
Appeal Decision

Site visit made on 17 September 2025

by AJ Steen BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2025

Appeal Ref: APP/Y9507/W/25/3366325

5 North Street, Lewes, East Sussex BN7 2PA

- 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 Bill Bruce against the decision of South Downs National Park Authority.
 - The application Ref is SDNP/24/03738/FUL.
 - The development proposed is the conversion of shop with flat above into one single dwelling house.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of shop with flat above into one single dwelling house at 5 North Street, Lewes, East Sussex BN7 2PA in accordance with the terms of the application, Ref SDNP/24/03738/FUL, subject to the conditions set out in a schedule at the end of the decision.

Preliminary Matters

2. I note that Listed Building Consent has been granted for the works proposed as part of the conversion subject of this application. However, in determining this appeal involving development located within a conservation area and a listed building, I am required to have special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. I will return to this later in my decision.

Main Issues

3. The main issues are:
- the effect of the proposal on the supply of small or medium sized housing;
 - whether prospective and neighbouring occupiers would enjoy satisfactory living conditions, having particular regard to the external amenity area;
 - whether the loss of the commercial premises would affect the supply of employment space in the area; and
 - whether the development would affect ecology and biodiversity in the area or climate change;
 - whether the proposal would preserve or enhance the significance of Lewes Conservation Area and the Grade II listed building at 5 North Street.

Reasons

Supply of housing

4. Strategic Policy SD27 of the South Downs Local Plan (LP) seeks to provide a balanced mix of housing to meet household needs of the local area. In relation to market housing, that means at least 40% each of 2 and 3 bedroom housing and 10% 4 bedroom housing. Background to the policy indicates a need for smaller family housing for younger households, with the South Downs National Park Authority (the Authority) suggesting a small or medium sized dwelling as having a gross internal area of less than 120m².
5. The proposal would result in a 3 bedroom house. It would have an unusually large floor area for such a dwelling. This is due to the basement that would not provide usable accommodation and extensive ground floor that extends the full width and depth of the plot, with a small outside area behind the neighbouring property. Whilst it would provide 3-bedroom housing, its large size means that it would not meet the identified need for small or medium sized dwellings.
6. In addition, the proposal would result in the loss of the flat in the upper floors of the building that contributes to the supply for 2 bedroom housing in the area.
7. For these reasons, I conclude that the proposal would not meet the need for small or medium housing types in this area, contrary to Policy SD27 of the LP. In addition, it would be contrary to Strategic Policies SD25 and SD26 of the LP and Policy PL1 A of the Lewes Neighbourhood Plan (NP) that relate to the location of development and location of residential development, seeking to make best use of previously developed land and an efficient use of land to meet housing need.
8. My attention has been drawn to Policy PL2 of the NP in relation to this matter. That relates to architecture and design of development, including requiring that new housing should meet the Nationally Described Space Standards. Given the size and layout of the accommodation, it would meet those standards. The proposal would not conflict with this policy in this regard.

Living conditions

9. The dwelling would be provided with a very small outside amenity space on the existing small yard positioned to the side of the rear of the building, accessed via a door in the rear corner of the proposed ground floor living and dining area. It would be to the rear of the neighbouring property and separated from it by a low wall. It would also need to accommodate water butts to collect water run-off from the roof of the building.
10. I understand this is well below the size required by the Authority's design guide. It is a small space, well below the normal size for outdoor amenity space provided for a 3 bedroom house. Given its modest size and proximity to neighbouring buildings, it would be dominated by the surrounding buildings and the proximity of those buildings means that users of this outside space may be overlooked by and able to see into neighbouring residential units and gardens.
11. However, these matters are not unusual in densely developed areas such as this and is common in the centre of Lewes. The communal living accommodation within this dwelling is unusually large and this mitigates the lack of outside space to some extent. Consequently, in the particular circumstances of this building and location, the proposal

would not result in inadequate living conditions for occupiers of this dwelling, nor for occupiers of surrounding dwellings.

12. For these reasons, I conclude that the size of the external amenity space would provide adequate living conditions for occupiers of the proposed dwelling. As a result, the development would not conflict with Policy SD5 of the LP and Policy PL2 of the NP that seek development of a high standard of design, including providing high quality outdoor amenity space appropriate to the needs of occupiers. In addition, it would not conflict with Policy SD4 of the LP that relates to landscape character.

