
Appeal Decision

Site visit made on 11 November 2025

by **I A Dyer BSc (Eng) FCIHT**

an Inspector appointed by the Secretary of State

Decision date: 18 December 2025

Appeal Ref: APP/Q1445/W/25/3360946

45 Gloucester Street, Brighton, Brighton and Hove BN1 4EW

- 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 R Paisley against the decision of Brighton & Hove City Council.
 - The application reference is BH2023/02186.
 - The development proposed is part change of use (retention of Class E) and extension at rear to create 9 no residential units (C3), with associated alterations.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the proposal is in a conservation area and lies in close proximity to a listed building, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. During the course of the application the proposal was amended by the appellant to increase the amount of commercial floor space within the extended building and reduce the number of flats from eleven to nine. I have used the description of development on the Council's Decision Notice in my decision, in preference to that originally provided on the appellant's application form, as this more accurately describes the proposal before me.

Main Issues

4. The appellant submitted a Marketing Report, Viability Report and Bat Survey to accompany their appeal. The Council have had the opportunity to comment on the contents of these reports and have confirmed that the Viability Report and the Bat Survey address, subject to the imposition of conditions, their concerns regarding Reasons for Refusal 4 and 5 on their Decision Notice. I have no reason to disagree with these findings and so the main issues in this appeal, as they now stand are: -
 - The effect of the proposal on the character and appearance of the site and the surrounding area, with particular reference to the North Laine Conservation Area and the setting of 1A to 13 St Georges Place, a Grade II Listed Building;
 - The effect of the proposal on the availability of employment space; and: -
 - The effect of the proposal on the living conditions of neighbours at 1 and 2 St George's Place, with particular reference to outlook and enclosure.

Reasons

Character and appearance/heritage

5. 45 Gloucester Street (No 45) lies within the North Laine Conservation Area (the CA). The CA covers an area encompassing a large section of the centre of Brighton, with an irregular linear street pattern and was developed in the early 19th century. It included a mix of residential and industrial/commercial properties, encouraged by its location close to Brighton Station and ease of access to transport.
6. This mix remains today and makes a positive contribution to the mix of bustling, lively, somewhat Bohemian, streets with quieter residential ones that provides the area with a distinctive character and appearance. Buildings vary in scale, being predominantly two storey Georgian and Victorian terraces, either residential or accommodating retail uses. These are interspersed with larger buildings, sometimes of three storeys and often associated with industrial or commercial uses. These often provide visual way markers and interest in the streets. The area features a number of vacant plots, often put to use for car parking. Its significance is derived from its evidential nature as an urban development developed over a short period focussed on its transport links.
7. Given the above, I find that the significance of the CA, insofar as it relates to this appeal, to be primarily associated with its urban grain and the relationship of built form and spaciousness, and the evidence provided by its built form as a mixed use development built out on an ad-hoc basis to take advantage of its transport linkages.
8. Numbers 1A-13 and attached railings 1A-13 St Georges Place (the LB) (Formerly Listed as St George's Place Nos 1-14(consecutive)) is a Grade II Listed Building (Ref: 1380848) and dates from the middle of the 19th century. It is a terrace of houses of four storeys over a half basement, constructed of brick, dressed in stucco, with slate roofs. Externally it retains many original features as an example of a terrace of dwellings that has evolved over time to reflect the changing needs of occupiers. I find the openness to the rear of the building directly contributes to the special interest of the building as reflective of the historic grain of development of the area.
9. Given the above, I find the setting of the LB, insofar as it relates to this appeal, to be primarily associated with the spaces between buildings and the contribution this makes to the historic grain of development in the area.
10. A substantial visual gap lies between No 45 and the rear of the LB at first floor level and above. This is apparent in views from St George's Mews across the car park which lies behind, and adjacent to, No 45. Similarly, the gap between the buildings is apparent in views from Gloucester Street between Gloucester Place and Gloucester Road. This gap provides a degree of spaciousness to the rear of the LB, visually separating the residential use of the terrace fronting a principle street, and the commercial use of the appeal building fronting onto the side street.
11. No 45 is, by virtue of its scale a prominent building in views along Gloucester Street and creates an imposing visual stop in views along Gloucester Road. Whilst to the rear of No 45, and therefore having no presence on the street, the rear of the building has a presence in views from St George's Mews and in private views

from the windows of neighbouring properties. Its appearance provides direct visual reference to its former commercial use and, thereby, the historic development of the area for mixed uses.

