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## Appeal Decision

Site visit made on 3 June 2025

**by H Miles BA (hons), MA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 July 2025

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**Appeal Ref: APP/Z3825/W/24/3355886**

**Mill House, 11 Nightingale Road, Horsham, West Sussex RH12 2NW**

- 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 Mr M Parsons against the decision of Horsham District Council.
  - The application Ref is DC/23/1603.
  - The development proposed is conversion of former taxi office building to five short term tenancy apartments with basement service room.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. I have taken the address from the appeal form and decision notice as this clearly sets out the location to which this appeal relates.

### Main Issues

3. The main issues are:
  - The effect of the proposed development on the supply of employment floorspace.
  - The effect of the proposed development on the living conditions of existing occupiers with particular regard to privacy and any overbearing effect on 22 and 23 Gladstone Road.
  - The quality of accommodation for future occupiers.
  - Whether the proposed development would mitigate the effects of climate change with particular regard to energy use.

### Reasons

#### *Employment Floorspace*

4. The application site is within a Key Employment Area for the purposes of the Horsham District Planning Framework (2015) (HDPF). Together Policy 9 of the HDPF and Policy HB9 of the Horsham Blueprint Business Neighbourhood Plan 2019-2036 (2022) (NP) state that there must not be a loss of employment floorspace, commercial premises, or land which provides employment at this site. For alternative uses to be permitted, specific information including details of a marketing campaign and valuation report must be submitted and the sequential approach to the development of the site must have been considered with a

preference for employment based redevelopment. Proposals should support the function of the key employment areas as centres for employment.

5. The proposed development seeks permission for short-term let apartments. A suggested condition would limit occupation by any one person to a period not exceeding 28 days in each year, and the appellant specifies 3 night minimum stays. This would generate employment through the servicing of the units. There is limited information about the amount of employment that would be created and, given the scale and nature of the development proposed, this would be likely to be very limited. Therefore, in this particular case, taking into account the very low amount of employment that would be generated in association with the main short-term let residential use, the proposed use would not be employment floorspace or land which provides employment for the purposes of Policies 9 of the HDPF and HB9 of the NP as set out above.
6. The appeal site has been vacant since January 2023. Its previous taxi business occupier is now located at the adjoining property and it is put to me that there is no demand for any similar business at the appeal site. Furthermore, there has been a reduction in demand for office space. I also understand that significant renovations are required to the building. However, I am not provided with any substantive evidence of the type set out in Policy HB9 to satisfy me that there is not a reasonable prospect of such use coming forward and that this site does not have potential for reoccupation or redevelopment for employment generating uses.
7. Therefore, the proposed development would result in harm to the supply of employment floorspace. As such, it would be contrary to Policy 9 of the HDPF and Policy HB9 of the NP, the aims of which are set out above.

*Living conditions – existing*

8. There is one existing window to the part of the side elevation which adjoins the gardens at Gladstone Road which is proposed to serve a bedroom at first floor. This window is directly adjacent to the rear garden of Gladstone Road, and there would be direct views back towards the rear elevations of these properties as well as across the garden area in very close proximity at an elevated height. These views already exist. However, the change of use of the property to short let apartments would lead to occupiers using the accommodation 24 hours per day and this would therefore result in an increase in the nature, frequency and duration of overlooking. This would be harmful to the privacy of these adjoining occupiers.
9. The proposed development would also introduce a new high level obscure glazed window to this part of the side elevation serving the ground floor unit's living room. There are also existing rooflights which would be to a living area and bedrooms. However, due to the treatment of these windows, they would not provide views. Nor would the development alter the bulk or massing of the building and as such there would not be an overbearing effect. Nevertheless, the lack of harm in these regards would not overcome the harm identified above.
10. Consequently, the proposed development would have an unacceptable effect on the living conditions of existing occupiers with particular regard to privacy to 22 and 23 Gladstone Road. As such, the proposed development would be contrary to Policy 33 of the HDPF and Policy HB4 of the NP. Together these seek to avoid unacceptable harm to the amenity of occupiers of nearby properties with regard to overlooking and to meet the needs of residents.

11. Policy HB5 of the NP mainly relates to energy efficiency and design, therefore the policies set out above are more relevant to this main issue.

