Planning Inspectorate

Appeal Decision

Site visit made on 22 September 2026

by N Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 November 2026

Appeal Ref: APP/P1425/C/25/3363064
33 Sherwood Road, Seaford BN25 3EH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Michael Langley against an enforcement notice issued by Lewes District Council.
- The notice was issued on 24 February 2025.
- The breach of planning control as alleged in the notice is: Without planning permission, the material change of use at the Land of a single family dwelling with the subdivision to create three separate self-contained units.
- The requirements of the notice are to:
  1) Cease the use of 33 Sherwood Road, Seaford, BN25 3EH, as three separate units.
  2) Remove secondary kitchen areas.
  3) Clear all resultant debris from the land.
- The period for compliance with the requirements is: six months.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely without planning permission the material change of use at the Land of a single family dwelling with the subdivision to create three separate self-contained units at 33 Sherwood Road, Seaford BN25 3EH as shown on the plan attached to the notice and subject to the following condition:

   1) Unless within three months of the date of this decision a scheme for the provision of secure and covered cycle and refuse storage facilities, is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within three months of the local planning authority's approval, the use of the site as three self-contained dwellings shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented.

      If no scheme in accordance with this condition is approved within six months of the date of this decision, the use of the site as three self-contained dwellings shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved secure and covered cycle and refuse storage facilities specified in this condition, that scheme shall thereafter be maintained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published on 17 August 2026. As the changes to the Framework could be considered material to the outcome of the appeal, I consulted the parties in relation to this. Although neither party provided any additional comments, I have nevertheless had regard to the most recent version of the Framework.

Appeal on Ground (a) and the Deemed Planning Permission

3. An appeal under ground (a) is that planning permission should be granted for the matter alleged. The main issues therefore are:

- the effect of the development on the character and appearance of the area,
- the effect of the development on the living conditions of the occupants having regard to the availability of outdoor amenity space,
- the effect of the development on the living conditions of neighbouring residents by reason of an intensification of use and attendant noise and disturbance, and
- whether the development is sustainable having regard to supported infrastructure.

Reasons

Character and appearance

4. The enforcement notice relates to a dwelling which has been converted into three flats. Alterations to the property to facilitate the conversion are relatively modest and predominantly amount to external cosmetic changes such as the placement of door numbering signage and external chattels or are internal only.

5. Whilst detailed scrutiny of the property would reveal that it has been converted to flats, this is not particularly apparent from the street scene. Consequently, the external alterations and conversion have not altered the pre-existing dwelling in such a manner that would result in it appearing prominent.

6. Accordingly, due to this lack of discernible impact on the character of the area, I am unable to find that it has resulted in any adverse effect upon it. As such, I conclude that the proposal complies with policy CP11 of the Lewes District Local Plan (LLP), adopted 2020, insofar as it conserves the high quality of the district's town.

Living conditions – neighbouring residents

7. The conversion has altered a single dwelling into three flats. The flats each have a single bedroom and are therefore likely to be occupied by a single person. Indeed, this level of occupation is supported by a resident of one of the flats. The pre-existing dwelling would likely have had three or four bedrooms and could, therefore, have been occupied by a greater number of people.

8. Even if each flat is occupied by two people, I find this level of occupation comparable to the occupation of the property as a single dwelling. Consequently, the evidence before me suggests that the material change of use from a dwelling to three flats has not resulted in any quantifiable increase in noise and disturbance by comparison to its occupation as a single family home.

9. Accordingly, the proposal would comply with policy DM8 of the LLP insofar as it would not result in unacceptable harm to the amenities of neighbouring residential properties through levels of activity that give rise to excessive noise or disturbance.

Living conditions – current and future occupants

10. The property is sited on a corner plot with gardens to the front and side, and a small paved garden to the rear. At the time of my site visit, a boundary hedge heavily screened the front and side boundaries. The reasons for issuing the notice state a lack of amenity space. However, the Council has not expanded upon this in their submissions. Therefore, I am unclear whether the Council raises concern with the size of the available amenity space or an absence of amenity space.

11. Notwithstanding this, a photograph shows an outdoor space immediately in front of a door labelled 33 The Annex which appears to relate to the flat occupying the lower ground/ground floor of the property. This outdoor space is large enough to contain a table and chairs and for the drying of clothes. I have not been directed to a policy that specifies a minimum garden size. Therefore, in my judgement, this outdoor space is of a suitable size to serve the occupier of this flat.

12. The remaining two flats, according to the appellant's floorplans, are accessed from separate doors within the property; one in to front and one to the side. I do not have any substantive evidence before me to indicate that the occupiers of these flats cannot utilise the outdoor amenity space to the front and side of the property, or that it is inadequate for this purpose. As such, the development does not conflict with policy DM8 of the LLP as adequate private amenity space is provided for the occupiers of the flats.

Sustainability having regard to supported infrastructure

13. The Council has alleged that the development is unsustainable due to a lack of supporting infrastructure. It has not, however, indicated what the missing supporting infrastructure is. Whilst reference has been made to contributions that could be made under the Community Infrastructure Levy (CIL) or through a planning obligation, I have no evidence to indicate what is required.

14. The site is located within a settlement and is in proximity to local shops and services and public transport infrastructure. This contributes to promoting sustainable patterns of movement.

15. Accordingly, in the absence of any evidence to indicate what the supporting infrastructure desired by the Council should be, I am unable to find any conflict with policy 7 of the Lewes District Core Strategy, adopted 2016, or policy 7 of the Seaford Neighbourhood Plan.

Other Matters

16. The appellant has contended that two of the three flats that have been created are of a sufficient size to meet the requirements of the Nationally Described Space Standards (NDSS) and therefore provide adequate living space for the occupants. The Council, however, disputes this and suggests that only one of the flats could be considered compliant with the NDSS. Nevertheless, I note that the living conditions of the occupants – at least insofar as it relates to internal living space – was not identified as a reason for issuing the notice. It is therefore not within my remit to consider this matter any further here.

Conditions

17. The Council has nominated a condition to secure the provision of secure and covered cycle and refuse storage facilities. I have imposed this condition with modifications to ensure that it is enforceable, precise and otherwise reasonable in accordance with policy DM6 of the Framework and the Planning Practice Guidance. The reason for this condition is to promote more sustainable means of transportation, to ensure there is adequate waste storage provision and in the interest of the visual amenity of the area.

Planning Balance and Conclusion

18. The appeal site is located within the settlement of Seaford where policy S4 of the Framework applies. Paragraph 1 of policy S4 explains that development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework.

19. The benefits of the proposal are the creation of three new dwellings (net increase of two) which are of a smaller size and suitable for occupation by single person households. The site is in a sustainable location within a settlement where there is established public transport infrastructure and proximity to local shops and services. This weighs substantially in favour of granting planning permission.

20. I have identified the benefits of granting permission for this proposal above and have been unable to identify any adverse effects of the development that would attract sufficiently substantial weight so as to warrant a refusal of planning permission. The development accords with the policies of the development plan and Framework and the material considerations do not indicate a decision other than in accordance with it.

21. Therefore, for the reasons given above, I conclude that the appeal succeeds on ground (a). I shall grant planning permission for use, as described in the notice. The enforcement notice will be quashed.

N Bowden

INSPECTOR