



Appeal Decision

Site visit made on 13 August 2025

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 August 2025

Appeal Ref: APP/Q1445/W/25/3359419

60 Lansdowne Place, Hove BN3 1FG

- 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 Andy Tugwell of TSS Facilities against the decision of Brighton & Hove City Council.
 - The application Ref is BH2024/02565.
 - The development proposed is the change of use from offices (Class E) to four self-contained flats (C3) together with alterations.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from offices (Class E) to four self-contained flats (C3) together with alterations at 60 Lansdowne Place, Hove BN3 1FG in accordance with the terms of the application, Ref BH2024/02565, subject to the conditions in the attached schedule.

Preliminary Matters

2. I am aware that a previous planning consent at the site allowed the conversion of the building to residential. However, I have no evidence before me to demonstrate that that permission was ever implemented.
3. The works relate to a listed building. In this respect I have had special regard to the requirements of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Main Issue

4. The main issue is the effect of the proposed development on the provision of employment space.

Reasons

5. The appeal site comprises a four storey building with basement. It is positioned within a street of predominantly residential properties. Surrounding commercial uses are principally focussed along Western Road. The appeal property was, at the time of my site visit, in use for commercial purposes.
6. Policy CP3 of the Brighton and Hove City Plan seeks to safeguard employment sites and premises to meet the needs of the city in terms of job creation and the attractiveness of the city as a business location. In particular, the policy sets out that the loss of unallocated sites or premises will only be permitted where it can be demonstrated that the site or premises is redundant and incapable of meeting the needs of alternative employment uses.

7. I acknowledge that the appellant has provided a letter from a local estate agent setting out that, in their opinion, there is limited demand for the appeal property in a commercial capacity. I also note the submitted Office Market Research document.
8. However, this does not provide substantive evidence that there is a lack of demand for the appeal property either now or in the future through, for example, a period of marketing activity. I also note that such an exercise took place as part of the previous planning application at the site. Nevertheless, this was some time ago and is no longer relevant to the case before me. That the property is located outside of the Central Brighton Zone, where office use is prioritised, and that no objections were received from occupants or neighbours are not reasons that negate the requirements of policy CP3.
9. Overall, I conclude that there is insufficient evidence before me to satisfactorily conclude that the proposed development would meet the relevant provisions of policy CP3 of Brighton and Hove City Plan. This policy, in summary, seeks to safeguard employment sites and premises.

Other Matters

10. The appeal property is a Grade II listed building and the works required to facilitate the change of use are the subject of a separate application under reference BH2024/02566. This was granted on 10 December 2024. For this reason, I am satisfied that the change of use would preserve the special architectural and historic interest of the listed building. I note the Council had no concerns in this regard either.
11. I acknowledge that the proposed development would meet some other planning policy objectives, including in respect of living conditions. However, there is no dispute in these regards. These matters are effectively neutral in my determination of the appeal and have not led me to an alternative conclusion on the main issues.
12. The Council has a lack of a five-year supply of housing land. This is a matter I return to subsequently.

Planning Balance

13. My attention has been drawn to the Council's lack of a five-year supply of housing land, standing at 1.4 years. This is undisputed and equates to a substantial undersupply. As such, National Planning Policy Framework (Framework) paragraph 11.d is engaged.
14. Given the very weak housing land supply position, having reduced further since the determination of the planning application, and mindful of the Government's objective of significantly increasing the number of homes, the provision of four additional homes here is a matter to which I give significant weight.
15. On the other hand, there would be a loss of employment space in the city. Taking into account the evidence submitted, together with the location of the site, its quality and my observations on site, I afford this harm moderate weight.
16. Overall, I find that the adverse impacts of granting permission (the loss of employment space) would not significantly and demonstrably outweigh the benefits (the provision of four additional residential units), when assessed against the policies in the Framework as a whole. Accordingly, there are material

considerations, in this particular instance, which indicate that a decision should be made other than in accordance with the development plan.

Conditions

17. The Council has provided a list of conditions that it suggests should be applied in the eventuality that the appeal is allowed. I have assessed those with reference to the advice in the Framework and Planning Practice Guidance.
18. In addition to requiring commencement within the relevant statutory period, I have imposed a condition requiring adherence to the relevant plans. These are imposed for certainty. Conditions relating to contamination and screening are imposed in the interests of the amenity of current and future occupants. A condition relating to details of windows and doors has been imposed in the interests of character and appearance. A condition relating to water efficiency is required in the interests of sustainable development.

Conclusion

19. Due to the particular circumstances of this case, material considerations indicate that a decision should be made other than in accordance with the development plan. For the reasons given above, the appeal is allowed.

A Price

INSPECTOR

SCHEDULE OF CONDITIONS

The development hereby permitted shall begin not later than three years from the date of this decision.

The development hereby permitted shall be carried out in accordance with drawing numbers: 0437.EXG.001A; 0437.PL.001C; 0437.PL.002A; 0437.PL.003A; 0437.PL.004A.

If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a Method Statement identifying and assessing the risk and proposing remediation measures, together with a programme for such works, shall be submitted to the Local Planning Authority for approval in writing. The remediation measures shall be carried out as approved and in accordance with the approved programme.

No works to the windows and doors shall take place until full details of the proposed windows and doors, including 1:1 scale sections showing cills and the depth of reveals, have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and retained as such thereafter.

The frosted glass screen hereby approved shall be fully installed prior to first occupation of the development and shall thereafter be retained at all times.

The residential units hereby approved shall not be occupied until they have achieved, as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.