

<u>No:</u>	BH2026/00393	<u>Ward:</u>	West Hill & North Laine Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	19 New England Street Brighton BN1 4GQ		
<u>Proposal:</u>	Change of use from Class C3 (dwellinghouse) to Sui Generis (Large House in Multiple Occupation), including associated internal alterations.		
<u>Officer:</u>	Rebecca Smith, tel: 291075	<u>Valid Date:</u>	19.02.2026
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	16.04.2026
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Lewis And Co Planning SE Ltd Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	John Robinson Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions:

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

Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Location Plan	01		19-Feb-26
Proposed Drawing	03	A	14-Apr-26
Report/Statement		Planning Statement	19-Feb-26

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. The large HMO (sui generis) hereby approved shall only be occupied by a maximum of seven (7) persons.

Reason: To ensure a satisfactory standard of accommodation for future occupiers and to comply with policies DM7 and DM20 of the Brighton & Hove City Plan Part Two.

4. The large HMO hereby approved shall be implemented in strict accordance with the internal layouts detailed on the proposed floorplan 03A received on 14th April 2026. The internal layouts shall be retained as first implemented thereafter. No part of the communal areas shall be used as a bedroom.
Reason: To ensure an acceptable standard of accommodation for future occupiers is provided and maintained thereafter and to comply with policy DM1 and DM7 of the Brighton and Hove City Plan Part Two.
5. Notwithstanding the approved plans, the development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site is on the western side of New England Street. It is a terraced property over four storeys. The property has been in use as a short-term holiday let, however the lawful use of the property is as a dwellinghouse. The site is not within a conservation area, and the building is not a listed building. The site is within the Article 4 Direction restricting changes of use of dwellings (C3) to small HMOs (C4), but this does not apply as a large HMO is sought in this context. A change of use to a large HMO always required planning permission.
- 2.2. The application seeks planning permission to change the use of the property from Class C3 (dwellinghouse) to Sui Generis (Large House in Multiple Occupation), including associated internal alterations. The proposed layout is seeking this on a 7-person occupancy basis.
- 2.3. The plans have been amended since submission to clarify the size of one of the bedrooms.

3. RELEVANT HISTORY

- 3.1. None for the application site.

Concurrent application within 50m radius:

11 New England Street

- 3.2. **BH2026/00392** - Change of use from Class C3 (dwellinghouse) to Sui Generis (Large House in Multiple Occupation), including associated internal alterations. Under consideration.

4. REPRESENTATIONS

- 4.1. Representations have been received from 7 people, objecting to the proposed development for the following reasons:
- Negative impact on character of neighbourhood
 - Increased noise levels
 - High turnover of occupants
 - Additional pressure on parking and local services
 - Loss of family homes
 - Increased pressure on waste services
 - Other homes have already been lost to short-term holiday lets.
 - Overdevelopment
 - Detrimental impact on property value
 - Loss of further home puts further school places at risk due to reduced demand.
 - Additional traffic
 - Local community needs more family homes with less transient occupiers.
- 4.2. Full copies of the comments received can be found on the planning register.

5. CONSULTATIONS

Internal:

- 5.1. **Private Sector Housing:** Comment
Should the planning application be approved the applicant will require an HMO licence.
- 5.2. **Sustainable Transport** (verbal comment): No objection
Acceptable subject to the provision of cycle parking. The application requires four cycle parking space and four have been proposed. This should be secured by condition.
- 5.3. Full details of consultation responses received can be found online on the planning register, with the exception of the verbal responses noted above.

6. MATERIAL CONSIDERATIONS

- 6.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other

material planning considerations identified in the "Considerations and Assessment" section of the report.

- 6.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016).
 - Brighton & Hove City Plan Part Two (adopted October 2022).
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013; revised October 2024; revised October 2024).
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017).
 - Shoreham Harbour JAAP (adopted October 2019).

7. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP9	Sustainable transport
CP21	Student housing and Housing in Multiple Occupation

Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
DM7	Houses in Multiple Occupation
DM20	Protection of Amenity
DM33	Safe, sustainable and active travel
DM36	Parking and servicing

Supplementary Planning Documents:

SPD14	Parking Standards
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8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the creation of a large HMO in this location, the standard of accommodation, the impact on neighbours and any transport matters identified.

- 8.2. As site visit was carried out in April 2026 and this has informed the assessment below.

