



Appeal Decision

Site visit made on 15 July 2025

by **S T Wilkinson MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 July 2025

Appeal Ref: APP/Q1445/W/24/3355883

Emblem House, Home Farm Business Centre, Home Farm Road, Brighton, BN1 9HU

- 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 L3 Harris against the decision of Brighton & Hove City Council.
- The application Ref is BH2023/03236.
- The development proposed is for the permanent retention of a previously approved temporary extension.

Decision

1. The appeal is allowed and planning permission is granted for the permanent retention of the previously approved temporary extension at Emblem House, Home Farm Business Centre, Home Farm Road, Brighton, BN1 9HU in accordance with the terms of the application, Ref BH2023/03236, and the plans submitted with it subject to the following condition:
 - 1) The development hereby permitted is retained in accordance with drawing nos: 18-7040-07, 18-7040-Sk3A, 18-7040-SK1A, 18-7040-Sk2A, 16-5082-04, 16-5082-03 and 16-5082-02.

Main Issue

2. The main issue arising from the proposal concerns its effects on community cohesion, with particular regard to safeguarding persons within the local community who share protected characteristics.

Reasons

3. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions are made in accordance with the development plan unless material considerations indicate otherwise. The Public Sector Equality Duty (PSED) included in the Equalities Act 2010 (the Act) is a material consideration.
4. The Council's reason for refusal refers to Strategic Objectives 19 and 20 of the Brighton and Hove City Plan Part 1 (2016) which amongst other matters requires that everyone has a right to feel safe in their community. Policy SS1 is consistent with the National Planning Policy Framework's (the Framework) presumption in favour of sustainable development. Paragraph 135f) of the Framework requires decisions to create places that are safe.
5. The decision also refers to S149(1) of the Act 2010. The PSED includes three aims which include the need to eliminate discrimination and other conduct prohibited by the Act, advance equality of opportunity and of direct relevance to this appeal,

- foster good relations between persons who share a relevant protected characteristic and persons who do not.
6. The application and appeal have attracted around 650 and around 1,000 individual objections respectively with 4 petitions signed by around 1,000 people. Only one letter of support is recorded in favour of the application. The objections are drawn from a broad spectrum of groups and individuals who raise a range of issues. However, the majority refer to the City Council's designation of Brighton and Hove as a Sanctuary City; a place which welcomes and provides a safe haven for asylum seekers and refugees. These objections identify that the appeal scheme is contrary to this designation.
 7. From my assessment of the public consultation comments, it appears that the manufacture of military hardware at the site was known to several local groups before the application was submitted but the application and appeal have highlighted its presence in the Brighton area at a time of geopolitical tensions associated with the conflicts in Gaza and the Middle East.
 8. The Council's decision was informed by a completed Equalities Impact Assessment (EqIA). This identifies that community tensions arising from the appeal scheme could have a disproportionate and negative impact on minority ethnic groups (who share protected characteristics) who identify with the different sides in the conflicts linked to the Middle East and Gaza.
 9. The EqIA identifies a rise in hate crimes nationally between ethnic groups linked to the conflict in the Middle East but it refers only to anecdotal evidence that hate crimes are rising in the local area. This evidence is included in its Community Safety and Crime Reduction Strategy 2023-26. There have also been reports to elected Members from representatives of local ethnic groups that their members feel increasingly unsafe and isolated. However, no evidence is before me identifying a direct link between these concerns and the appeal scheme.
 10. The appeal site is physically linked to and operationally used for ancillary warehousing purposes for the existing factory. However, the outputs from the manufacturing process, namely military hardware is not a planning matter. The current operations are lawful in planning terms and the appeal scheme is ancillary to this purpose.
 11. There is no evidence that the original grant of the temporary planning permission in 2018, has contributed to community tensions and adversely impacted on ethnic groups who share protected characteristics. Whilst I acknowledge the strength and depth of these objections it is important to distinguish between the scale of the proposed extension and the existing operations across the wider site. The appeal scheme is for an extension to an existing factory located on an industrial/business estate.
 12. The EqIA identifies case law¹ where the grant of planning permission for an extended period for the conversion of barracks to accommodate asylum seekers was not supported by an updated assessment of PSED. However, the facts of that case can be distinguished from the scheme before me as there was a direct link between the local community's concerns and the proposed use. In contrast in this

¹ (R(Hough) v. SSDH [2022] EWHC 1635

case, it is unclear whether the anecdotal evidence in respect of community tensions is directly related to the appeal scheme.

13. For the above reasons, the Council's evidence does not clearly identify how the appeal scheme would adversely impact on community cohesion within the City. A dismissal of the appeal on grounds consistent with the Council's refusal would be a disproportionate response given the scale of the appeal scheme.
14. The extension was originally granted permission in 2018 when the policies of the City Plan Part 1 and the PSED were extant. The appeal scheme would not conflict with Objectives 19 and 20 and policy SS1 of the City Plan Part 1. No evidence is before me to demonstrate that the appeal scheme would conflict with Paragraph 135f) of the Framework.
15. There is no evidence that the appeal scheme would adversely impact on groups or individuals who share protected characteristics as required by the PSED.

Other Matters

16. There is no dispute between the main parties that the physical parameters, design and appearance of the proposed extension are appropriate for the site. I agree with this assessment. Although Condition 2 of the original permission (BH2018/01868) identified that a temporary permission was necessary because the proposed materials were unsuitable for a permanent building there is no evidence before me that the extension is suffering undue wear.
17. The appeal site is set below a well treed bank which forms the boundary to a local nature reserve and the South Downs National Park. The National Park Authority has requested that in the event that planning permission is granted, a lighting strategy is conditioned to limit the impact of the scheme on the International Dark Skies Reserve within the Park. However, I am satisfied that the location and design of the building would not result in light spillage which could adversely impact on the Reserve.

Conditions

18. Although the appeal scheme is for the retention of the existing building, I have included a single condition regarding the submitted plans for reasons of certainty.

Conclusion

19. The appeal scheme does not conflict with Objectives 19 and 20 and policy SS1 of the City Plan Part 1. The PSED is a material consideration but there is no direct evidence that the scheme would have a negative impact on the Council's equality objectives and adversely impact on individuals and communities who share protected characteristics. There is no conflict with Paragraph 135f) of the Framework.
20. For the above reasons, the appeal is allowed, and planning permission is granted.

S T Wilkinson

INSPECTOR

