



Appeal Decision

Site visit made on 22 September 2025

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 October 2025

Appeal Ref: APP/T1410/W/25/3364266

65A Summerdown Road, Eastbourne, East Sussex BN20 8DQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr and Mrs Pollard against Eastbourne Borough Council.
 - The application Ref is 240545.
 - The development proposed is the change of use of playroom above garage to self-catering holiday let accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of playroom above garage to self-catering holiday let accommodation at 65A Summerdown Road, Eastbourne, East Sussex BN20 8DQ in accordance with the terms of the application, Ref 240545, subject to the following conditions: -
 - a) The development hereby permitted shall be maintained in accordance with the approved drawings received by the Local Planning Authority on 23 – 25 September 2024, those drawings being Site Local Plan; Proposed Block Plan and First Floor Plan.
 - b) The development hereby permitted shall be used for self-catering holiday let accommodation only and shall be used for no other purpose (including any other purpose within Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or any Order revoking and re-enacting that order with or without modification.)

Preliminary Matter

2. The planning application form indicates that the change of use has already taken place.

Background and Main Issue

3. The Local Planning Authority failed to determine the planning application. As such, there is no decision notice. Further to this, the Local Planning Authority did not submit a statement of case for this appeal within the required timeframe. An Eastbourne Tourism Consultation was provided at planning application stage. This has been provided as part of the appeal process. This response sets out that Policy TO5 of the Eastbourne Borough Plan 2003 will only allow planning permission for new tourism accommodation outside the tourist accommodation

area (TAA) where it can be satisfactorily demonstrated that, amongst other matters, there is a need for the proposed development that cannot be met within the TAA.

4. The main issue is whether or not the site is an acceptable location for tourist accommodation.

Reasons

5. The consultation response contends that the proposal does not satisfactorily demonstrate that this unit of tourism accommodation would meet the need for tourism accommodation within the TAA. The appellant has provided a copy of Policy TO5 and explains that the designated TAA is focused along the seafront.
6. The policy sets out that within the TAA planning permission will be granted for additional serviced (use class C1 hotels and guesthouses) and un-serviced tourist accommodation subject to specific criteria. Policy TO5 also indicates that in exceptional circumstances planning permission will be granted for new class C1 uses (hotels and guest houses) outside of the TAA subject to further criteria. However, this policy does not set out such specific requirement for un-serviced tourist accommodation as it places this type of tourist accommodation outside the definition of class C1. Consequent, I find that Policy TO5 does not apply to this proposal, which is for un-serviced accommodation outside of the TAA.
7. I have been provided with the decision notice and officer report pertaining to a proposal for the demolition of existing detached garage and erection of an annex for C3 use (holiday let) at 5 Upwick Road, Eastbourne, not far from this appeal site and also outside the TAA. That proposal similarly related to a self-contained holiday let. In that 2020 case the Local Planning Authority appraised that there was no in principle conflict with adopted policy that would prevent approval of the application. That proposal was not assessed against Policy TO5, which is now a rather dated policy. Furthermore, the local planning authority has put forward suggested conditions if this appeal were to be allowed. I note that a condition is requested to limit the use to holiday accommodation only and not to be used for any other purposes within use class C3. These further support my findings that Policy TO5 would not apply to the proposal that is before me.
8. On the evidence that is available to me the proposal would appear to be an acceptable location for tourist accommodation.

Conditions

9. I have considered the planning conditions put forward by the Council in light of paragraph 56 of the National Planning Policy Framework and the Planning Practice Guidance. As the development has already commenced there is no requirement to impose the timeframe for commencement of development condition. For the avoidance of doubt the proposal should accord with the plans that are the subject of this appeal decision.
10. The Local Planning Authority has asked for the imposition of a condition requiring use as holiday accommodation only to prevent the establishment of a self-contained residential unit. I consider this appropriate as such a proposal would require consideration on its own individual merits. The appellant has indicated a willingness to accept a condition restricting the use as holiday let only.

Conclusion

11. The appeal should be allowed and planning permission granted subject to the conditions set out above.

Nicola Davies

INSPECTOR