
Appeal Decisions

Site visit made on 29 October 2025

by J Heppell BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 January 2026

Appeal A Ref: APP/Q1445/W/25/3369261

Land to the east of 10 Linchmere Avenue, Saltdean, Brighton & Hove BN2 8LE

- 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 Jethro East of Fairstone Property Holdings Ltd against the decision of Brighton & Hove City Council.
 - The application Ref is BH2025/00910.
 - The development proposed is erection of a new dwellinghouse with associated landscaping.
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Appeal B Ref: APP/Q1445/W/25/3369265

Land to the east of 10 Linchmere Avenue, Saltdean, Brighton & Hove BN2 8LE

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 - The appeal is made by Jethro East of Fairstone Property Holdings Ltd against the decision of Brighton & Hove City Council.
 - The application Ref is BH2025/00911.
 - The development proposed is erection of a new dwellinghouse with associated landscaping.
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 20 November 2025.

Appeal A: Decision

1. The appeal is dismissed

Appeal B: Decision

2. The appeal is allowed and planning permission is granted for erection of a new dwellinghouse with associated landscaping at Land to the east of 10 Linchmere Avenue, Saltdean, Brighton & Hove BN2 8LE in accordance with the terms of the application, Ref BH2025/00911, subject to the conditions in the attached schedule.

Preliminary Matters

3. As set out above, there are two appeals at this site. They differ in respect of the design of the proposed dwellinghouse. I have considered each proposal on its individual merits. However, to avoid duplication, I have dealt with the two schemes together, except where otherwise indicated.
4. Amended plans were submitted with both appeals reconfiguring the proposed vehicular access. As the change is minor, and as interested parties have had the opportunity to comment on it, no parties have been prejudiced. I have therefore determined the appeal on the basis of the revised plans. The Council has

confirmed, and I see no reason to take a contrary view, that the revised access would be safe, subject to appropriate conditions being attached.

Main Issue

5. In light of the above, the main issue in both appeals is the effect of the proposals on the character and appearance of the area.

Reasons

6. It is proposed to erect a detached dwelling adjacent to 10 Linchmere Avenue, on a strip of land adjacent to Withyham Avenue which is currently overgrown.
7. The immediate area is residential, with a change in character between the detached and semi-detached houses and bungalows to the west of Withyham Avenue and the flats on the eastern side, which are two storeys high next to the road rising to several storeys high at the rear. The topography of the area is such that the appeal site sits below Withyham Avenue whilst the flats are on higher ground.

Appeal A

8. The proposed house would be gable fronted with a hipped roof, reflecting the style of nearby dwellings. It would respect the prevailing building line in Linchmere Avenue. Although narrower than other dwellings, and with a smaller gap between it and No 10 than is found elsewhere in Linchmere Avenue, in neither instance would the proposal depart sufficiently from the prevailing character of the area to cause harm.
9. However, the proposed dwelling's side elevation to Withyham Avenue would lack any articulation apart from irregularly spaced windows at ground and first floor. Even accounting for the unbroken frontage of the flats on the opposite side of the road, the proposal would create a jarring element on a prominent street corner. Whilst the house would be set at a lower level than Withyham Avenue, with a planted strip beside the road, these aspects of the scheme would not sufficiently moderate its adverse visual impact.
10. I conclude therefore that the proposal would harm the character and appearance of the area and conflict with Policy CP9 of the Brighton & Hove City Plan Part One March 2016 (CPP1) and Policy DM18 of the City Plan Part Two October 2022 (CPP2). Together these policies require new development to demonstrate a high standard of design by establishing a strong sense of place which respects the diverse character and urban grain of the city's identified neighbourhoods.

Appeal B

11. The proposed dwelling would have a comparable footprint to Appeal A and follow the building line in Linchmere Avenue. By placing the upper floor accommodation partly within the roof space, the dwelling would have a lower eaves and ridge height than nearby two storey houses. Two gable features are shown on the dwelling's side elevation, with the windows arranged symmetrically under each gable. By reason of its lower eaves and ridge line, its twin gables, and the fact that it would be rendered, the proposed dwelling would respond to, albeit not copy, the massing and appearance of the detached bungalows in Withyham Avenue. Moreover, it would appear modest in comparison with the flats opposite.

12. Although the side of the proposed dwelling would be located forward of the building line of the bungalows in Withyham Avenue, it would be at a lower level than the road and set back sufficiently from it so as not to appear unduly prominent. There would be a suitable gap between the proposed house and the first bungalow, such that it would not appear cramped. Although the proposal would introduce built form onto a corner site which is open and green, it includes a planted strip next to Withyham Avenue. Notwithstanding that the water main/sewer in Withyham Avenue restricts tree planting, the site could be suitably landscaped so as to soften the dwelling's appearance and deliver biodiversity net gain.
13. Taking all these considerations together, the proposal is an appropriate response to the character of the area. I find that the proposal would preserve the character and appearance of the area in accordance with Policy CP9 of the CPP1 and Policy DM18 of the CPP2, the aims of which I have outlined above.