Employment space

13. Policy SD35 of the LP seeks to safeguard employment sites and requires change of use applications to be supported by a robust marketing campaign of at least 12 months to clearly demonstrate that there is no market demand for the business premises. This is reflected in Policies PL1 A and HC4 of the NP that seek to avoid the loss of employment premises and which requires clear evidence to demonstrate any premises would not currently be viable and that alternative premises can be found within Lewes.

14. The ground floor and basement of 5 North Street are currently occupied by a clock shop and repairers. It provides employment for two members of staff, including the owner who is looking to retire. The appellant has provided a marketing report from a local commercial property agent. They had marketed the property for almost 40 months at the time of preparing their report.

15. The property has been marketed as a single unit comprising the retail unit at ground and basement levels with the 2 bedroom flat above. The agent suggests that it would be difficult to market the property in any other format as it would need to be subdivided, the existing entrance shared between the flat and commercial premises. This is a listed building and it is unclear whether subdivision would be possible or desirable. No consent has been granted to subdivide the property in this way.

16. The agent suggests retail and other uses within Class E of the Use Classes Order have been significantly affected in recent years. There is less demand for commercial property, particularly since the pandemic.

17. The agent compares the letting of this property with that of Atelier, which comprises 13 commercial units. Atelier is located next to the Tesco superstore, an edge of centre location outside the conservation area. They indicate this is a superior location with significant footfall given proximity to Tesco. They began marketing Atelier in 2022. At the time of writing their evidence, four of those units remained unlet. They also indicate there are a number of other commercial units on the market within the core High Street retail area and other town centre locations. There is good availability of alternative retail accommodation within the centre.

18. 5 High Street is located on a busy road with limited parking in front of the store, although easily accessible from public car parks. Nevertheless, this is an edge of centre location, away from the main shopping area with limited pedestrian footfall. As a result, it is not a particularly attractive location for retail premises.

19. The property has clearly been marketed for a period well in excess of 12 months as required by Policy SD35. That marketing has been limited in terms of how the property has been marketed, but this reflects the layout and occupation of the property

that would need consent to change. Marketing in other formats would make it more robust but, taking into account all of the above, on balance I consider the marketing in this case has been sufficiently robust to demonstrate a lack of market demand for the premises.

20. For these reasons, I conclude that the loss of these commercial premises would not materially affect the supply of employment space in the area. As such, the change of use of 5 North Street to a single dwellinghouse would comply with Policy SD35 of the LP and Policies PL1 A and HC4 of the NP.

Ecology, biodiversity and climate change

21. The appellant has submitted an Ecosystem Services Statement that seeks to provide a positive impact on ecology, biodiversity and climate change. These include collecting rainwater in a water butt for use in the courtyard garden, provision of building materials by local suppliers and use of local trade companies to carry out any works required. Any waste will be removed to local waste recycling facilities. Some native planting will take place in the courtyard garden to provide improved outside space for residents and some habitat and a food source for wildlife, along with two birdboxes. It includes considerations to minimise the use of energy, including the building having good levels of natural light through windows and rooflights.

22. The appellant suggests that conditions could be provided to require the development to achieve energy efficiency and water efficiency standards as required by policy. There is no indication that this would be incapable of being achieved in this instance and the Council has not objected to the use of conditions to overcome these matters.

23. For these reasons, I conclude that, subject to appropriate conditions, the proposals would have a small positive effect on ecology and biodiversity in the area and climate change. It would be in accordance with Policies SD1, SD2 and SD48 of the LP and Policies LE1, PL2 and PL4 of the NP that seek development to conserve and enhance natural beauty and wildlife and requiring development to meet minimum standards for energy and water efficiency.

Heritage

24. 5 North Street is listed Grade II and was originally constructed as a terraced house in 1799. In the mid-19th century part of the property changed to commercial use and a large single storey addition was provided to the rear. That was used to store seed and grains for the business within the building. The ground floor contains a traditional shop front with entrance door on the left. That entrance provides access to the shop and the flat above. The upper floors are mathematically tiled with modillion eaves and plain tiled roof. The upper windows are sashes with a panel between with 'Est. 1856' painted on it.