Principle of the Development:

- 8.3. Policy CP21 of the Brighton and Hove City Plan Part One specifically addresses the issue of changes of use to planning use class C4, a mixed C3/C4 use or to a sui generis House in Multiple Occupation (HMO) and states that:
"In order to support mixed and balanced communities and to ensure that a range of housing needs continue to be accommodated throughout the city, applications for the change of use to a Class C4 (Houses in Multiple Occupation) use, a

mixed C3/C4, or to a sui generis House in Multiple Occupation use (more than six people sharing) will not be permitted where:

- *More than 10 percent of dwellings within a radius of 50 metres of the application site are already in use as Class C4, mixed C3/C4 or other types of HMO in a sui generis use."*

- 8.4. A mapping exercise has been undertaken (April 2026) which indicates that there are 85 properties within a 50m radius of the application property, 6 of which have been identified as being in HMO use. The percentage of neighbouring properties in HMO use within the radius area is thus 7.06%.
- 8.5. Based on the existing percentage of neighbouring properties in HMO use, which is less than 10%, the change of from a dwellinghouse (C3) to a four-bedroom with a maximum occupation of seven-persons HMO (sui generis) would not conflict with the aims of policy CP21.
- 8.6. Policy DM7 of CPP2 includes additional criteria to those set out in Policy CP21, and states the following:
"Applications for new build HMOs, and applications for the change of use to a C4 use, a mixed C3/C4 use or to a sui generis HMO use, will be permitted where the proposal complies with City Plan Part One Policy CP21 and all of the following criteria are met:
- a) fewer than 20% of dwellings in the wider neighbourhood area are already in use as HMOs.
 - b) the proposal does not result in a non-HMO dwelling being sandwiched between two existing HMOs in a continuous frontage.
 - c) the proposal does not lead to a continuous frontage of three or more HMOs.
 - d) the internal and private outdoor space standards provided comply with Policy DM1 Housing Quality, Choice and Mix.
 - e) communal living space and cooking and bathroom facilities are provided appropriate in size to the expected number of occupants."
- 8.7. Criterion a) has been assessed and the percentage of dwellings in the wider neighbourhood area has been calculated at 2.07% so it has been met. In relation to criterion b), the area has been assessed, and it is confirmed that the proposal would not 'sandwich' a non-HMO between two existing HMOs; and would not lead to a continuous frontage of three or more HMOs so also accords with criterion (c). Considerations regarding amenity space and communal living (criteria d) and e) are set out below.
- 8.8. On this basis, the proposal is considered to accord with Policy DM7 of CPP2 and CP21 of the CPP1 and the change of use of the site to a large HMO use is acceptable in principle.

Standard of Accommodation

- 8.9. The proposed standard of accommodation is being considered against Policy DM1 of CPP2 which incorporates the minimum space standards within the Nationally Described Space Standard (NDSS) into the development plan. The

requirement to meet these standards is further emphasised within d) and e) of Policy DM7 of CPP2.

- 8.10. The proposed layout for the HMO would largely utilise the existing layout with a few minor internal alterations to ensure bathrooms are communal and that minimum bedroom sizes are met.
- 8.11. The ground floor has a kitchen (9.1sqm) and living/dining space (25.2sqm) with doors out to the small courtyard. The first floor has a shower room, a double occupancy room and a single occupancy room. The second floor has two double occupancy rooms and a shower room. The third floor has a further communal space and a roof top garden area.
- 8.12. Bedroom sizes:
- First Floor front bedroom - 11.5sqm
 - First Floor rear bedroom - 7.5sqm
 - Second Floor front bedroom - 11.5sqm
 - Second Floor rear bedroom - 11.5sqm
- 8.13. The first-floor rear bedroom is suitable for single occupancy, and the other three bedrooms meet the minimum size required for double occupancy.
- 8.14. There are two bathrooms one on the first and one on the second floor. This is considered acceptable for the number of occupiers provided and within one floor of bedrooms and communal areas.
- 8.15. Across the property all rooms would have windows which would provide ventilation, natural light and outlook. This is considered acceptable for the habitable spaces.
- 8.16. The property has a small courtyard to the rear accessible off the main living space and this is where the cycle parking is to be located. There is further outdoor space on the third floor on the roof terrace adjacent to the additional communal space at that level. This is considered adequate provision given the constraints of the site and the limited external space around the property.
- 8.17. Overall, the proposal is supported by a layout suitable for occupation as a large house in multiple occupation for seven persons and would comply with policies DM1 and DM7 of the City Plan Part Two.

