



Appeal Decision

Site visit made on 9 December 2025

by Barry John Lomax MPLAN (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29TH January 2026

Appeal Ref: APP/Y9507/W/25/3368784
78 High Street, Lewes, East Sussex BN7 1XN

- 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 Rob Williams against the decision of South Downs National Park Authority (SDNP).
 - The application Ref is SDNP/25/00630/FUL.
 - The application was refused by notice dated 14 May 2025.
The development proposed is Change of use of lower ground floor unit from financial and professional services use (Class E(c)(ii), to a 1 bed residential flat (Class C3).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would provide appropriate living conditions for future occupiers of the proposed dwelling with regard to the provision of natural light, outlook, and access to private outdoor space.

Reasons

Living Conditions –natural light

3. The appeal site comprises the lower ground floor of a 5-storey terraced property. Owing to the change in levels, the proposed flat would present as subterranean when viewed from the High Street but would appear at ground level when seen from the rear.
4. The internal layout would position the bedroom and bathroom along the High Street frontage, with the principal living area orientated towards the rear of the property.
5. The proposed bedroom would be served by a window that opens onto a pavement light-well. The bathroom and kitchen would not be provided with window openings. The principal living space would be served by a single window and a partially glazed door to the rear.
6. I recognise that the building layout, combined with its historic form, presents inherent challenges in achieving natural lighting levels consistent with widely recognised guidance, such as that published by the Building Research

Establishment (BRE). However, access to sufficient natural light is important for the living conditions of future occupiers. No technical evidence has been submitted to demonstrate the levels of natural light that would be achieved within the flat. Although the submission of this information is not mandatory, it would assist in demonstrating the proposed internal lighting levels and identifying the extent to which they may depart, if at all, from recognised standards, noting that the application of such standards allows for a degree of flexibility.

7. From my site inspection, it was apparent that the bedroom would rely solely on the pavement light-well for natural illumination, resulting in significantly restricted levels of natural light in the bedroom and therefore heavy reliance on electric lighting. The bathroom and kitchen would be without any natural light provision, albeit this is not uncommon, while the living space would also receive only limited daylight through its rear openings.
8. Taken together, the reliance on a light well for the bedroom, the absence of natural light in the kitchen and bathroom, and the restricted daylight to the living space would amount to significantly compromised conditions that fall short of the reasonable expectations for appropriate living conditions with regard to natural light.

Living Conditions – outlook

9. The proposed flat would be served solely by a rear window overlooking the rear courtyard. This would amount to a limited provision. Nevertheless, having regard to the physical constraints of the site and its town centre location, the proposal would provide appropriate living conditions for future occupiers with regard to outlook.

Living Conditions – access to private outdoor space

10. The submitted plans indicate that the proposed flat would have direct access to a small courtyard area to the rear. Although limited in size, the space would nonetheless provide for general domestic activities, such as the drying of clothes or sitting out. Furthermore, the site lies within reasonable walking distance of public open space, which would supplement the private provision. As such, the proposal would provide appropriate living conditions with regard to access to outdoor space.

Living Conditions – conclusion

11. I have found that the proposal would provide appropriate living conditions for future occupiers with regard to outlook and access to outdoor space, however, taken together, the reliance on a light well for the bedroom, the absence of natural light in the kitchen and bathroom, and the restricted daylight to the living space would amount to significantly compromised conditions that fall short of the reasonable expectations for appropriate living conditions.
12. For the reasons set out above, the proposed development would fail to provide appropriate living conditions for future occupiers of the proposed dwelling, in conflict with Policy SD5 of the South Downs Local Plan, adopted 02 July 2019, which in so far as is relevant, seeks to secure development that is designed to be durable, sustainable and adaptable over time, while providing sufficient internal and external space to meet the needs of future occupiers, and Policy PL2 of the

Lewes Town Council Neighbourhood Plan 2015 – 2033, which echoes this by seeking to ensure all new developments are built to a high standard of design.

Other Matters

13. The appellant has drawn my attention to an appeal decision relating to 30–32 Clerkenwell Green, Islington¹. However, no substantive details of that scheme have been provided. In the absence of such information, I am unable to determine its relevance to the proposal before me or to undertake any meaningful comparison.
14. While the appellant contends that the cited appeal decision establishes a precedent, it is well established that each proposal must be assessed on its own individual merits. Moreover, the referenced appeal concerns a different local authority area, is subject to a different development plan context, and appears to arise from circumstances that are not directly comparable to those in the present case.
15. The appeal site comprises the lower ground floor of a 5-storey Georgian terraced property that is a Grade II Listed Building (LB). The appeal site also falls within the setting of several other LBs. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (LBCA) requires that, in considering whether to grant planning permission for development which affects a listed building or its setting, special regard must be given to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses. No external or internal alterations are proposed to the building, and the proposed change of use would bring back into use a currently vacant and underused space. Consequently, the proposal would have a neutral effect on the character or appearance of the listed building and its setting. I reach the same conclusion in respect of the other listed buildings and their settings. Accordingly, I conclude that the proposal would preserve the LBs, their settings, and any features of special architectural or historic interest which they possess.
16. The appeal site falls within the Lewes Conservation Area (CA). No party has provided any evidence as to the significance of the CA. I saw on my site visit that the CA consists of a wide range of predominantly small-scale residential and commercial buildings of varied type and style. The mix of historic building stock, together with the sympathetic design of more recent additions and the continued use of traditional forms and detailing, make an important contribution to its overall appearance. Collectively, these elements underpin the character and appearance of the CA and reinforce its significance as the historic core of a well-preserved market town. Section 72 of the LBCA requires special attention to be paid to preserving or enhancing the character or appearance of CAs. No external or internal alterations are proposed to the building, and the proposed change of use would bring back into use a currently vacant and underused space, thereby reintroducing activity and contributing positively to the vitality of the CA. As such, I conclude that the proposed development would preserve the character or appearance of the CA.
17. The appeal site lies within the National Park, an area afforded the highest level of protection for its landscape and scenic beauty. As such I have had regard to the statutory duty contained in Section 11A of the National Parks and Access to the

¹ Reference APP/V5570/W/21/3283574

Countryside Act 1949 (as amended) regarding the purposes of National Parks, including the conservation and enhancement of their natural beauty, wildlife, and cultural heritage. For the reasons set out above, I have found that the proposal would not result in harm to the identified heritage assets and no other harms have been identified. Accordingly, the development would have a neutral effect on the purposes of the National Park.

Planning balance

18. The proposal would deliver a single housing unit and generate modest economic benefits through a limited increase in population and associated expenditure within the town. These are matters to which I attach only limited weight. The scheme would also bring back into use a currently vacant and underused space, thereby reintroducing activity and contributing positively to the vitality of the Conservation Area; this is a matter to which I afford moderate weight. However, as set out above, the proposed development would result in significantly compromised living conditions, in terms of access to natural light. This is a matter to which I attach significant weight. Taken together, the benefits of the scheme do not outweigh the harm identified.

Conclusion

19. Accordingly, the proposal would on balance, fail to provide appropriate living conditions for future occupiers of the proposed dwelling and would be contrary to the development plan when taken as a whole, and no other material considerations indicate that a decision should be made other than in accordance with it, in line with Section 38(6) of the Planning and Compulsory Purchase Act 2004.
20. For the reasons given, the appeal is dismissed.

Barry John Lomax

INSPECTOR