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## Appeal Decision

Site visit made on 4 December 2017

by **Nicola Davies BA DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 December 2017

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**Appeal Ref: APP/Q1445/W/17/3184612**

**54 Shirley Street, Hove East, Sussex BN3 3WG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr A Gumbrill against the decision of Brighton & Hove City Council.
  - The application Ref BH2017/00898, dated 6 March 2017, was refused by notice dated 6 July 2017.
  - The development proposed is change of use of office (ground floor) and flat (first floor) into dwelling house including replacement front bay.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. I have taken the appellant's name from the planning application form, although I note that a Christian name has been provided on the planning appeal form. In addition, the site address provided on the planning application form has been replaced by a fuller version in subsequent documents. I consider this to be usefully more comprehensive and have thus employed it here.

### Main Issue

3. I consider that the main issue is whether the proposed development would be consistent with planning policies relating to the retention of employment floorspace.

### Reasons

4. Policy CP3 of the Brighton and Hove City Plan Part One resists the loss of unallocated sites or premises in, or last used as, employment within Use Classes B1 to B8 unless it can be demonstrated that the site or premises is redundant and incapable of meeting the needs of alternative employment uses within these use classes. The appellant indicates that the ground floor office premises is vacant as the former tenant has retired and adds that the premises would have been vacated sooner had it not been for the lease commitment.
5. The appellant has commented that he has tried locally to find an alternative tenant suggesting that the premises restrictive accommodation and its location have made the accommodation unsuitable. However, I have not been provided with any substantive or detailed evidence, such as, the outcomes of a marketing exercise, that might indicate that the premises is prohibitively small

or that its location makes it unsuitable and/or unattractive to other occupiers. I therefore am not satisfied on the basis of the evidence before me that the premises could not accommodate or be attractive to an alternative occupier.

6. It is argued that there is a large number of unused employment accommodation elsewhere in the City but I have not been directed to any specific examples. Notwithstanding this, the Council indicates that there is a shortage of employment floorspace, particularly smaller units, and that this is expected to worsen moving forward through the Brighton and Hove City Plan Part One plan period. The appellant points out that Policy CP3 indicates that where a loss is permitted the priority for reuse can include housing. However, it appears to me important to resist the conversion of this premises to a dwelling as it could meet an ongoing demand for small employment premises in the City.
7. The appellant points out that over time other businesses in this locality have ceased trading and the properties have been reverted back to single houses. The same circumstance would take place here. The premises frontage would be replacement with a bay window. The appellant also advises that the shower room and kitchen within the first floor flat are very poor and provide unsatisfactory living accommodation. It is argued that it would be more practical to amalgamate the ground and first floor accommodation than retaining the situation as is. I accept that the proposal would visually improve the appearance of the residential terrace and provide improved accommodation and living conditions for residential occupiers. However, these benefits of the scheme do not outweigh the harm identified above or justify the proposed development, despite this being a predominantly residential area with few businesses premises.
8. I do not therefore consider that there is no reasonable prospect of the appeal site having a future economic use. As such, I cannot conclude that it has been sufficiently demonstrated that the appeal site would not be capable of meeting a potential demand for employment use or that an alternative use would not be appropriate at the appeal site. To my mind the appeal site could continue to provide employment floorspace within the City in line with Policy CP3 of the Brighton and Hove City Plan Part One.

### **Other Matters**

9. Some concern has been raised about the processing of the planning application. However, this is a matter that, if necessary, should be raised with the Council away from this appeal. In any event, these concerns would not lead me to alter my findings above.
10. I note that no objection has been raised by local occupiers to the proposed development. However, the proposal needs to be considered in terms of the wider public interest.

### **Conclusion**

11. Having regard to the above findings, the appeal should be dismissed.

*Nicola Davies*

INSPECTOR