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Mr Peter Brown, Head of Regulatory and Housing Services,
Conwy County Borough Council,
By email

17 November 2022

Dear Peter,

I hope that this letter finds you well. I am writing with regards to concerns that have been raised with me about the Hilton Garden Inn Hotel, Dolgarrog, and its current use as a placement for asylum seekers.

Application 0/45515 was for the erection of a new activity building and on-site accommodation through the development of a 106-bedroom 'hotel'. Having checked on the planning portal, I cannot see that any application has been made for change of use from Class C1 (hotel), to a sui generis use as a 'hostel'.

In the case of *Carespec Ltd v Wolverhampton City Council* [2016] EWHC 521 (Admin) the local authority had issued a temporary stop notice on the basis that the hotel operator had accepted a third-party firm's reservation to accommodate 100 asylum seekers while their asylum applications were processed, and that constituted a breach of planning conditions as there would be a change of use from a hotel to a hostel. In considering change of use, the judgment states:

'The use of a building as a hostel, either in whole or in part, requires express planning permission... This is because of the perceived damage that the use of a building as a hostel might do to the locality. That is why it is equated with, amongst other things, scrapyards and amusement arcades'.

The Town and Country Planning (Use Classes) Order 1987 (as amended) (the 'Order') places hotels within use-Class C1. Class C1 of the Use reads as follows: *'PART C Hotels Class C1. Use as a hotel or as a boarding or guest house where, in each case, no significant element of care is provided'.*

Importantly, I acknowledge that there is no planning definition of what a 'hostel' actually is. This does make it more complex than it might be to differentiate between hotel and hostel use. However, in *Carespec Ltd*, the judge produced a list of factors upon which the Council, in that case, could conclude that the hotel in that case was being used as a hostel:

'... I consider that the following factors provided reasonable grounds for the defendant to conclude that the Quality Hotel was being used, in whole or in significant part, as a hostel:

- *(a) There was going to be a significant and substantial usage by asylum seekers, who are conventionally housed in hostels;*
- *(b) They would be sleeping two to a room, despite the fact that they were strangers, something that would not be countenanced in a hotel;*

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- (c) *They would reside there permanently, unlike people staying in a hotel;*
- (d) *The Quality Hotel would be their home, because they would have no other home to go to. That is entirely different to guests at hotels;*
- (e) *The charges were modest (£35 per day for bed, breakfast, lunch and an evening meal) which again was consistent with a hostel, not a hotel;*
- (f) *Payments were made by G4S as agents of a public body, an express indication of a hostel noted in Panayi;*
- (g) *Those accommodated at the Quality Hotel were transient, in that they were placed there until other accommodation became available or their asylum application was resolved against them. Again that is not consistent with the use of the building as a hotel;*
- (h) *They had no connection or link with the area at all'.*

In a Planning Appeal decision pertaining to Equity Point, London (Appeal Ref: APP/X5990/C/11/2166636) the Planning Inspector noted: 'Given that there is a difference between the 2 uses but no set definition for planning purposes, I consider it to be a matter of common sense and analysis as to when a change of use has occurred'.

It is my contention that common sense leads a reasonable person to believe that a change of use may have occurred at the Hilton Garden Inn Hotel, especially when considering that:

- There is significant and substantial usage by a large number of asylum seekers;
- The individuals are residing there permanently, unlike people staying in a hotel. Whilst tourist may stay for a few weeks, these persons may be at the Hilton Garden Inn until at least next year;
- The Hilton Garden Inn is the people's home, because they have no other home to go to;
- Those accommodated at the Hilton Garden Inn are transient, in that I understand that they are placed there until other accommodation becomes available or their asylum application is resolved;
- It is reasonable to assume that the individuals have no connection or link with the area at all;
- There may be communal laundry facilities;
- The Home Office is now responsible for the running and operation of the site and its security.

As you may be aware, on 7 November I sent a letter to the Rt Hon Suella Braverman KC MP, Secretary of State for the Home Department, UK Government, in which I noted that the Hilton Garden Inn has planning permission to be a hotel. I am still awaiting to hear the UK Government's position as to whether there has been change of use. In the meantime, I would be grateful if you could investigate whether the hotel has now changed to being a hostel.

Kind regards,

Janet Finch-Saunders MS/AS