



Appeal Decision

Site visit made on 26 June 2025

by **C J Leigh BSc(Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 July 2025

Appeal Ref: APP/U1430/W/25/3360182

Unit 2, Parkhurst Warehouse, Parkhurst Mews, Bexhill, TN40 1DH

- 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 Lear, Domaines Investments Ltd against the decision of the Rother District Council
 - The application Ref is RR/2024/1046/P
 - The development proposed is the conversion of B8 storage warehouse to ground floor flat including new obscure glazed window to front elevation
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues in this appeal are:
 - the effect of the proposed development on the availability of employment premises, having regard to the District Council's economic strategy for the protection of employment opportunities;
 - whether the proposed development would provide satisfactory living accommodation for future occupants; and
 - the effect of the proposed development on the character and appearance of the Bexhill Conservation Area.

Reasons

Economic strategy

3. Under s38(6) of the Planning and Compulsory Purchase Act 2004, determination of this appeal must be made in accordance with the plan unless material considerations indicate otherwise. The development plan comprises the Rother Local Plan Core Strategy 2014 (CS) and the Rother Development and Site Allocations Local Plan 2019 (DASLP).
4. The appeal premises are a ground floor storage warehouse (Class B8 use). Policy DEC3 of the DASLP sets out the intention for the effective use of existing employment sites in the District. This includes securing premises in employment use being retained in such use unless it is demonstrated there is no reasonable prospect of its continued use; where continued employment use is demonstrated to not be viable the Policy permits enabling development, mixed use development,

- alternative community uses, affordable housing and then market housing. Policy DEC3 says that the approach to demonstrating if there is a reasonable prospect of continued employment use is set out in Policy DCO1 of the DASLP.
5. Policy DCO1 states that proposals involving the loss of sites of social or economic value (which includes an employment use) must demonstrate there is no reasonable prospect of a continued use, backed by i) a marketing campaign, to specified requirements and ii) evidence to clearly demonstrate the unit is not, or not capable of being financially viable, including alternative commercial or community facilities.
 6. The application to the Council was not accompanied by details of a marketing campaign or evidence to demonstrate the appeal premises are not financially viable for commercial or community use, as required by Policy DCO1.
 7. The submissions at the appeal stage say the premises are unsuitable as a commercial unit and has no, or limited, employment or economic benefit. My attention has been drawn to the past occupiers of the premises, changes to buildings in the vicinity, the town centre location, access to the premises and adjoining residential uses.
 8. However, the submissions from the appellant are not a detailed appraisal that is consistent with the development plan; Policy DCO1 is clear in what is required to satisfy that Policy, and from that what is required to satisfy Policy DEC3. There is no robust evidence that demonstrates the premises have been properly marketed to back up claims of no continued demand for employment use of the site, and no robust evidence relating to viability to demonstrate there is no possible alternative commercial or community use. Policies DCO1 and DEC3 apply across the District, and so the appellant's assertion that less consideration should be paid to the protection of this employment use within Bexhill town centre is not supported by the development plan.
 9. The premises are in an existing urban area, near to services and different modes of transport. I saw at the site visit the premises are laid out in a simple fashion, with access to the mews. I cannot conclude on the basis of the generalised information presented to me, and from what I have seen at the site visit, that there is no reasonable or viable prospect of continued employment use of the premises. The proposal therefore does not satisfy Policies DCO1 and DEC3.
 10. The appellant has referred to other housing in the vicinity that has resulted from the change of use from employment premises. I am informed the first floor of the building was converted to flats in 2002, the ground floor unit to the north converted in 2016/17, and 10-12 Pankhurst Road was converted in 2017/18. These are before adoption of the DASLP. I have determined the appeal proposal on its merits with regards to the evidence presented to me in order to satisfy the requirements of Policies DCO1 and DEC3, and from what I have read and seen I do not consider those policies to be satisfied. The other housing in the area does not alter my findings on this matter
 11. The appellant also draws attention to the provision in Policy DCO1 that allows for the loss of employment sites where they cause serious harm to local amenities. There is no evidence before me indicating that the premises cause such harm at present. The appellant states that more intensive use or alternative uses may cause such harm. I acknowledge the B8 use of the premises has been at a

relatively low level in recent times, but as there is no apparent harm at present caused by vehicles and people accessing the premise it is not clear to me why further B8 use would cause harm to amenity. Alternative employment uses would not necessarily give rise to harm, particular since Class E commercial, business and service uses includes uses that, by definition, can be carried out in any residential area without causing detriment to the amenity of the area.