*Quality of accommodation – proposed*

12. The ground floor unit would have bedroom windows less than 1m from the 2-3 storey high wall of the adjacent building and the living space would have a single high level obscure glazed window. This would result in a unit with very limited natural light and outlook in all rooms. Furthermore, the majority of the bedrooms to the other units have windows that are either low level windows, rooflights or windows in close proximity to adjoining walls and roofs. This would provide poor outlook to these rooms and in some cases low levels of natural light.
13. The properties are not intended for permanent residential accommodation and the appellant compares the use to that of an hotel. However, the appeal scheme is for self-contained self-catering units including kitchens and living spaces which provide facilities so that occupiers would spend time in these apartments. Even considering the short term nature of the occupants, the proposed development would provide unacceptably poor light and outlook, in particular to the ground floor unit, for the accommodation proposed and would not provide a high standard of amenity for future users.
14. Furthermore, the site adjoins a garage, as well as being opposite railway sidings. Given the nature of the accommodation proposed where occupants would be expected to spend time, it would be unreasonable to require these units to keep all windows closed. Consequently, noise and fumes from these adjoining uses would be likely to harmfully effect the living conditions of future occupiers.
15. Therefore, the proposed development would provide an unacceptable quality of accommodation for future occupiers. As such, it would be contrary to Policies 24, 32 and 33 of the HDPF and Policy HB4 of the NP. Together these require an attractive, functional environment and a high quality design which meets the needs of residents, and minimises exposure to pollutants.
16. Policy 33 of the HDPF mainly relates to conservation and enhancement of the natural and built environment, and Policy HB5 of the NP requires energy efficiency and design. Therefore, the policies above are more relevant to this main issue.

*Energy Use*

17. Together Policy 35 and 37 of the HDPF and Policy HB5 of the NP require development to mitigate the effects of climate change including through occupants reducing energy use and proposals being designed to encourage the use of natural lighting and ventilation and optimising passive solar gain.
18. Further to the findings above that the properties would have limited natural light, it is likely that artificial lighting would be required for rooms to be adequately lit. In addition, there are a number of rooms where windows are shown to be fixed shut and given the location of the property adjoining a garage and railway sidings, it is likely that occupants would close windows to mitigate impacts from noise and fumes, notwithstanding the findings relating to future living conditions. As such, these properties are likely to use mechanical ventilation. The resultant reliance on electrical lighting and mechanical ventilation would not minimise energy consumption from these properties.

19. An energy consumption calculation document has been submitted. However, it does not appear to include any allowance for mechanical ventilation. It also relies on the provision of 99 solar panels although there is no detail as to how this number of panels could be accommodated on roofslopes that would benefit from the peak sunlight hours. As such I am not satisfied that there would be a reduction in energy use.
20. In any case, for the reasons above, the proposed development would be overly reliant on artificial lighting and ventilation. This would not satisfactorily minimise energy consumption.
21. As such, the proposed development would not mitigate the effects of climate change with particular regard to energy use. Consequently, it would be contrary to policies 35 and 37 of the HDPF and Policy HB5 of the NP, the aims of which are set out above.

### **Planning Balance**

22. The proposal would reuse an existing building in an accessible location with very good links to sustainable transport modes and I give substantial weight to the value of using brownfield land. It would also result in economic benefits to the visitor economy in Horsham, and occupiers are likely to visit local facilities such as cafes. The accommodation may also be used by tourists, those moving or renovating houses or those working in the area and local agents state that there is a demand for short term let properties. There would also be temporary economic benefits during construction. These are important matters, however, given the scale of the proposed development overall the benefits would be modest.
23. On the other hand, there would be economic harm through the detrimental effect on employment floorspace in this area. As well as that the proposed development would not provide an appropriate quality of accommodation for future visitors, would have harmful effects on the living conditions of neighbouring occupiers, and would not minimise the use of energy. Taken together, these multiple harms are substantial. Therefore, the modest benefits would not outweigh the substantial harm identified.

### **Other Matters**

24. The Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites are habitats sites that have a high level of protection. The appeal site is within the Sussex North Water Supply Zone where, without any mitigation in place, in combination with other plans and projects the Council state that there would be a likely significant effect on the interest features of the site from the proposed development. Notwithstanding this, there is no need to consider the implications of the proposal on the protected site because the scheme is unacceptable for other reasons.

### **Conclusion**

25. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above the appeal should be dismissed.

*H Miles* INSPECTOR