



Appeal Decision

Site visit made on 28 August 2025

by J Heppell BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th of October 2025

Appeal Ref: APP/T1410/W/25/3363480

Land at Langney Rise, Eastbourne BN23 7PG

- 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 Micheal Mandel against the decision of Eastbourne Borough Council.
 - The application Ref is 250026.
 - The development proposed is a storage/garden room.
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Decision

1. The appeal is allowed and planning permission is granted for a storage/garden room on Land at Langney Rise, Eastbourne BN23 7PG in accordance with the terms of the application, Ref 250026.

Preliminary Matters

2. The appellant's application form gave the address of the site only as "land at Langney Rise". I have taken the remainder of the address from the appellant's appeal form.
3. I saw on my site visit that the storage/garden room was nearing completion, with only internal fitting out remaining. Section 73A of the 1990 Act allows for the submission of retrospective applications, which are subject to the same considerations as those made prior to development commencing.
4. Decking has been constructed in between the storage/garden room and an existing garage on the appeal site. As the decking is not shown on the appellant's plans, and is not included in the description of development, it is not part of the development and has not formed part of my assessment.

Main Issues

5. The main issues in this appeal are the effect of the development on:
 - the character and appearance of the area;
 - the living conditions of 1 and 2 Langney Cottages, 1 and 2 Exchange Cottages and 45-48 Swanley Close, with particular reference to privacy; and
 - the efficient use of land.

Reasons

Character and appearance

6. The appeal site is a rectangular parcel of land located behind the rear gardens of 1 and 2 Langney Cottages and 1 and 2 Exchange Cottages, which all face Langney Rise, and 45-48 Swanley Close. The site forms part of the curtilage of, and shares a vehicular access with, 1 Exchange Cottages. The appellant has erected a storage/garden room on part of the land, next to an existing garage, whilst on the far side of the storage/garden room is a petrol filling station.
7. The storage/garden room is single storey and flat roofed, constructed of grey cladding of a similar colour to nearby weathered timber fencing. With a footprint approximately equivalent to that of 1 and 2 Exchange Cottages combined, the storage/garden room is notably larger than other outbuildings in the immediate area, but its appearance is generally appropriate to its surroundings, and it is located to the rear of nearby dwellings where domestic outbuildings are typically situated.
8. Whilst the storage/garden room can be seen clearly from adjoining dwellings, its single storey height means that it is visible only in glimpsed views from Langney Rise and Swanley Close. The tall fence next to the petrol filling station screens the storage/garden room from views across the forecourt, whilst the appellant's existing garage largely screens it from the pathway linking Langney Rise and Swanley Close. Consequently, the visual impact of the storage/garden room is localised, and I am therefore satisfied that, despite its size, it does not harmfully impact on the character and appearance of the area.
9. I therefore conclude that the development is not in conflict with Saved Policy D10a of the Eastbourne Core Strategy Local Plan February 2013 (CSLP) or Policy UHT1 of the Eastbourne Borough Plan (2001-2011) Addendum: Saved Policies 27 September 2007 (BP), which together require new development to take account of context and to harmonise with the appearance and character of the local environment.

Living conditions

10. The storage/garden room has patio doors facing towards the existing garage and a pair of windows facing the petrol filling station. There are no windows on the elevation facing the dwellings in Swanley Close, and only a high level cupboard window facing the dwellings in Langney Rise.
11. Whilst there would be oblique views from the patio doors towards 1 and 2 Exchange Cottages, the existing boundary fence would largely block these views. There would likewise be oblique views towards 47 and 48 Swanley Close, but the lengths of their rear gardens would ensure that the dwellings would not be harmfully overlooked. In reaching these conclusions, I am mindful that outbuildings are not habitable and are generally used less intensively than dwellinghouses, and often seasonally.
12. Consequently, I do not consider that the privacy of 1 and 2 Langney Cottages, 1 and 2 Exchange Cottages and 45-48 Swanley Close would be impacted to a harmful extent by the development. I therefore consider that the living conditions of occupiers would be protected in accordance with policies B2 and D10a of the

CSLP and saved policies HO20 and UHT1 of the BP, which together require the residential and environmental amenity of existing residents to be protected by, amongst other things, ensuring that there would be no loss of privacy by overlooking from habitable rooms.

Efficient use of land

13. The Council contends that, in light of its housing land supply shortfall, the proposal represents an inefficient use of land. Whilst the site may in principle be suited to residential development, the planning history of the site indicates that there have been two previous refusals of applications for a dwelling and one subsequent dismissed appeal, implying that the site is not a strong candidate for residential development. In any event, the presence of a garden room does not permanently sterilise the land or preclude a future planning application for a dwelling.
14. I consequently do not consider that the development represents an inefficient use of land, and it would not therefore be in conflict with paragraph 11d(ii) of the National Planning Policy Framework, which applies a presumption in favour of sustainable development.

Other Matters

15. Interested parties have raised a number of concerns, including that the storage/garden room reduces sunlight into, and views out of, neighbouring gardens. Although the storage/garden room is large, it is only single storey and moreover inset from the site boundaries. It is adjoined on all sides by rear gardens, meaning that the storage/garden room is not situated directly adjacent to the dwellings themselves. Consequently, the outlook and daylighting of the adjoining dwellings would not be impacted to the extent that Saved Policy HO20 of the BP, which seeks to protect outlook and daylighting, would be breached.
16. The retrospective nature of the development, problems encountered during the construction phase with noise, dust, overlooking and alleged damage, and the effects on property value, are neutral factors. If the garden room were ever to be lived in, as interested parties fear might be the case, it would be a matter for the Council's enforcement team to deal with.
17. Interested parties have queried whether the existing garage would be demolished, as is indicated on the appellant's Block Plan. This would be a matter for the appellant to decide, since its demolition is not necessary to make the proposal acceptable in planning terms.

Conditions

18. The Framework sets out that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. I have assessed the suggested list of conditions on this basis.
19. As the development has been largely completed, there is no need to impose a time limit condition or a condition listing the approved plans.
20. It is not necessary to attach a condition requiring that details of screening be submitted since the appeal site benefits from adequate boundary treatment. As the

decking which has been constructed does not form part of the development, screening of the decking cannot be conditioned.

Conclusion

21. For the above reasons, the proposal accords with the development plan, when read as a whole. Material considerations do not indicate that a decision should be taken other than in accordance with the development plan. I therefore conclude that the appeal should be allowed.

J Heppell

INSPECTOR