



Appeal Decision

Site visit made on 15 July 2026

by AJ Steen BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th July 2026

Appeal Ref: APP/Q1445/F/24/3356239

5 New Steine, Brighton BN2 1PB

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (the Act).
- The appeal is made by Ms Virginia Porpora against a listed building enforcement notice issued by Brighton & Hove City Council.
- The enforcement notice, numbered ENF2022/00289, was issued on 29 October 2024.
- The contravention of listed building control alleged in the notice is without Listed Building Consent, creation of a doorway and installation of a UPVC door to the rear elevation of the Listed Building.
- The requirements of the notice are to:
 1. Remove the UPVC door installed to the rear elevation of the Listed Building.
 2. Re-instate the wall with materials to match the existing materials on the Listed Building, reinstating the rear elevation of the property to its previous form and appearance prior to the unauthorised works taking place.
- The period for compliance with the requirements is 2 months.
- The appeal is made on the grounds set out in section 39(1)(c) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

Summary Decision: The appeal is dismissed and the listed building enforcement notice is upheld.

The Appeal on Ground (c)

1. An appeal on this ground is that “those matters” (the matters stated in the alleged breach of listed building control) do not constitute a breach of listed building control. The burden of proof for this ground is on the appellant, with the relevant test of the evidence being on the balance of probability.
2. The principal consideration is whether or not there has been a breach of listed building control. This normally relates to whether the alleged works have been such as to affect the character of the building as one of special architectural or historic interest, as set out at section 7 of the Act. This is a matter of fact and degree. However, this is not concerned with the merits of the works and does not allow me to take into account of the need for the development, including removing servicing from the public parts of the hotel, the quality of the hotel or any works undertaken on other properties in the area. Nor do apparent benefits of the works affect whether there has been a breach of listed building control, such as in relation to the need for an emergency exit, the effect of vehicles stopping outside the hotel to leave or pick up laundry on highway safety or contribution to the local economy.
3. 5 New Steine is part of a terrace of buildings fronting an open square on Brighton’s seafront. They were constructed as a terrace of houses, although many have now been converted to guest houses. Nos 2-15 have been listed as a single building. They were constructed in the early 19th century of stucco with 3 storeys over a basement with further rooms in the roofs. The buildings back onto Wentworth

Street. This provides a service access to these buildings and the relationship of individual houses within the terrace differs along the street. This side of the terrace has a less formal and more functional character than the front elevations that appears to have evolved over time.

4. The rear elevation into which the door has been inserted comprised a blank wall with window to the basement at the base of the wall. It is a projection from the rear of the building to the pavement edge of narrow width with a gabled slate roof and chimney to the rear elevation and at the centre of the roof. Given its height, gable end and chimney it is prominent in the street scene. To either side are lower sections of building with flat roofs. The door is located in the ground floor, so is above the basement window level. It is also lower than the windows in the adjacent flat roofed section of building.
5. Taking all of the above into account, the special architectural or historic interest of the building is derived principally from the stucco polite façades facing New Steine with attached railings. However, the varied and functional rear elevations contribute to the architectural and historic interest of the building and understanding of its evolution as a heritage asset. The insertion of this door has affected the architectural and historic interest of the building and, on that basis, there has been a breach of listed building control in this instance.
6. My attention has been drawn to an application for a sash window to the rear of the building. I have limited information relating to that and, in any event, it would not affect whether the door comprises a breach of listed building control.
7. For these reasons, I conclude that the appeal under ground (c) should fail.

Formal Decision

8. The appeal is dismissed and the listed building enforcement notice is upheld.

AJ Steen

INSPECTOR