12. The rear of the building is also prominent in views from St George's Mews owing to the limited height of development to the west and the open nature of the car park. In referencing the areas historic development, the building thus makes a positive contribution to the important special interest of the CA.
13. The proposal would not interfere with views of the street frontages of the LB, on which most of its visual interest lies. However, it would, following the demolition of some unsympathetic modern extensions, add a large rear extension to the appeal building. The existing extensions are single and two-storey. The single storey elements occupy the part of the site closest to the LB, whilst the two-storey element faces towards them across a small courtyard.
14. At a full three storeys, the proposal by virtue of its massing close to the boundary and depth would significantly reduce the visual gap, undermining the visual separation of the two buildings and thereby would harmfully undermine the historic grain of the area and the contribution that this makes to the setting of the LB.
15. The massing of the rear extension would be on a par with that of the host building and its saw-toothed roof form, which would obscure views of the existing, traditional roof form in views from St George's Mews, incongruous in its setting. The choice of materials, in the form of galvanised steel panels would draw attention and thus the incongruity of the additional built form, to both the host building and the area, would be accentuated. I have found above that the bulk of the extension would undermine the urban grain that is a positive contributor to the special interest of the CA. Thus, the incongruity and intrusiveness of the extension would be harmful to the special interest of the CA.
16. Whilst the rear of the building has been the subject of unsympathetic alteration, this does not justify further harm to the significance of the CA
17. The proposed extension would introduce north facing windows close to the boundary of the site with the car park. Whilst the car park has not been formally allocated for development within the development plan, it is not necessary for it to have been so for it to have potential for development. The National Planning Policy Framework (the Framework) seeks to ensure that land should be used to its full development potential. However, I have little evidence before me to demonstrate how the proposal would sterilise the land of the car park or affect its future development.
18. Given the above, I find that the proposal would fail to preserve the special interest of the listed building and the significance of the CA..
19. Paragraph 212 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. Given that the harm to the heritage assets is visual, rather than physical, I find the harm to be less than substantial in this instance, but given the extent of that visual harm, this lies towards the upper limit of such harm. I

give this harm considerable importance and weight in the planning balance of this appeal.

20. Under such circumstances, paragraph 215 of the NPPF advises that this harm should be weighed against the public benefits of the proposal, including the continued viable use of buildings.
21. The proposal would provide an additional nine residential properties, in a location with excellent public transport links to supplement the local supply. There is no dispute between the parties that the Council cannot demonstrate a five-year supply of housing land, in line with government expectations, or that there is a strong demand for the type of housing that the proposal would provide. The Council identify that they are only able to demonstrate a 1.7-year supply of housing land, equating to a shortfall of 7,786 homes. The provision of nine new residential units would go some way to make up for this shortfall. The Framework supports the development of windfall sites and of under-utilised land and this weighs in favour of the proposal.
22. Whilst the Framework identifies that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs, the building is currently occupied by businesses and is not disused. In this case, this limits the weight that I place on the redevelopment of the land.
23. The proposal would provide a modest number of new homes and, notwithstanding the increased weight that this attracts due to the shortfall in housing provision, this is a benefit carrying moderate weight in favour of the proposal.
24. There would be short-term economic benefits accruing from increased activity in the building sector during the construction period. There may be long-term economic benefits through the increased use of local shops and services by future occupiers. However, given the size of the development and that existing occupiers already contribute to local economic activity, these benefits would be modest and thus carry moderate weight in my deliberations.
25. Whilst the proposal would retain employment space on the site, it would do so at a reduction in overall provision. The appellant argues that the space provided would be of better quality and more attractive to commercial tenants. However, there is limited evidence before me to demonstrate that such improvements could not be made to the existing employment space within the building.
26. The appellant considers that the proposal would introduce passive surveillance to the rear area. However, this area is already overlooked from neighbouring residential uses and so there would be negligible additional benefit in this regard.
27. Given the above and in the absence of any defined significant public benefit, I conclude that, on balance, the proposal would fail to preserve the setting of the Grade II listed building and the character or appearance of the CA. This would fail to satisfy the requirements of the Act, paragraph 213 of the Framework and conflict with Policies DM18, DM21, DM26 and DM29 of the Brighton and Hove City Plan Part Two (2022) (the CPP2) and Policies CP12 and CP15 of the Brighton and Hove City Plan Part One (2016) (the CPP1). This is because these, together, seek, among other things, to ensure new development, including extensions, achieves a high standard of design, establishes a strong sense of place by

respecting the diverse character and urban grain of the city's neighbourhoods, including its Conservation Areas and conserves or enhances the city's built heritage and its settings. As a result, the proposal would not be in accordance with the development plan.