25. Lewes Conservation Area covers a substantial area around the historic centre of the town. The central part, that extends to 5 North Street, is densely developed with narrow streets and twittens dominated by the historic buildings to the pavement edges. 5 North Street fronts the main road through the town and that road is one way at this point. It is the end building of a short terrace with the character of the conservation area changing beyond with a more modern building neighbouring the site and car park opposite. As such, this is a prominent position within the conservation area and a sensitive location for change.

26. The significance of the conservation area arises from its historic development and character, particularly the narrow streets around the centre and extending to 5 North Street. That of the listed building is of its historic development from a residential terraced building to a commercial use, including large rear extension, its historic fabric and its contribution toward the character and appearance of the conservation area in this prominent location.

27. The proposal comprises some internal changes to the building to provide an en-suite bathroom to the main bedroom, in the position of the existing kitchen area, and third floor room. There would be some changes to the lobby and entrance to the building to provide a single entrance to the dwelling and provide a family room to the front but these would not have a material effect on the historic fabric of the building. Conservation rooflights would be required in the roof of the building but are limited in number and would reflect the character of the existing building. The remainder of the building would not be physically altered and those limited changes, taking account of the existing internal features, would not affect the features of special architectural and historic interest that the building possesses. There would be no external changes to the appearance of the building, such that the change of use would not affect the character or appearance of the conservation area.

28. For these reasons, I conclude that the conversion of the shop and flat into a dwelling house would preserve the special architectural and historic interest of the listed building. It would also preserve the character and appearance of the conservation area. Consequently, the development would not harm the significance of these heritage assets. It would comply with Policies SD13 and SD15 of the LP that seek to preserve and enhance the significance of the listed building and preserve or enhance the special architectural or historic interest, character or appearance of the conservation area.

29. The National Planning Policy Framework (the Framework) states that great weight should be given to the conservation of heritage assets. I note that paragraph 210 of the Framework refers to putting heritage assets to viable uses consistent with their conservation. The Framework is a material consideration of substantial weight in the planning process. I consider that the provision of a viable use for this building that does not affect its significance as a heritage asset should be taken into account in coming to my decision.

Conditions

30. To meet legislative requirements, a condition shall be imposed to address the period for commencement. I shall also impose conditions for the following reasons. I shall impose a condition specifying the relevant drawings as this provides certainty. A condition is necessary to enhance the natural capital and biodiversity of the site in accordance with Policy SD2 of the LP relating to ecosystem services. Conditions are necessary requiring the development to meet the minimum standards for energy and water efficiency in accordance with Policy SD48 of the LP.

Planning balance

31. I have concluded that the proposal would not meet the need for small or medium housing types in this area due to the large floorspace of the resulting house and loss of a modest two bedroom property, such that it is contrary to Strategic Policies SD25, SD26 and Policy SD27 of the LP and Policy PL1 A of the NP. Whilst I have not found any other conflicts with policies of the development plan, I consider this means it conflicts with policies of the development plan as a whole.

32. On balance, I consider that the conflict with the development plan would be outweighed by the benefit of providing a viable use to this heritage asset, taking account of the unsuccessful marketing of the property that has taken place as set out above.

Conclusion

33. For the reasons given above the appeal should be allowed.

AJ Steen

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the plans listed below:

Title	Reference no.
Site Location and Block Plan	AL-001
Proposed Plans	AL-200
Proposed Elevations	AL-201
New Internal Glazed Door	J-01
Typical New Sash Window Detail	J-02
Typical Conservation Rooflight Details	J-03

- 3) Notwithstanding the submitted Ecosystem Services Statement, no development shall take place until details of proposed Ecosystem Services measures, to include an accompanying plan and timetable for implementation, have been submitted to the local planning authority for approval in writing. All measures, including planting and provision of bird and bat boxes, shall be fully implemented in the first planting season following commencement of the development hereby permitted, and completed in accordance with the approved details. The development shall be maintained as such thereafter. Any plants or species which within a period of 5 years from the time of planting die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the local planning authority.
- 4) The development hereby permitted shall not be occupied until it has been built to achieve an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements set out in Part L2013 (TER Baseline).
- 5) The development hereby permitted shall not be occupied until the Building Regulations optional requirement of a water consumption rate of no more than 110 litres per person per day has been complied with.