

PLANNING ENFORCEMENT REPORT

REFERENCE: ENF/2012/00020

LOCATION: The Royal Hotel Bridge Street Llangollen

INFRINGEMENT: Unauthorised change of use of a Hotel to a mixed use of Hotel and Hostel housing the homeless

RELEVANT PLANNING POLICIES AND GUIDANCE

DENBIGHSHIRE UNITARY DEVELOPMENT PLAN
Policy GEN 6 – Development Control Requirements
Policy GEN 1 – Development within Development Boundaries
Policy CON 3 – Change of Use of Listed Buildings
Policy CON 5 – Development within Conservation Areas
Policy RET 1 – Town and District Centres

GOVERNMENT GUIDANCE

Planning Policy Wales Edition 4 (2011)
Technical Advice Note (Wales) 9 – Enforcement of Planning Control

HUMAN RIGHTS CONSIDERATIONS

The provisions of the Human Rights Act 1998 are taken into account when considering taking enforcement action against unauthorised development, unauthorised use and other related matters.

In this particular instance, matters relate to the rights of an owner to change the use of a Grade II listed hotel to a mixed use of Hotel and Hostel housing the homeless, without planning permission.

The rights of an owner in this situation do not outweigh the rights of the Local Planning Authority to ensure that breaches of planning control are addressed.

No human rights issues have been raised in this particular case.

1. BACKGROUND INFORMATION

- 1.1 The Royal Hotel is a Grade II listed building; located in the town centre of Llangollen, which is designated a Conservation area within an Area of Outstanding Beauty. The site is also within the World Heritage Site Buffer Zone and forms a prominent tourist landmark within the town.
- 1.2 The alleged infringement referred to above was reported to a Compliance Officer on 11 July 2012. With the Use Class of a Hotel being Class C1 and the Use Class of a Hostel being regarded as 'sui generis', such a change of use to a mixed use would trigger the need for planning permission. No application had been submitted.
- 1.3 In order to determine whether a change of use had taken place, on 27 July 2012 the owner was served with a Planning Contravention Notice (PCN). The questionnaire was completed and returned to this authority dated 16 August 2012 and the following information contained therein was reviewed as follows:-
 - (i) In the case of *Mayflower Cambridge Ltd v Sec of State for the Environment (1975)*, Lord Widgery commented that “**the basic feature of a hotel, as the word is used in the English language, is that it contains transient population because it is there to serve people travelling who require short stays only**”. Responses to the questionnaire revealed that between 4 April – 16 August 2012 6% of rooms in the hotel were used to house homeless for periods of between 1 week and 1 month, 16%

for more than 1 month and 6% for more than 2 months.

(ii) On the day the questionnaire was completed, 20.6% occupancy was comprised of those with no alternative permanent residential address and had been placed there by Wrexham BC; who paid for their accommodation.

- 1.4 In the opinion of Officers, responses to the PCN questionnaire confirmed that a change of use had taken place from use solely as a hotel for guests with permanent addresses elsewhere, to an unauthorised mixed use of a Hotel and a Hostel housing the homeless.

2. REASONS FOR ISSUING AN ENFORCEMENT NOTICE

- 2.1 The change of use of the hotel to a mixed use has occurred within the last 10 years.
- 2.2 No valid planning applications have been submitted in an effort to regularise the change of use.
- 2.3 It is considered that the unauthorised change of use of this prominent and iconic tourist accommodation is contrary to policies within the current adopted Unitary Development Plan.

Policy GEN 6 – It is considered that the mixed use identified unacceptably affects the characteristics of the locality by virtue of increased activity (criteria v) and prejudices a building safeguarded for other uses (criteria ix).

Policy TSM 8 – It is considered that the mixed use identified fails to comply with criteria in the adopted policy which seek to safeguard existing serviced accommodation.

3. RECOMMENDATION

- 3.1 That the Planning Committee authorise the service of an Enforcement Notice with a 2 month compliance period, requiring the cessation of a mixed use of the hotel as a hostel for housing the homeless and the return to its sole use as a Hotel providing shorter stay accommodation for travellers with permanent addresses elsewhere.
- 3.2 To instigate prosecution proceedings where any person on whom an Enforcement Notice has been served, fails or refuses to comply with the requirements thereof.