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# Appeal Decision

Site visit made on 11 January 2016

**by Phil Grainger BA(Hons) MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 2 February 2016**

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**Appeal Ref: APP/G5750/C/15/3005653**

**land at 585 Barking Road, Plaistow, London E13 9EZ**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Travel Inn (Ireland) Limited against an enforcement notice issued by the Council of the London Borough of Newham.
- The breach of planning control as alleged in the notice is the material change of use to a hotel.
- The requirements of the notice are:
  - 1 *cease the use of the property as a hotel;*
  - 2 *remove from the site any fitting, fixtures, signage and other items associated with the use of the property as a hotel; and*
  - 3 *remove from the site all debris arising from compliance with steps 1 and 2.*
- The period for compliance with the requirements is one month.
- The appeal is proceeding on the grounds set out in section 174(2)(b) of the Town and Country Planning Act 1990 as amended.

**Summary of Decision:** the appeal is dismissed and the enforcement notice upheld.

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## Main Issues

1. These are whether the notice describes the existing use with sufficient accuracy and, if not, whether it could be corrected without causing the appellants any injustice.

## Inspector's Reasoning

2. The appellants consider that the premises are not a hotel as no meals are provided. In view of this they consider the use to be more in the nature of a sui generis one that does not fall within Use Class C1. Accordingly they contend that the change of use alleged in the notice has not occurred.
  3. I have taken into account the dictionary definition of a hotel as an establishment providing accommodation and meals for travellers and tourists. However, as a Planning Inspector I have had to use a large number of hotels and have found that a disappointingly high proportion provide no meals other than breakfast. Moreover, **even 'breakfast'** sometimes amounts to no more than a tray of cold food left outside the bedroom door as there is not always a dining room.
  4. I agree that it would be unusual for there to be no provision of food at all. Nevertheless, from my own extensive experience, I consider that other factors are of greater significance in establishing the essential nature of the use. An establishment that provides short term accommodation in the form of individual bedrooms for travellers and tourists together with a range of other related services is likely to have the essential character of a hotel even if no food is provided.
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5. Although **what I saw during my visit is consistent with the appellants'** contention that food is not provided for guests and that there is no dining room, I do not therefore regard this as determinative. In other respects the premises have the character and appearance of a hotel. The bedrooms look like hotel bedrooms and are provided with televisions and tea/coffee making facilities as is usual nowadays in a hotel. There is also a reception desk/area as would be expected in a hotel. Overall the premises have the look and feel of a hotel and, apart from the failure to provide meals, the appellants have provided no evidence that they do not function in the manner of a hotel.
6. On the contrary, not only do the appellants call themselves Travel Inn, but the appeal premises are advertised as a hotel not only on the sign outside the property but also on the internet. The advertising suggests that the premises are suitable for travellers, like a hotel, and that there is a 24 hour front desk as well as other facilities typical of hotels.
7. The appellants have not explained why they advertise in this way and, in particular, why they refer to the premises as a hotel in their advertisements if their business is significantly different. In fact, unless the intention is to mislead **potential customers it seems that they must themselves regard 'hotel'** as a reasonable description of their business, even if it does not fully comply with the dictionary definition. Moreover, I have been given no reason to believe that people who have stayed there have regarded it as anything but a hotel.
8. In conclusion I am satisfied that despite the lack of provision of meals, in all other respects the property has the character of a hotel and is used in the way that a hotel would be. I conclude that, as a matter of fact and degree, the use that is taking place can reasonably be described as a hotel. (As such it would fall within Use Class C1 but it is not necessary to make a formal determination of this point.) Accordingly the breach of control alleged in the notice has taken place and the ground (b) appeal fails.
9. In any event, even if, having regard to the dictionary definition, I had concluded that the premises were not a hotel it would nevertheless be evident that a similar sort of use was occurring. The appellants have not sought to argue that there has not been a material change of use. Moreover, it is clear that they understand that it is the existing use (however it is described) that has caused that breach and are aware of what they need to do to comply with the notice (ie cease the existing use and remove the fittings that facilitate it).
10. In these circumstances I do not consider that the notice would have been irreparably flawed even if I had formed the view that use of **the term 'hotel'** was inappropriate. On the contrary, I consider that it would have been the sort of defect that it would have been appropriate and acceptable to use my powers to correct. I am satisfied that no injustice would have resulted from doing so although for the reasons set out above I do not consider it to be necessary.
11. For the reasons given above I consider that the appeal should not succeed.

### **Decision**

12. The appeal is dismissed and the enforcement notice is upheld.

**P Grainger**

INSPECTOR