



Appeal Decision

Site visit made on 12 May 2021

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th June 2021

Appeal Ref: APP/T1410/W/20/3262074

5 Hampden Terrace, Latimer Road, Eastbourne, BN22 7BL

- 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 A Bennett against the decision of Eastbourne Borough Council.
 - The application Ref PC200346, dated 22 May 2020, was refused by notice dated 21 August 2020.
 - The development proposed is the change of use from 6 bed HMO (C4) to 8 bed HMO (sui generis).
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from 6 bed HMO (C4) to 8 bed HMO (sui generis) at 5 Hampden Terrace, Latimer Road, Eastbourne, BN22 7BL in accordance with the terms of the application, Ref PC200346, dated 22 May 2020.

Preliminary Matter

2. The development is completed; this does not alter the way I consider the merits of the proposal.

Main Issue

3. The main issue is the effect of the proposal on tourism within the Borough.

Reasons

4. The appeal proposal is as described above. The appeal property is a terraced building with three floors of accommodation. The Council is concerned that proposal's nature and intensification would be inappropriate in a Tourism Accommodation Area and hence damaging to the interests of tourism in the Borough.
 5. The Council cites Policy C3 of the Eastbourne Core Strategy (2013) (CS) and saved Policies TO1 and HO14 of the Eastbourne Borough Plan 2003 (BP). The reasoning behind CS Policy C3 is its aim to reduce deprivation and commercial decline and with a focus on housing delivery, tourism generation and conservation of historic areas. The vision within the policy is based on
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these aspects as well as others across a sustainability and physical environment spectrum. The objectives of BP Policy TO1 are to retain a stock of touristy accommodation to support the Borough as a major resort and to safeguard and add to associated attractions and facilities. The policy is based on a defined Tourist Accommodation Area (TAA) which includes the appeal site. Proposals within the TAA will be refused if they are incompatible with tourist accommodation use, with regard being paid to the lifestyles and requirements of tourists. BP Policy HO14 is concerned with HMOs and its reasoning recognises their social and economic contribution whilst the policy provides some quality benchmarks and specifically states HMOs will not be permitted in the TAA.

6. The TAA understandably includes the stretch of sea front properties to the east of Hampden Terrace and this road is a 'back street' behind that included in the zone but characterised by terraced properties seemingly in residential use and cadet or military buildings and restricted open space. There is little or nothing evident in the way of tourist accommodation along Hampden Terrace and no sense pervading to me or provided in evidence that the street is in any way significant in meeting the needs of tourists. On any measure it would appear to me to be a peripheral element of the TAA.
7. Nevertheless, with policy wording so clear in terms of an in-principle embargo on HMOs, there is obvious conflict with BP Policy HO14. Accordingly, the scheme should be refused unless there are significant factors in its favour which would outweigh this.
8. Referring to the reasoning behind and content of CS Policy C3 as summarised in paragraph 5 above I would see no conflict on this policy front. The appeal scheme would accord with these objectives and aims other than in direct tourism generation which is but one arm of the policy's diverse content.
9. Turning to BP Policy TO1 the appeal site lies in the TAA but in this particular position and in the case of the specific building I would not see an incompatibility with any tourist accommodation use and no impact on tourist facilities and attractions, and I note that no such evidence has been put forward in direct relation to this case. On the question of whether tourist lifestyles or requirements will be prejudiced by this scheme I would have to say that I am not persuaded by my site visit or reading of the papers. On these tests the appeal scheme would seem to me to be innocuous and would not run contrary to BP Policy TO1.
10. Physically the premises appeared to be in exemplar condition and I note the pro-active management regime which is in place although I am fully aware that any permission runs with the building. As the Council recognises in its text within the BP there is undoubtedly a need for the type of accommodation provided. Even using the reasoning of BP Policy HO14 it is clear that a degree of social and economic benefit embodied in the scheme would to some degree count in its favour and the residential, visual, environmental amenity considerations within that policy would not be held

against the scheme. My overall conclusion is that notwithstanding the conflict with a specific element of BP Policy HO14 – the principle of an HMO in the TAA – the merits of the appeal scheme in social and economic terms and the lack of any conflict with CS Policy C3 and BP Policy TO1 would amount to circumstances which were heavily in favour of the proposal. I conclude that the planning merits and benefits of the appeal scheme would outweigh the fact that it would run contrary BP Policy HO14.

11. I should add that I have considered the concerns raised in representations and noted the Appellant's responses thereto. I am not persuaded with the scheme before me, i.e. some increase in scale of an HMO, that any points raised would tip the planning balance to a position whereby the appeal should be dismissed. I would trust that the management bodies would act responsibly and that should any need arise for intervention to protect neighbourliness then the authorities would use powers open to them which lie outside the planning regime.

Conditions

12. The Council puts forward no suggested conditions. I consider that none are necessary given the content and retrospective nature of the scheme. I say this having noted the Appellant's offer of a management plan by way of condition. As I touch on above, I am conscious of the present management regime and legislation outside planning law which can deal with matters such as noise nuisance should they arise in any circumstances.

Overall conclusion

13. For the reasons given above I conclude that the appeal proposal would not have unacceptable effects on tourism within the Borough. Accordingly, the appeal is allowed.

D Cramond
INSPECTOR