

<b>Report to:</b>	<b>PLANNING COMMITTEE</b>
<b>Relevant Officer:</b>	Susan Parker, Head of Development Management
<b>Date of Meeting:</b>	9 April 2024

## **PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED**

### **1.0 Purpose of the report:**

1.1 The Committee is requested to note the planning and enforcement appeals, lodged and determined.

### **2.0 Recommendation(s):**

2.1 To note the report.

### **3.0 Reasons for recommendation(s):**

3.1 To provide the Committee with a summary of planning appeals for information.

3.2 Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.3 Is the recommendation in accordance with the Council's approved budget? Yes

### **4.0 Other alternative options to be considered:**

4.1 None, the report is for information only.

### **5.0 Council Priority:**

- 5.1 The relevant Council priorities are:
- "The economy: Maximising growth and opportunity across Blackpool"
  - "Communities: Creating stronger communities and increasing resilience"

## **6.0 Planning/Enforcement Appeals Lodged**

- 6.1 22/0221 – Beaverbrooks House, 147 Newton Drive, Blackpool, FY3 8LZ - Pruning of Trees (T56 - T67, T90 - T93, T101x, T114 and T115) within the Borough of Blackpool (145/147 Newton Drive) Tree Preservation Order (No.16) 1979

An appeal has been lodged by Blackpool Carers Centre against the Council's refusal of consent to works for trees

- 6.2 23/0545 – 8A Palatine Road, Blackpool, FY1 4BT - Use of ground floor as 1 self-contained permanent flat.

An appeal has been lodged by Basham West Ltd against the Council's refusal of planning permission.

- 6.3 23/0766 – Hounds Hill Centre, Coronation Street, Blackpool, FY1 4PA - Display of various vinyl advertisements on external windows.

An appeal has been lodged by Frasers Group against the Council's refusal of Advertisement Consent

- 6.4 23/0178 – 2-4 Gloucester Avenue, Blackpool, FY1 4EJ Retention of outbuilding in use as self-contained annexe. (Retrospective application)

An appeal has been lodged by Mrs H Dennett against the Council's refusal of Planning Permission.

- 6.5 23/0750 – Flat 2, 78 Harrowside Road, Blackpool, FY4 1LR - Use of premises as self-contained letting accommodation (sui generis use) (retrospective application)

An appeal has been lodged by Cherry Property Investment Limited against the Council's refusal of Planning Permission.

## **7.0 Planning/Enforcement Appeals Determined**

- 7.1 23/0001 – 97 Lytham Road, Blackpool, FY1 6DT - Change of use, including new ground floor frontage and access alterations, to provide 2 no. self-contained flats for flexible use as permanent residential (C3) or holiday accommodation (Sui Generis).

### Appeal Allowed

An appeal was made by Seaside Hoteliers Ltd for a flexible use of the above premises between permanent residential flats and holiday accommodation. This application

was the local planning authority's first flexible-use application. The appeal site was located within the Resort Core and Inner Area and noted within the Local Plan as a mixed holiday and residential neighbourhood. The main issue was whether 97 Lytham Road is a suitable location for new holiday accommodation, having regard to the Council's policy requirements to achieve resort regeneration and sustainable neighbourhoods. Owing to the character of the area, the local planning authority's position was that a holiday use within the building was not appropriate in this location.

The Inspector found that Policy CS21 (Leisure and Business Tourism) did not specify that new visitor accommodation must be located only within those defined Holiday Accommodation Areas that lay within the resort core, nor did it state that new visitor accommodation will only be supported in those areas of the resort core with the strongest holiday character. As such, whilst this part of Lytham Road was not characterised by a high prevalence of existing holiday accommodation, nevertheless, LP Policy CS21 directs new holiday accommodation to this area. There was therefore no conflict with this policy. Further the Inspector found that, whilst the nature of a holiday use would be different to that of permanent residential occupancy of the flats, such comings and goings could be mitigated against through agreement of Management Plans etc. The Inspector found that 97 Lytham Road was a suitable location for new visitor accommodation, with specific regard to achieving resort regeneration and sustainable neighbourhoods, and that the proposed development complies with LP Policies CS12 and CS21, and found no conflict with guidance contained within the Council's SPD.

The appellant also made an application for costs against the Council. A partial costs award has been issued to the appellant on the basis that the Council's approach to differentiating between areas within the resort core and requiring development to be within an area of strong holiday character, goes beyond the requirements of the policy when properly interpreted. Therefore, the Inspector found that the Council has acted unreasonably in pursuing this reason for refusal and in doing so, has incurred the appellant unnecessary expense. The Inspector did not find that the Council's level of communication or engagement with the appellant was inadequate and, as such, the appellants claims of further unreasonable behaviour was dismissed.

Does the information submitted include any exempt information? No

**8.0 List of Appendices**

8.1 None

**9.0 Financial considerations**

9.1 None.

**10.0 Legal considerations**

10.1 None.

**11.0 Risk management considerations**

11.1 None.

**12.0 Equalities considerations and the impact of this decision for our children and young people:**

12.1 None.

**13.0 Sustainability, climate change and environmental considerations:**

13.1 None.

**14.0 Internal/external consultation undertaken:**

14.1 None.

**15.0 Background papers:**

15.1 None.