

Appeal Decision

Site visit made on 20 May 2022

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 June 2022

Appeal Ref: APP/Q1445/W/21/3282777

Routledge Financial Ltd, 98 Portland Road, Hove BN3 5DN

- 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 Michael Routledge against the decision of Brighton and Hove City Council.
 - The application, Ref. BH2021/01985, dated 26 May 2021, was refused by notice dated 6 August 2021.
 - The development proposed is the conversion of a basement from a flat to an office.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether there is justification for the loss of the existing basement residential use having regard to the impact on the City's housing stock and choice in the area and to all other material considerations.

Reasons

3. The parties to the appeal recognise that there is a planning balance in this case: on the one hand the appellant attaches greater weight to the need to convert the existing basement flat to enable the expansion of the existing business on the ground floor, whereas on the other the Council argues that given the acute housing shortfall in Brighton the retention of the residential use should take priority.
 4. This view of the Council is supported by Policy HO8 of the Brighton and Hove Local Plan 2005 (Retained Policies March 2016) which precludes a grant of permission that would involve a loss of residential accommodation unless there are exceptional circumstances. Local Plan Policy EM4 appears in my view to be less relevant, but the emerging City Plan Part 2 Policy DM2 carries forward the Local Plan by including constraints on the loss of housing units in development proposals.
 5. In this application the appellant already has an existing business that occupies the ground floor of the building and seeks to convert the basement flat in order that the floorspace can accommodate an increase in employee numbers and allow the improvement of supporting facilities. I acknowledge the merits of this case and that there is policy support in the form of City Plan Part 1 Policies CP2
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and CP3, as well as in Section 6: 'Building a Strong, Competitive Economy' of the National Planning Policy Framework 2021 ('the Framework').

6. However, in weighing the pros and cons of the appeal scheme I note that since its formation in 2016 the personnel of the existing business has grown to a team of 14 spread across the Hove and Worthing areas. Whilst there would be advantages in expanding at the Portland Road premises, there is no persuasive evidence that other options for increased floorspace within this catchment area are not available. Nor are convincing reasons given that the existing business would be forced to move from Portland Road if the expansion into the basement cannot go ahead.
7. In contrast to the potential for options for the expansion of the business were the appeal to be dismissed, a grant of permission would almost certainly lead to the loss of an existing residence comprising someone's home, and as likely as not having this use for over 20 years, assuming the permission given in 2000 was promptly implemented. I acknowledge that the flat does not fully meet the Nationally Described Space Standards, but from my inspection I am satisfied that it is nonetheless of an acceptable quality, particularly if it were to be used in future as a one-person unit. I am also mindful that the accommodation would be positioned at the lower end of the market in terms of either a sale or rental, which with Brighton's demographic would be likely to place it as highly sought-after accommodation.
8. The officer's report explains that the latest figure available demonstrates a five-year housing shortfall in the city of 6,604 units, equivalent to 2.2 years of housing supply. And in these circumstances, combined with the emphasis on housing provision in the Framework in areas of shortfall, I consider that incremental provision on small sites has a significant role to play.
9. Weighing the balance of the arguments and taking account of all other matters raised, I conclude that there is insufficient justification in this instance for a scheme that would result in the loss of an established residential unit in a sustainable location. This would be in harmful conflict with the aforementioned Policies HO8 & DM2 and with Government policy in the Framework to prioritise housing provision in sustainable locations with a strong and sustained demand.
10. The appeal is dismissed accordingly.

Martin Andrews

INSPECTOR