Other Matters

14. I have been referred to other corner plots in the area where development has occurred. Whilst I have had regard to these examples, they have not been instrumental in my reasoning since they are not comparable in every respect with the proposals before me.
15. The proposals would generate only a modest amount of traffic, and I have not been presented with evidence that this would result in highway safety issues. The proposals would each provide one parking space, in accordance with local standards.
16. Interested parties have referred to loss of property values and loss of views, but such matters do not have a bearing on the outcome of the appeals.

Planning Balance: Appeal A

17. A house is proposed, and the Council cannot demonstrate a five year supply of housing land. Therefore, paragraph 11(d) of the National Planning Policy Framework (the Framework) applies. The application of policies in the Framework that protect areas or asset of particular importance, as defined in Footnote 7, do not provide a strong reason for refusing the development proposed. Therefore, the presumption in favour of sustainable development applies as set out in paragraph 11(d)ii and permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
18. The delivery of a family home on previously developed land would be a social benefit, whilst economic benefits would accrue from the construction phase and from expenditure on goods and services by future occupiers. A single dwelling is capable of being constructed quickly, which counts in its favour. Positively contributing to the Council's housing land supply, albeit in a modest manner for a single dwelling, is a particular benefit given the Council's 1.4 year housing land supply. I therefore attach moderate weight to the benefits that the scheme delivers.
19. The harm I have identified as arising from the proposal relates to its adverse impact on the character and appearance of the area. The Framework advises that good design is a key aspect of sustainable development by creating better places to live and work. I therefore attach considerable weight to this harm. I consider that

the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Conditions: Appeal B

20. 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.
21. It is necessary to confirm the standard time limit for the development, and to specify the approved plans and drawings, for the avoidance of doubt and in the interest of certainty.
22. Given the change in levels across the site, it is necessary for the levels of the proposed development to be approved before development commences.
23. In the interests of the character and appearance of the area, details of materials and landscaping should be submitted for approval.
24. To ensure that adequate provision is made for bin and cycle storage, the arrangements shown on the plans must be implemented and maintained.
25. Policy DM1 of the CPP2 requires all residential units to be accessible and adaptable, and a condition to this effect is needed.
26. As required by Policy CP8 of the CPP1 and Policy DM44 of the CPP2 respectively, minimum water efficiency and energy performance standards should be imposed.
27. In the interests of highway safety, the vehicular access should be constructed and car parking retained in accordance with the approved plans.
28. Given the prominence of the site, it is necessary to remove permitted development rights for extensions, roof extensions and outbuildings. I do not however consider it necessary to remove such rights in respect of alterations to the roof and porches.
29. Under the statutory framework for biodiversity net gain, permission is deemed to have been granted subject to the condition that the biodiversity net gain objective is met. It is not therefore necessary for me to attach conditions in this regard.

Conclusion

30. Appeal A would conflict with the development plan as a whole, and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Accordingly, the appeal should be dismissed.
31. Appeal B 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

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

Drawing	Reference	Version	Received
Location Plan	LA2-ELP	V3	15-Jul-25
Proposed Block Plan	LA2-PPBP	V2	15-Jul-25
Proposed Site Plan	LA2-PPSP	V2	15-Jul-25
Proposed Floor Plans	LA2-PPFP	V2	15-Jul-25
Proposed Front & Rear Elevations	LA2-EPFR	V2	15-Jul-25
Proposed Side Elevations	LA2-EPSE	V1	01-Apr-25
Proposed Sections	LA2-SPCL	V2	15-Jul-25
Proposed Vehicle Crossover	LA2-PPVC	V1	15-Jul-25
Proposed Foul Drainage Connection	LA2-PPFD	V2	15-Jul-25
Proposed BNG Habitat Creation	LA2-PBH	V2	15-Jul-25

- 2) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
- 3) The development hereby permitted shall not commence until full details of existing and proposed ground levels (referenced as Above Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.
- 4) No development above ground floor slab level of any part of the development hereby permitted shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
 - a. Details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
 - b. Details of all cladding to be used, including details of their treatment to protect against weathering
 - c. Details of all hard surfacing materials
 - d. Details of the proposed window and door treatments
 - e. Details of all other materials to be used externally
 The development shall be carried out in accordance with the approved details.
- 5) Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:
 - a. details of all hard and soft surfacing to include the type, position, design, dimensions and materials and any sustainable drainage system used

b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including food-bearing plants, and details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period

c. details of all boundary treatments to include type, position, design, dimensions and materials

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 6) The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.
- 7) The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.
- 8) The development hereby permitted shall not be occupied until the dwelling has been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and shall be retained in compliance with such requirement thereafter.
- 9) The residential unit hereby approved shall not be occupied until it has achieved, as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.
- 10) The development hereby approved shall achieve a minimum Energy Performance Certificate (EPC) rating 'B' for new build residential.
- 11) The development hereby permitted shall not be occupied until the new crossover and access shown on the approved plans have been constructed.
- 12) The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles, and shall be maintained so as to ensure its availability for such use at all times.
- 13) No extension, enlargement or alteration of the dwellinghouse or provision of buildings etc incidental to the enjoyment of the dwellinghouse within the curtilage of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A, B and E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission being obtained from the Local Planning Authority.

End of schedule