provide high quality homes which comply with the council's standards for conversions and relate well in use, scale and appearance to neighbouring properties.
103. As set out above, the premises was granted planning permission as a guest house in 1979. The appellant suggests that this is the lawful use of the site and that, in the event the appeal fails, it will be used by the appellant as a guest house in accordance with that permission. Given the investment that the appellant has made in terms of purchasing and improving the property, I have no doubt they would choose to use it in this way.
104. The Council suggests that what I am considering is a new 'form' of holiday accommodation and therefore exceptional circumstances need to be shown to justify a peripheral location outside the town centre, resort core and defined holiday accommodation areas. During the Hearing, I raised the approach taken by the Inspector in the Albert Road² decision and whether I should take a similar approach.
105. The Council suggests that the purpose of policy CS21 is to contract visitor use and that the Inspector had been wrong to conclude that it would not result in new visitor accommodation. However, the property has provided visitor accommodation for a significant period of time. The appeal property is not providing 'further accommodation', the proposal is simply to change the form of the visitor accommodation.

² APP/J2373/W/24/3352636

106. The policy deals with existing holiday accommodation at criterion (d) and seeks to improve it by giving lower quality guesthouses the opportunity to convert to high quality residential accommodation outside the defined holiday accommodation areas. It seems to me that, given it is not disputed the last lawful use of the premises is a C1 use, this criterion is of most relevance in terms of achieving the policy's aim of contracting visitor use and focusing on the designated areas.
107. As pointed out by the appellant, the policy does not say that you cannot change from one type of holiday accommodation to another and, in my view, I consider there is no conflict with policy CS21 or CS23 in this regard. Even if I am wrong in my interpretation, the fact that the premises could be used as visitor accommodation in the event I uphold the notice is a significant factor which weighs in support of the suitability of the location.

Planning balance and conclusion

108. The appellant asserts that, given changes in economic circumstances nationally, it is no longer viable for a quintessential guest house to operate within Blackpool employing a full-time onsite manager. The appellant's mode of operation, to provide a manager in a central location that can cover several properties across the city, while providing 24/7 management, is suggested to afford the same level of safeguard as a standard guest house but ensure there is sufficient profit to allow reinvestment to maintain and enhance standards.
109. I recognise that the use of the premises provides employment and contributes to the local economy both directly and indirectly, through money spent by visitors to the premises and that the appellant has spent time and money improving the property. Given the modest contribution the property makes in terms of the local economy, these are matters to which I afford moderate weight. However, as set out above, I have found that the use of the property as self-contained accommodation is harmful to the living conditions of neighbouring occupants and the character of the area.
110. As set out above, planning permission was granted in 1979 for the use of the premises as a guesthouse and, were I to uphold the Enforcement Notice, it is likely that the appellant would be able to revert to this use by virtue of section 57(4) of the Act. The 1979 permission did not include any operational restrictions relating to the form of occupation, the presence of an on-site manager, the method of booking, the internal layout or the manner in which the accommodation is occupied by guests. It is suggested, therefore, that the appeal site can operate with a significant degree of flexibility.
111. However, while I agree the fallback position should be taken into account, as held in *Mansell v Tonbridge and Malling Borough Council* [2017] EWCA Civ 1314, I consider it unlikely that, were the premises to be used as a guesthouse the harms which have identified above would occur to the same extent. As such, I consider the fallback is likely to be significantly less harmful than the use of the property as a self-contained holiday let and so it does not outweigh the harm caused by the material change of use in this case.
112. For the reasons set out above, I find that the use of the premises as a self-contained holiday let is harmful to the living conditions of neighbouring occupants and is harmful to the character of the area. In my judgement, these harms outweigh the moderate benefits to the local economy arising from the use of the

premises. The appeal scheme conflicts with the development plan as a whole and there are no material considerations which indicate the decision should be taken other than in accordance with the development plan. Consequently, the appeal under ground (a) must fail.

Overall Conclusion

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

M Savage

INSPECTOR

Appearances

Appellant

Freddie Humphreys	Barrister
Jake Sailsbury	Agent
Joanne Taziker	Manager of No 51 Charnley Road
Daniel Taziker	Manager of No 51 Charnley Road

Council

Douglas Edwards KC	Barrister
Susan Parker	Head of Development Management
George Bamber	Planning Enforcement Officer
Issac Nicolson	Instructing Solicitor
Dawn Goodall	Head of Legall Services

Interested Parties

Mrs Melanie Owen
Mr Robert Pendlebury-Wellings

Documents submitted to the Hearing

Document 1: Appeal decision, reference APP/32373/W/24/3343013

Document 2: Providing serviced holiday accommodation in Blackpool – Advice Note,
March 2023