



Appeal Decision

Site visit made on 20 February 2025

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

an Inspector appointed by the Secretary of State

Decision date: 06 March 2025

Appeal Ref: APP/Q1445/D/24/3357662

17 Arundel Road, Brighton BN2 5TE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms Sacha Latham against the decision of Brighton and Hove City Council.
 - The application Ref. is BH2024/01748.
 - The development proposed is the erection of a yurt in the rear garden (Retrospective)
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) the effect of the yurt on the character and appearance of the host dwelling and its surroundings, and (ii) the effect of the use of the yurt on the living conditions for neighbouring occupiers, with particular reference to noise and disturbance.

Reasons

3. On the first issue I saw on my visit that the yurt is in the form of a canvas on a frame above a slightly raised platform. The structure effectively occupies the full width of the end of the garden and is thereby a minimal distance from the rear and side boundaries. The Officers Report on the application says that the yurt has a diameter of 5.2m and a height of 3.8m, including the platform.
4. I consider that in principle a yurt could be appropriate for a residential context when sited in a large and verdant garden in the lower density suburbs of a town or city, or even more aptly in such a garden in the countryside. In these situations, the yurt's substantial size would be acceptably proportionate for its site and there would be opportunities for screening by trees and vegetation to make it less noticeable from the public realm.
5. However, the appeal site is the exact opposite of this, given its location in a small garden in a densely populated part of the city. The yurt is noticeably higher than the adjoining boundaries and therefore visible from a number of surrounding gardens and the windows of properties in Arundel Road and Lewes Mews. The Officers Report says that the structure is incongruous in this location and draws the eye as being wholly out of keeping with the residential area, where the dwellings more typically have outbuildings in the form of timber sheds or summerhouses.

6. I agree with this assessment and consider that the yurt is unsightly in these views from neighbouring properties and Lewes Mews. It has the appearance of a temporary structure and when combined with a size clearly too large for the site it occupies, the yurt can reasonably be perceived as a harmful visual intrusion in its residential context. Having made my own inspection and also seen the photographs of the structure from nearby gardens and private spaces submitted by objectors to the application, I consider that it certainly draws the eye and looks patently out of place. Nor does it read comfortably with the host dwelling, No. 17.
7. I have considered the grounds of appeal which argue that the yurt is a portable rather than fixed structure. This may well technically be the case but in the circumstances of this appeal proposal it is reasonable to assume that once completed the yurt will be a permanent feature, as the appellant wishes to use it from her home to give yoga lessons to members of the public. Whether or not it can be easily dismantled is therefore largely irrelevant.
8. As regards the appellant's contention that it does not harm the character and appearance of the area because it cannot be seen from main roads, I consider that its visibility and indeed prominence in the outlook from surrounding residential properties and their gardens is equally relevant in any assessment of its impact on the locality. Nor, given the yurt's height and proximity to boundaries, do I consider that painting the canvas and screen planting would be practical and effective measures to make the appearance acceptable in this tightly knit urban context.
9. Accordingly on this issue, I find that the yurt is harmful to the character and appearance of the area and contrary to Policy CP12 of the Brighton and Hove City Plan Part One and Policies DM18 & DM21 of the City Plan Part Two. For the appellant the relevance of these policies is disputed. However, although in general terms there is clearly not going to be a specific planning policy for yurts, it is nonetheless a semi-fixed structure with concrete post foundations and a wooden base. And as I have mentioned in paragraph 7 above, it is not unreasonable to assume that the yurt will be in place for its lifetime as long as the appellant lives at No. 17.
10. As regards Policy CP12 in particular, I agree that supporting paragraphs 4.145 & 4.146 are not relevant, but paragraphs 4.149 & 4.150 are, with their objective to ensure that all development complements or enhances the city's environment. On this basis the I regard the policy as applicable to the development.
11. In respect of Policy DM18 and Policy DM21, again these policies are drafted on the basis that they will be normally applied to buildings, and it would be impractical to cover all possible structures, including yurts. However, I am satisfied that the application relates to 'development' within the meaning defined in planning legislation. I have also referred in the preceding paragraphs as to why I consider the erection of the yurt to be tantamount to a permanent or at least long-term structure.
12. In respect of Policy DM21, paragraph 5.26 of the appellant's statement of case says that '*the yurt would constitute an outbuilding*' and Case Law has established that buildings which are separate from the dwelling can nonetheless be described as an 'extension' depending on the individual

circumstances. In short, the relevance of such a description is a matter of fact and degree in each case.

