

## Your Legal Questions

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### Planning Change of Use – Holiday lets

**Q** I inherited a detached house from a relative. It is situated in a coastal town and I have let it out over recent years for short term holiday lettings. The local authority has served a Planning Enforcement Notice on me stating that I have changed the use from a dwelling to commercial leisure accommodation and requiring me to stop the lettings. Is it entitled to do this?

**A** Planning permission is needed for any “development” and this includes any “material” change of use of a building. The issue is, therefore, whether your activities have changed the use from a private dwelling to a commercial use. Unfortunately, the relevant legislation doesn’t define “material” so that it is a matter of fact and degree in each case as to whether the change is significant enough to amount to development requiring planning permission.

In a recent case a property had been occupied by a family as a single dwelling for eight years before it was rented out for short term holiday lets. Unusually, the property had eight bedrooms and the Planning Inspector and the Court of Appeal both considered that the change of use was a material change from that of a dwelling to commercial leisure accommodation.

However, it is not correct to say that either using a dwelling for commercial holiday lettings would never amount to a material change of use or that it would always amount to a material change of use. Factors such as the number of rooms being let or the frequency of lettings will have to be considered. Your use is clearly a commercial one but it is impossible to say, without knowing the full facts of your case, whether it will be considered a material change of use. Specialist advice from a solicitor is essential.

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