Employment

28. The current use of the building is for commercial use, spread over three floors. The site is partially covered by an Article 4 Direction which removes Permitted Development Rights to convert from a commercial use to residential through Prior Approval. The area protected by the Article 4 Direction covers the eastern part of the site only.
29. It is argued by the appellant that, based on this layout, it is the intent, or effect, of the Article 4 to only protect the ground floor area. Nonetheless, the plan identifies affected Direction land and there is nothing before me to demonstrate that its provisions would be limited to the ground floor only, excluding any space above.
30. The proposal would partly change the use of the building to residential, whilst retaining some office space. The proposed office space, in two units, would provide a total of approximately 122sqm. Nonetheless, there would be a nett loss of approximately 354sqm.
31. Policy CP3 of the CPP1 seeks to protect Employment Land, including offices, specifically identifying Central Brighton as the city's prime office location. Policy CP3 requires that employment uses to be redundant and incapable of meeting the needs of alternative employment uses. It identifies that, where employment uses are lost, the preferred re-use will be for housing, as would be the case here.
32. CP3 specifically references Policy SA2 of the CPP1 which seeks to control development within Central Brighton. Policy SA2 of the CPP1 seeks to protect and refurbish and encourage upgrading of existing office accommodation within Central Brighton. The policy states that proposals that result in the loss of B1a office floorspace will only be permitted where developers are able to demonstrate that: -
 - The site has been marketed for B1a office use at a reasonable price and for a reasonable time period and no viable occupiers have expressed an interest in taking up the accommodation either as single/ multiple occupier so it has been concluded that the site is inherently unsuitable for continued B1a office use; and: -
 - That the redevelopment or reuse would make a positive contribution to the vitality and vibrancy of Central Brighton and create employment opportunities; or alternatively: -
 - That change of use was the only practicable means of preserving a listed building.
33. The policy also allows partial loss of office floorspace where the change of use enables the refurbishment and upgrade of the remaining office floorspace.
34. Since the policies were written, office floorspace now forms part of Class E in the Town and Country Planning (Use Classes) Order 1987 (as Amended). However,

notwithstanding the change in designation of office space, the intent of the policy is clear in as much as it seeks to protect employment uses in the area.

35. Whilst the policy is old, such aims are in accordance with the aims of the Framework to building a strong, competitive economy using locations with good connections to transport and I find that, given the linkage of the site to transport and complementary facilities and services, the support of office use in this city centre location accords closely with the aims of the Framework. Thus, the age of the development plan does not, of itself, make the policy out of date.
36. The B1 use class included offices/research and development/light industry. All employment uses. The former B1 use of the site has been incorporated within Class E, which, in general, still provide employment. I note that the general aim of Policy C3 is to safeguard employment land and to seek alternative employment uses within Classes B1-B8 where possible. Thus, whilst Class E does not have such a strong focus on employment as the former B1-B8 uses, it still contains uses that provide employment and economic activity. The broadening of the use class does, however weaken the emphasis of Policy C3 and, in this regard, reduces its effectiveness in safeguarding employment uses. I therefore reduce the weight that I place on this policy to moderate, to reflect this dilution of intent.
37. These policies pre-date the COVID-19 pandemic, which has had an impact on employment patterns, with an increase in home-based working.
38. However, in association with gathering evidence to inform the development of a new City Plan, the Council have produced an updated Employment Land Study (April 2024). This identifies a continued strong demand for office floorspace. However, it also identifies that occupiers favour the newest office stock which has good sustainability credentials, as well as a good range of amenities and adaptable layouts suitable for collaborative working.
39. The host building is not a listed building, and so the proposal falls to be considered under the other criteria set out in the policy. Whilst the policy allows partial loss of office floorspace where a change of use would enable refurbishment or upgrade of the remaining office floorspace, the appellant has not provided supporting evidence that the proposal would be the only means of doing so.
40. Whilst the evidence base for Policies C3 and SA2 was gathered prior to the COVID-19 pandemic, the provision of a marketing report, in accordance with the requirements of the policy, would establish current need for office space in this location. The appellants have provided a marketing report in support of their appeal, and the Council has had the opportunity to comment on its contents.
41. At the time of my site visit the offices within the site were occupied and in office use.
42. Whilst the Marketing Report, produced by Eightfold Property, sets out a marketing strategy for No 45, it does not provide evidence that that strategy has been followed or, if it was, its outcome.
43. The accompanying Marketing Statement, written by the appellant appears to provide evidence of a separate marketing strategy adopted by him. This sets out a less extensive marketing strategy than that set out in the Eightfold Property document. This Marketing Statement identifies that No 45 has been on the market

since February 2022, by means of a marketing board posted at the site and an advert posted on a sales website.

44. On the basis of the extent and form of the marketing evidence before me it has not been demonstrated that the property has been effectively marketed and thus it has not been established that the premises are redundant and incapable of meeting the needs of alternative employment uses.
45. I therefore find that the proposal would have a significant adverse effect on the availability of employment space, contrary to the aims of Policy CP3 of the CPP1.