13. The development is also in conflict with the principles and objectives of Government policy in Section 12: 'Achieving Well-Designed Places' of the National Planning Policy Framework, revised December 2024. Paragraph 135 sets out some requirements of development, including a) adding to the quality of the area; b) being visually attractive, and c) needing to be sympathetic to the surrounding built environment. However, with the yurt too large for this small residential garden and an incongruous addition to this high density part of Brighton I do not regard it as fulfilling any of these objectives.
14. Turning to the second main issue, the effect of the use of the yurt on the living conditions for neighbours in respect of noise and disturbance, the Council's concern is that given the insubstantial nature of the yurt's 'walls', any noise from within would not be well contained. The refusal reason asserts this in that the size and the intensity of use *'would give rise to significantly harmful noise and disturbance to occupiers of neighbouring residential properties*'.
15. As mentioned in paragraph 7 above, the grounds of appeal state that the purpose of the yurt is to facilitate the appellant's work as a yoga teacher from home, and that for this purpose it can accommodate a maximum of eight people. I agree that this activity and these numbers would in themselves be unlikely to cause noise and disturbance. Furthermore, the yurt is not finished, and the appellant has yet to use it for yoga teaching.
16. Neighbours have complained of incidents of noise and disturbance in the public consultation replies on the application, including parties and loud music, but these have been denied by the appellant. And even if correct, there is no clear evidence that they are specifically linked to the yurt rather than the house and garden as a whole.
17. Based on the information provided and allowing for the constraints of the written representations appeal procedure (as opposed to a Public Hearing or Inquiry where the evidence of all interested parties can be heard and challenged), I consider it is unsafe to support the Council's refusal of permission on this issue and consequently conclude there would be harmful conflict with Policies DM20 and DM21 of the City Plan Part Two.
18. I have come to this conclusion on the balance of the evidence. On the one hand, the space within the yurt clearly does provide a potential for social gatherings of this kind (and for many more people than the maximum of eight yoga students) with a resultant likelihood of noise transmission beyond the boundaries of No. 17. On the other hand, in fairness to the appellant I must accept the submissions made on her behalf unless there is incontrovertible evidence that they are inconsistent with the use stated in the planning application. With that said, this finding does not outweigh my conclusion in the Council's favour on the first main issue of the harmful effect of the yurt on the character and appearance of the host dwelling and its surroundings.

Other Matter

19. The grounds of appeal allege that in its refusal of the application, the Council has failed to take into account the appellant's disability as required by the provisions of section 149 of the Equality Act 2010, although my understanding

of the situation has not been helped by the references in the appellant's statement to the form of the disability having now been redacted. However, my overall understanding of the situation is that the appellant has a special need to work at home and avoid travel, which makes her rely on other people for transport. Such travel and reliance may be beyond the limitations caused by her disability.

20. The statement for the appellant argues that although the Officers Report has referred to section 149(1) of the Equality Act, the Council has not properly addressed its legal duties therein and in addition has failed to even mention sections 149 (3), (4) & (5). The statement sets out these legal duties and I have now given them careful consideration. However, I consider the harm caused if permission is granted, as described in my conclusion on the first main issue, clearly outweighs the benefits to the appellant, notwithstanding the weight given to the need to address difficulties caused by her disability.
21. For the reasons explained above and having had regard to all other matters raised, the appeal fails.

Martin Andrews

INSPECTOR