



Appeal Decision

Site visit made on 8 October 2019

by J E Jolly BA (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 December 2019

Appeal Ref: APP/U1430/W/19/3232358

4 Sackville Mews, Bexhill-on-Sea TN39 3JD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Jason Davison against the decision of Rother District Council.
 - The application Ref RR/2019/819/P, dated 29 March 2019, was refused by notice dated 22 May 2019.
 - The development proposed is a change of use from holiday letting (sui Generis) to two self-contained dwellings (C3).
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This decision is issued under section 56(2)(a) of the Planning and Compensation Act 2004 and supersedes that issued on 25th November 2019.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal would:
 - preserve or enhance the character or appearance of the Bexhill town centre conservation area; and,
 - result in unacceptable loss of holiday accommodation.

Reasons

Conservation Area

3. The appeal site is located near the sea-front in the Bexhill town centre Conservation Area (the CA) in a small mews accessed off Sackville Road.
4. The CA has a mix of 19th and 20th Century sea-side style buildings as well as some more contemporary buildings. The appeal site, No 4 Sackville Mews, which is used as holiday accommodation, is accessed by a narrow, under-croft service lane and forms part of an older weather-boarded, brick and rendered terrace. The appearance of No 4, despite its' hidden mews location, contributes to the visual character of the area through its modest, yet functional former uses as a stable or storage building.
5. The terrace faces the parking and refuse collection area at the rear of the four-storey commercial premises that front onto Sackville Road. The adjacent unit, No 3 Sackville Mews, is undergoing renovations and has a new weather-

boarded frontage, clean fenestration lines, roof windows and a simple Juliet balcony.

6. The proposal would change the use of the current dwelling, which is subdivided into two holiday lets, to two residential dwellings. However, the existing character of the building would be preserved in a style similar to that seen at No 3. Indeed, the proposal would bring a degree of cohesion to the two dwellings through the use of similar balconies, elevational features and materials.
7. Whilst I acknowledge the concerns raised by the Council in terms of the number of windows and the Juliet balconies, in this case, when taken as a whole, and in context with the adjacent dwelling, the proposal preserves the character of the Conservation Area as it would replicate the broad design of the adjoining terrace. Accordingly, the proposal would result in 'less than substantial harm' to the CA as a designated heritage asset and enhance the CA through the provision of two new residential dwellings.
8. As such, the proposal would preserve and enhance the character and appearance of the CA and therefore, the proposal aligns with Policies OSS4(iii), BX1(i), BX2(vi), EN2 and EN3 of the Rother District Council Local Plan Core Strategy, 2014 (RDCLP) which state, amongst other things, that development should be of high-quality design standard, respect and not detract from the character and appearance of the locality including the Bexhill Conservation area.

Loss of holiday accommodation

9. The dwelling is currently used as holiday accommodation. I acknowledge that in this precise location, and as set out in the Appellant's statement of case, the lack of amenity space and paraphernalia associated with the commercial dwellings to the front of the terrace would make these units less desirable for tourists in comparison to other tourist accommodation that might be available in the local area. Accordingly, the level of attraction for these dwellings would be similar if the properties were to be marketed as private dwellings on the open market in competition with other dwellings in the town.
10. The Appellant has also provided a financial statement, covering a relatively short period of time due to earlier renovations, which demonstrates that the units have been operating at a loss. The evidence before me suggests that there is no prospect of continued use as tourist accommodation for two reasons; firstly, there is more desirable accommodation in the local area and; secondly the Appellant has indicated that he no longer wishes to rent it out.
11. However, from the desk-top evidence provided to me by the Council it appears that, despite the absence of a sustained marketing exercise, the units currently enjoy some level of occupation and appreciation throughout the year. This is unsurprising in this, attractive sea-side location, and is evidenced by the activity and comments on a number of holiday-let websites where the property is advertised. I note that these units are no larger than an average hotel room, however, the loss of the units would be to the detriment of the overall supply of holiday lets available within the town.
12. As such, the weight I can give to the financial statement is limited as the reasoning cannot rest on the owners' decision alone; rather adherence to the

adopted Development Plan policies, in this case Policy EC6 of the RSCLP which provides for the loss of tourism accommodation where there is no prospect of its continued use.

13. Therefore, the proposal conflicts with policy EC6 of the RDCLP or Policy DC1 of the emerging Development and Site Allocations Local Plan 2018, which state amongst other things that development should not involve the loss of tourism accommodation unless there is evidence of a comprehensive and sustained marketing campaign, which clearly indicates a lack of demand for the existing use.
14. Similarly, the proposal is contrary to Paragraph 83 of the National Planning Policy Framework that recognises that Planning Policies and Decisions should enable tourism and leisure developments.

Conclusion

15. Although I have found no harm to the CA in respect of character and appearance as a result of the proposal this does not outweigh the unacceptable loss of holiday accommodation in Bexhill. Therefore, for the reasons given above and having regard to the development plan when read as a whole, the appeal should be dismissed.

J E JOLLY

INSPECTOR

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