Impact on Amenity:

- 8.18. Policy DM20 of City Plan Part Two states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.19. The property is a large dwelling with four bedrooms as existing. It could be occupied by a large family. There are no extensions or any significant internal alterations proposed to facilitate the occupation requested.

- 8.20. The proposal would likely result in a different pattern of comings and goings due to the occupation by individuals rather than a family. However, given the size of the dwelling which could easily be occupied by a large family it is not considered that an HMO for up to 7 persons would have a significantly detrimental impact on residential amenity that would warrant refusal of the application.
- 8.21. As noted above, the application site is not in an area which currently has more than 10% of properties within 50m radius being in HMO use, or an area where 20% of the properties in the wider neighbourhood area are in HMO use. As noted above the CP21 mapping showed the percentage of HMOs within a 50m radius was 7.06% and DM7 mapping showed a wider neighbourhood concentration of 2.07%. These both show low densities of HMOs. While any additional HMOs may have the potential to increase the cumulative impact and harm to amenity with which they are often associated, in this instance the existing numbers of HMOs in the area is not enough to warrant refusal of the application on the grounds of a potential harmful amenity impact.
- 8.22. Furthermore, it is noted an HMO of this size would require licensing by the Council's Private Sector Housing team and thus be required to comply with management standards, amongst other requirements. Additionally, the granting of this planning permission would not prohibit the Environmental Health team acting against 'statutory nuisance' under the Environmental Protection Act 1990 if this was required in the future.
- 8.23. Accordingly, it is considered that the proposals would comply with policies DM20 and DM40 of the City Plan Part Two.

Sustainable Transport:

- 8.24. The application site is located within the centre of town between Brighton mainline station and the London Road Local Centre. It is well-served by buses with connections all over the city from both outside Brighton Station and along London Road. The site is also close to cycle routes crossing the city.
- 8.25. There is a Controlled Parking Zone in operation on the public highway outside the site. Therefore, any on-street parking requires a parking permit, this is administered by the Highway Authority, who control both the issuing of permits and the enforcement of parking within the zone. In addition, when the property was built, it formed part of a 'car-free' development and although permit parking is available on street the address is not eligible for permits.
- 8.26. It is understood from the applicant that it would be possible for future occupiers to utilise the public car park off London Road and pay for parking there on a long-term basis. It is understood that season tickets are available.
- 8.27. Policy CP9 and DM33 and DM36 encourage sustainable travel, as noted above the site is considered to be in a sustainable location. However, there is also a requirement to provide cycle parking. For a development of this size the minimum required is 4 cycle parking spaces and these have been shown in the rear patio on the proposed plans.

- 8.28. From the site visit it was noted that the property has an existing shed and a rear planting bed in the proposed location for the cycle store. It is understood that the intention is not to remove the planting bed and the applicant would like to utilise the existing shed for the cycle parking provision. This in an indicative arrangement and would need to be shown in plan form to check that this is comparable to that currently shown on the proposed plans and accepted by the Transport team. Therefore, it is proposed to condition further details of the cycle parking 'notwithstanding' those supplied.
- 8.29. There are no concerns in respect of trip generation arising from the proposed use of the site and an objection has not been raised in this regard. The potential increase in comings and goings from the HMO use is not considered to result in a significant impact on the local highway network which would warrant refusal of the application.
- 8.30. Subject to the cycle parking details being confirmed via condition, the proposal would be acceptable in relation to transport considerations, given that it is within a sustainable location.

Conclusion:

- 8.31. As set out above, in principle the creation of a large HMO in this location is acceptable given that the density of HMOs within the vicinity of the site does not exceed the density test of policy CP21 of the City Plan Part One and DM7 of the City Plan Part Two. The additional spatial considerations of DM7 are also met.
- 8.32. In terms of the standard of accommodation, the proposed layout is considered acceptable and would result in a good standard of accommodation for future occupiers, in accordance with policies DM1 and DM7 of the City Plan Part Two. The proposed use of the property is not considered to give rise to unacceptable amenity and transport concerns which would warrant the refusal of the application.

Other Matters Including Those Raised in Representations:

- 8.33. The comments have cited that there is a concern that the development would impact property values. This is not a material planning consideration so has not been considered as part of the assessment of the proposal.

Biodiversity Net Gain

- 8.34. This scheme was considered exempt from the need to secure mandatory biodiversity net gain under Schedule 7A of the TCPA because it does not impact a priority habitat or habitat of more than 25sqm or 5m of linear habitat.

9. EQUALITIES

- 9.1. Section 149(1) of the Equality Act 2010 provides:
- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act.

- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) and determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.