Living conditions of neighbours

46. The properties adjacent to the appeal site that front St George's Place have windows on their western elevations facing towards the eastern end of the site. Whilst there are projections on the rear of 1 and 2 St George's Place, these do not have windows facing towards the site. However, the main rear elevations of these properties do, at all levels, and it is likely that some of these serve habitable rooms. The windows of these buildings currently have relatively open views across the site, to the rear of the existing three-storey element. Further, these buildings have small, enclosed courtyards to their rear, which provide them with their principle outdoor amenity space.
47. The proposal would, following demolition of the single storey element, create a lightwell on the boundary of 1 and 2 St George's Place (Nos 1 and 2). However, a three-storey extension will be added to the rear of the main building at No 45 and, given its height, which would be a relatively short distance away, this would have an enclosing, overbearing effect on anyone looking out of these windows. This would be exacerbated by the blank, featureless façade at upper floor level of the proposed extension.
48. The increased sense of enclosure and overbearing impact would also be experienced by anyone in the outdoor amenity space of the properties. Further, these windows and amenity spaces already experience restrictions in access to natural light and outlook created by the flank walls of their neighbours to the south. The proposal would exasperate that situation.
49. I therefore conclude that the proposal would have a significantly harmful effect on the living conditions of neighbours at 1 and 2 St George's Place, with particular reference to outlook and enclosure and would, therefore, be contrary to the aims of Policy DM20 of the CPP2 in as much as this seeks to ensure that new development will not cause unacceptable loss of amenity to adjacent occupiers. This aim closely accords with the aim of the Framework that seeks to achieve well-designed places.

Other Matters

50. As I have identified above, the site is partially covered by an Article 4 Direction. However, this is limited to the eastern end of the site. Whilst the appellant suggests that the Article 4 Direction protects only the ground floor of the eastern part of the building, the plan clearly shows an area to be protected, and does not indicate vertical limitation. It may be possible to convert the upper floors in accordance with the Article 4 Direction plan, but this would lead to an awkward

layout and I have limited evidence before me of its practicability. I therefore place limited weight on the feasibility of such an option as a practical fallback position.

51. Were I to consider that the Article 4 Direction applied only to the ground floor, the floorspace to be provided within the commercial units would be greater than the office floorspace protected on that floor.
52. However, the commercial floorspace to be provided lies at the western end of the building, outside the area covered by the Article 4 Direction. It would thus have no protection from conversion to residential use. Thus, there would be potential for the loss of all employment space within the site. I do not, therefore, consider that the proposal is an improvement over the fallback position suggested by the appellant in regard to retention of employment land.
53. My attention has been drawn by the appellant to four appeal decisions¹ in regard to the weight to be applied in the planning balance to the provision of housing, reflecting the intent of the government to significantly increase housing provision and the application of the presumption in favour of sustainable development.
54. The planning balance is individual to the merits of each particular case. Within this decision I have explained the weight that I have placed on various factors as they apply to the case before me and determined it on its own individual merits. In the cited appeals the Inspectors found that there was no harm to heritage assets, or that the benefits of the proposals outweighed the heritage harm that the Inspector identified. That is not so here. Consequently, the appeals decisions cited by the appellant are not directly comparable.

Final Balance

55. Because of its design, the proposal would harm the character and appearance of a Conservation Area and the setting of a Listed Building. There would be further harm through the loss of employment land and the effect of the proposal on the living conditions of neighbours. There would be conflict with Policies DM18, DM21, DM20 and DM26 and DM29 of the CPP2 and Policies CP3, CP12 of the CPP1, albeit that the weight that I attribute to Policy CP3 of the CPP1 is diminished. The proposal would not, therefore, accord with the development plan as a whole and this a matter that counts significantly against allowing the appeal.
56. I recognise the Government's objective to significantly boost the supply of homes. Other provisions of the Framework give support to the development of brownfield land within settlements and observe that small sites can make an important contribution to meeting the housing requirement. In Brighton and Hove future housing supply is insufficient and there a backlog in terms of delivery. In this case the building is still occupied.
57. However, I have found harm to designated heritage assets, contrary to the aims of the Framework, and this provides a strong reason for refusing the development proposed. Therefore, the 'tilted balance' set out in Paragraph 11d) of the Framework does not apply.
58. It will be seen that I have already found that the benefits of the proposal do not outweigh the harm that I have found to designated heritage assets. I have found further harm to the living conditions of neighbours and the provision of employment

¹ Appeal REFs: APP/Q1445/W/19/3226265; APP/Q1445/W/19/3234764; APP/Q1445/D/22/3301047; APP/Q1445/W/22/3305137

space in the area. These add further weight against the proposals, whilst no additional benefits have been identified.

59. Therefore, the benefits of the proposal do not outweigh the harm that would result.

Conclusion

60. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is, therefore, dismissed.

I A Dyer

INSPECTOR