

Council wins planning appeal over nuisance 'party house' – Press Statement dated 9th July 19

Inspectors have upheld Bath & North East Somerset Council's enforcement action against the owner of an unauthorised commercial holiday let which was being used as a 'party house' causing a noise nuisance to residents and impacting on road safety.

The owner of 3 Greenway Lane in Lyncombe, had appealed against the council's original decision that the use of the property, as a large commercial holiday let was unauthorised.

Following complaints from residents and a lengthy investigation, council officers served a Planning Enforcement Notice on the owner of the property Mr David Gumbleton, last November. It required the owner to cease the commercial holiday letting use.

Now following the Planning Inspector's ruling the owner has two months from the date of the appeal decision to comply with the Notice; failure to do so will be an offence and could render the owner liable to formal legal action.

Following receipt of the Enforcement Notice in November the owner appealed on the grounds that (1) the breach of control had not occurred as a matter of fact, (2) that the change of use was not a breach of control, (3) that planning permission for the use should be granted, (4) that the timeframe to comply was too short, and (5) that the requirements of the notice were excessive.

The inspector's report said: "The unauthorised use of the property as a commercial holiday let had introduced an unacceptable level and pattern of activity into this residential area of Bath to the detriment of residential amenity. The demonstrable increase in noise, traffic and other disturbance which has occurred as a direct result of the unauthorised use of the property has resulted in significant harm to the amenities of existing or proposed occupiers of, or visitors to, surrounding residential premises.

"The unauthorised use of the property as a commercial holiday let has increased traffic movements and on-street parking in the vicinity of the site to a level which has affected highway safety and residential amenity. An appropriate level of on-site servicing and vehicle parking and cycle parking has not been provided.

“The unauthorised use of the property as a commercial holiday let has resulted in a net loss of existing residential accommodation. The economic and social benefits of the property’s use as a commercial holiday let and the benefits in terms of providing visitor accommodation do not outweigh the unacceptable level of harm caused to residential amenity in terms of an increase in noise, disturbance and traffic.”

Councillor Tim Ball, cabinet member for Housing, Planning and Economic Development said: “While full control over the short term holiday rental market would require a legislative change at national level what this case highlights is that the council does have the power to and will enforce against these types of properties where we have sufficient evidence that a change of use has occurred, where sufficient disturbance is being caused and where we consider it is expedient to do so. We are aware of maybe 80 such houses in and around Bath however this was the only property to receive persistent and sustained complaints over a prolonged period of time.”