12. My attention has been drawn to paragraph 128 of the National Planning Policy Framework, which says there should be a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans. This includes the use of employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites and would be compatible with other policies in the Framework.
13. The Framework sets out the approach for building a strong, competitive economy and says at paragraph 85 that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Paragraph 86 continues to say that planning policies should set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth. It is evident to me that Policies DCO1 and DEC3 taken together are part of the Council's economic strategy. As the change of use of the appeal premises from employment use would be contrary to these policies, it would not be consistent with paragraphs 85 and 86 of the Framework. Hence, the provisions of paragraph 128 of the Framework do not apply in this instance.
14. On the basis of what I have read and seen, I therefore conclude on the first main issue that the proposed development would be contrary to the Council's economic strategy for the protection of employment opportunities set out in the development plan, and specifically the provisions of Policy DCO1 of the CS and DEC3 of the DASLP.

Standard of accommodation

15. The proposed dwelling would be served by windows that look towards the rear of buildings fronting Parkhurst Road. Those buildings are three storeys and in close proximity to the appeal premises. There is a short rear garden and an intervening fence between the properties. The proximity of these buildings and the fence create a constrained outlook to the windows of the proposed dwelling, which would be the sole outlook to the property.
16. I also saw at my site visit the cill heights to the windows in the appeal property are relatively high, and this would compound the constrained outlook from the property. Based on my observations and the information presented to me, I further consider the relationship between the appeal site and adjoining buildings, and the size of the windows, is likely to lead to a limited amount of natural light within the proposed dwelling.
17. On the second main issue it is therefore concluded that the proposed development would not provide a satisfactory standard of accommodation for future occupants, by virtue of poor outlook and levels of light. This would be contrary to Policy OSS4 of the CS which, amongst other matters, requires all development to meet the needs of future occupiers.

18. My attention has been drawn to other dwellings in the area, some of which have limitations on their outlook. I have determined this appeal on its own merits and consider the quality of the proposed accommodation to not be satisfactory and hence conflict with the development plan. I do not see there to be any justification to provide unsatisfactory accommodation on the basis of the existence of other properties in the area.

Effect on conservation area

19. The site lies within the Bexhill Conservation Area. Under s72 I have a duty under s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the Area.
20. The Conservation Area covers a large area of central Bexhill, including Victorian terraced housing, commercial streets, and the seafront where there is the De La Warr Pavillion and gardens. There is a regular road layout with buildings fronting the streets, along with small mews closes including Pankhurst Mews. The significance of the Area as a heritage asset derives from this consistent layout and the overall quality of the streets of buildings, with the important contrast of the Pavillion.
21. The only external change proposed in the appeal is the insertion of a small casement window in the front elevation. The warehouse building retains a general character of its Victorian origins, but there have been alterations to the fenestration which includes modern windows. The property is also seen in the context of other buildings where there have been minor changes.
22. The proposed window would be a small alteration to the building, with the casement design not at odds with the overall design, scale or form of the building or to the wider Conservation Area. These matters mean there would be no effect on the character and appearance of the Area. The significance of the heritage asset would not be harmed.
23. On the third main issue it is concluded the character and appearance of the Conservation Area would be preserved. Thus, there would be no conflict with Policies EN2 and BX2 of the CS, which protect the historic built environment of the District.

Other considerations and conclusion

24. I am informed the Council cannot demonstrate a five year supply of deliverable housing sites, and that the Council have a poor housing delivery record. The proposal would result in an additional dwelling in a sustainable area, which would contribute to addressing this shortfall and to the Government's broader objective of significantly boosting the supply of homes. There would be a short-term boost to economic development during implementation of the scheme.
25. I have taken account of these matters in support of the proposal. However, this support is countered by the proposed dwelling conflicting with the economic strategy of the District and not providing a satisfactory standard of accommodation, which are matters enshrined in the development plan and the Framework. The adverse impacts of granting planning permission would therefore significantly and demonstrably outweigh the benefits, when assessed against the policies in the

Framework taken as a whole. Hence, the proposal would not comprise sustainable development.

26. My overall conclusion is therefore that the proposal would conflict with the development plan and there are no other considerations, including the provisions of the Framework, which outweigh this finding. The appeal is dismissed.

C J Leigh
INSPECTOR