



Appeal Decision

Site visit made on 25 April 2022

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31/05/2022

Appeal Ref: APP/Q1445/W/21/3285018

Haven Lodge Eaton Villas, Hove BN3 3TB

- 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 Miss Maria Dato against the decision of Brighton & Hove City Council.
 - The application Ref BH2021/01753, dated 10 May 2021, was refused by notice dated 26 July 2021.
 - The development proposed is a change of use from a single dwellinghouse (C3) to a short term visitor accommodation (Sui Generis)
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Within the context of an appeal under section 78 of the Act it is not within my remit to formally determine whether the proposal requires planning permission as raised by the appellant. If the appellant wishes to ascertain whether the development is lawful, they may make an application under section 191 of the Act. The appeal has been submitted retrospectively and will be dealt with accordingly.
3. The Council refer to the emerging City Plan Part Two Brighton and Hove City Council's Development Plan April 2020 (CPP2). I am aware through dealings with other cases in the area that the CPP2 inquiry hearings have ended, and the council are dealing with the main modifications. As the policies in question are also consistent with the National Planning Policy Framework (the Framework), I give them moderate weight.

Main Issue

4. The main issue in this appeal is whether the proposed development effects the housing stock and housing choice in the area.

Reasons

5. The appeal property is a detached two storey dwelling situated centrally on Eaton Villas. It is a modern infill property with off road parking and a rear garden. Many surrounding properties are larger traditional dwellings, many semi-detached or terraced, which are, in the main, single family residences or have been subdivided, many without off road parking.
6. Policy HO8 of the Brighton and Hove Local Plan 2005 (Local Plan) seeks to prevent a net loss of residential accommodation units setting out exceptional

circumstances when such a loss is acceptable. Emerging Policy DM2 of The City Plan Part Two Brighton and Hove City Council's Development Plan April 2020 (CPP2) continues this ethos but expands in the supporting text (paragraph 2.17 of the Proposed Submission version) that some holiday lets may be considered a material change of use from residential.

7. Within this policy context I am satisfied that the proposed development has converted the appeal property into short term holiday accommodation and that it is no longer available for use either by sale or rent as a singular dwellinghouse, and that this position is agreed by the main parties. To this effect the proposal does not therefore fall within any of the exceptions set out in Local Plan Policy HO8, or CPP2 Policy DM2.
8. On visiting the site, the property would seem to have been one of only a few examples of a detached residential unit with off road parking, private garden and garages in the area. These characteristics are unlikely to make it affordable but the policies in question do not seek to specifically protect affordable housing, simply the housing stock and housing choice. The use of the appeal property as short term holiday accommodation does, therefore, reduce the net housing stock and would have a negative impact on the housing choice in the area.
9. The appellant considers that the number of guests and their movement to and from the property is similar to is the property were a residential unit. They also propose the use of conditions to limit the amount of time the property is used as short term holiday accommodation, or the number of guests. This however would not overcome the loss of the appeal property as a residential unit.
10. The proposed development therefore constitutes a net loss of one unit of residential accommodation, and this would harm the housing stock and housing choice in the area. The proposal therefore does not comply with Local Plan Policy HO8 and CPP2 Policy DM2.

Other Matters

11. The appeal site is located within the Denmark Villas Conservation Area (DVCA), adjacent to the Willet Estate Conservation Area (WECA) and within the setting of 3 Eaton Gardens (No 3), a grade II listed building. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas and the setting of listed buildings. The significance of DVCA and WECA relates to the distinct appearance and character of the buildings within them, and No 3 is considered a good example of the buildings within the WECA. As far as is relevant to this appeal the proposed change of use would have a neutral effect on the character and appearance of the DVCA and WECA, and the setting of No 3. However, a lack of harm does not necessarily weigh in favour of the proposal and in this case would not alter my findings in relation to housing stock and housing choice in the area.
12. There is unlikely to be a mechanism in place to limit who would purchase a property of this type on the open market, that a fifth of housing in the local area has been sold to people from London, and that holiday accommodation can provide benefits to the local economy. I have considered these matters, but they do not mediate the harm identified.

13. The appellant has drawn my attention to the paragraphs of the Framework which seek to ensure that new development meets defined economic, social and environmental objectives. The appellant considers that the proposal meets these by encouraging users of the property to visit the local tourist attractions and services supporting the local economy and prevent the need for new development to fulfil the tourist accommodation need of the area. I have had regard to these matters however due to the size of the proposal these benefits would be small and would not overcome the harm found. The appellant also considers that the use of the appeal property for short term holiday accommodation has a similar impact on the character of the area and would not alter its appearance. This does not mediate the identified harm.
14. Interested parties have raised concerns relating to highway safety, the loss of property value, noise and anti-social behaviour along with other matters. However, as I am dismissing this appeal for other reasons, I have not pursued these matters further. In any event, a lack of harm would only be a neutral factor.
15. It is noted that the Council do not current have a 5 year housing supply. However, as this proposal is not for the provision of new housing paragraph 11 of the Framework does not come into force.

Conclusion

16. The appeal scheme would conflict with the development plan for the reasons given above. There are no sufficiently weighted material considerations, including the approach in the Framework, that would indicate a decision otherwise. The appeal should, therefore, be dismissed.

RJ Redford

INSPECTOR