



Appeal Decision

Site visit made on 29 September 2026

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

an Inspector appointed by the Secretary of State

Decision date: 07 October 2026

Appeal Ref: APP/Q0505/C/25/3370670

139 Arbury Road, Cambridge CB4 2JD

- 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 Blagoj Nikolovski of TAB Property Ltd against an enforcement notice ("EN") issued by Cambridge City Council.
 - The EN was issued on 8 July 2025.
 - The breach of planning control as alleged in the EN is: Without planning permission: a) The change of use of the Land from use class Residential (C3) to use class Hotel (C1).
 - The requirements of the EN are to: (i) Cease the use of the land as a hotel use Class C1.
 - The period for compliance with the requirement is: Two months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (b) 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.
-

Decision

1. It is directed that the EN is corrected by:
 - *the deletion of the words "The change of use of the Land from use class Residential (C3) to use class Hotel (C1)" and their substitution with the words "The material change of use of the Land from Use Class C3 (Dwellinghouses) to Use Class C1 (Hotels)" within section 3; and*
 - *the deletion of the words "(i) Cease the use of the land as a hotel use Class C1" and their substitution with the words "(i) Cease the use of the Land as Use Class C1 (Hotels)" within section 5.*
2. Subject to the corrections and variation, the appeal is allowed and the EN is quashed.

Matters Concerning the Notice

3. The allegation identifies the development as "*Without planning permission: (a) The change of use of the Land...*". For a change of use to amount to development there must be a material change in the character of the use that the land is being put to. Therefore, the alleged breach of planning control is the "...material change of use of..." (my emphasis) rather than the "...change of use of...". Accordingly, Section 3 of the EN must be corrected in this regard. The main appeal parties' submissions do not rely on the allegation not amounting to development therefore, no injustice would arise from this correction.
4. The Town and Country Planning (Use Classes) Order 1987 (as amended) ("UCO") identifies Use Class C3 as relating to "*dwellinghouses*" rather than "*residential*" as stated in the alleged breach. As such, I must correct the allegation in this regard.

Furthermore, the allegation and requirements express the use classes in different ways. Therefore, I have amended them to be the same. As these corrections and variation are for accuracy and consistency, I am satisfied they would not cause injustice to the main appeal parties.

Preliminary Matter

5. The appellant appealed under ground (a). However, on reading the appellant's case, they also assert that the land has not been used as described in the alleged breach of planning control. This amounts to a "*hidden*" ground (b) appeal. The Council, in their submissions, acknowledge the hidden ground and comment upon it. Consequently, injustice would not arise from considering this appeal under grounds (a) and (b).

Appeal on Ground (b)

6. An appeal under ground (b) is that those matters stated in the EN had not occurred. To succeed on this ground, the appellant must show on the balance of probability that the dwellinghouse had not changed to Use Class C1 (Hotels).
7. Use Class C1 (Hotels) encompasses use as a hotel or as a boarding or guest house where no significant element of care is provided. The appellant's online literature names the property as "*Sun Guest House*". Therefore, it is the Council's assertion that the property operates as a guest house under Use Class C1 (Hotels) of the UCO. The appellant disputes this. They accept that the property no longer functions as a dwellinghouse, but they assert it operates as short-term visitor accommodation. The Council maintain that as the property is split into self-contained rooms, it does not satisfy the definition of being a short term let property.
8. The property is semi-detached and is two-storeys with a loft conversion. Internally there is an entrance porch leading to a hallway that provides access to a shared WC, a cupboard with shared access to a washing machine and tumble drier, and a shared kitchen that includes a table and chairs. Off the hallway are two locked doors that each lead to a living area with a sofa and small kitchenette that includes a sink and an undercounter fridge/freezer. Off each living area is a separate bedroom with a double bed and a separate en-suite shower room.
9. To the first floor there are two locked doors that each provide access to a studio containing a double bed, kitchenette with sink and undercounter fridge/freezer and a separate en-suite shower room. The second floor has two locked doors that provide access to two further studio rooms that include a similar kitchenette; one with an en-suite and one that utilises a shower room across the landing.
10. At the time of my site visit, one second floor room was occupied but the others were empty. However, linen and towels were provided in all rooms, with the beds of the unoccupied rooms made ready for occupation.
11. Externally, the front garden is paved and provides off-street parking for two vehicles. To the side of the porch are six separate key safes for each of the six rooms. To the rear of the property there is a shared garden with a detached outbuilding and hot tub.
12. The evidence suggests that guests use the property as visitor accommodation rather than as their main residence. They book rooms in advance online and access the property via the key safes. There is no reception inside the property

and no bar or restaurant. The whole of the property is used by paying guests, with no proprietor living in part of the property. No breakfast is provided to guests. There is no signage displayed on the property and therefore, a passing member of the public would not know that rooms are available to book. Consequently, from the evidence before me and what I saw during my site visit, I am not satisfied that the property is used as a guest house.

13. I acknowledge that the appellant's online literature names the property as "*Sun Guest House*". However, a name is not synonymous with how a property is used.
14. Taking these factors together, on the balance of probabilities, the material change of use of the property from a dwellinghouse (Use Class C3) to Use Class C1 (Hotels) had not occurred as a matter of fact.
15. I am aware that in such circumstances I could correct the allegation described in the EN to a different development and go on to consider the ground (a) appeal against the corrected allegation. However, there is a dispute between the main appeal parties what that use may be. Furthermore, the main appeal parties may not have had an opportunity to make representations on the breach as corrected. Therefore, I cannot correct the alleged breach without causing injustice.

Conclusion

16. From the evidence before me, I conclude that the alleged breach of planning control set out in the EN is incorrect. On the balance of probabilities, the appeal on ground (b) should succeed in respect of those matters which, following the correction and variation of the EN, are stated as constituting the breach of planning control.
17. The EN will be corrected, varied and quashed.
18. In these circumstances, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the 1990 Act does not need to be considered.

A Berry

INSPECTOR