



**Brighton & Hove
City Council**

PLANNING COMMITTEE LIST

COUNCILLOR REPRESENTATION

Cllr. Samer Bagaeen

**BH2026/00749 – Brighton And Hove High School Junior Department,
Radinden Manor Road**

27th September 2026:

I am writing to raise serious concerns regarding BH2026/00749 and the unauthorised change of use of the former Brighton & Hove High School Junior Department at Radinden Manor Road from an educational use to a 47-person sui generis HMO.

Having considered the application and the further information submitted by Maddox Planning on 8 July as attached from the Portal, I remain very concerned both about the planning merits of the proposal and about how the unauthorised use has been allowed to commence and continue without planning permission.

There are two distinct issues here and I would be grateful if they could be addressed separately: first, whether this proposal complies with the Development Plan; and second, the Council's handling of the planning breach.

Policy DM9 and the loss of an educational/community facility

The applicant's central argument appears to be that the building is "no longer required for the school's operational purposes".

That is not, in itself, the test in Policy DM9.

The fact that GDST no longer wishes to use this particular building does not demonstrate that the educational/community facility is no longer needed, that suitable alternative provision with sufficient capacity exists, that the building cannot reasonably accommodate another educational or community use, or that there is no current or future demand supported by appropriate marketing.

I therefore want to understand precisely which limb of DM9 officers consider the proposal satisfies and what evidence supports that conclusion.

In particular, what evidence has been provided of active, flexible and appropriate marketing for educational or other community uses? Marketing a valuable site for redevelopment or alternative uses is plainly not the same thing as demonstrating an absence of demand for community use.

This is a substantial, purpose-built educational facility. Its former operator deciding that it no longer requires it cannot, by itself, extinguish its value or status as educational/community infrastructure.

A temporary permission does not resolve the policy conflict

I am also unconvinced by the attempt to recast this as a two-year "meanwhile use".

Temporary development still requires compliance with the Development Plan. Calling the applicant's latest case.

We are told that the building is no longer required for educational purposes and that this supports its temporary loss. Yet the applicant proposes a condition



**Brighton & Hove
City Council**

PLANNING COMMITTEE LIST

COUNCILLOR REPRESENTATION

requiring the building, at the end of the two-year period, to "revert to its lawful use immediately preceding the grant of this permission".
That lawful use is educational.

If the building can realistically revert to F1 educational use in two years, I struggle to understand an argument that it cannot presently serve an educational or alternative community function. If there is no realistic prospect of such reversion, I question what meaningful planning purpose the proposed condition serves. I would like this contradiction addressed explicitly in the officer assessment.

This is a 47-person HMO

The scale of what is proposed must also not be lost behind references to "property guardians".

This is an application for a **47-person sui generis HMO**. It is not an ordinary shared house and "property guardianship" is a management arrangement, not a land-use category or planning justification.

Forty-seven unrelated adults potentially generate 47 independent patterns of movement, employment, visitors, deliveries, taxis, refuse, outdoor activity and late-night activity. That is materially different from the structured, predominantly daytime and term-time occupation associated with the former school.

I therefore expect a rigorous assessment against DM7 and all relevant amenity, transport, waste, residential quality and neighbouring amenity policies.

The existence of a Head Guardian, monthly inspections, an app or a management company does not answer those land-use questions. Planning permission runs with the land. The Committee must consider whether a 47-person HMO is acceptable here, not whether officers are satisfied with the current operator's management arrangements.

The retrospective application and enforcement history

I am particularly concerned that this material change of use appears to have been implemented before planning permission was obtained.

I recognise that planning enforcement is discretionary and that the Council can invite a retrospective application. That is not the point I am making.

My concern is that an unauthorised material change of use involving residential occupation by up to 47 people appears to have commenced and then continued while the planning merits remained unresolved.

I therefore need a clear chronology of the enforcement position.

Please confirm:

1. when officers first became aware that residential occupation of the former school had commenced;
2. when the Council considers the material change of use to have occurred;
3. whether an enforcement case was opened and, if so, when;
4. what investigation and assessment was undertaken;
5. whether officers concluded that a breach of planning control had occurred;
6. what consideration determination of the retrospective application; and
7. what action will now be taken if permission is refused.



**Brighton & Hove
City Council**

PLANNING COMMITTEE LIST

COUNCILLOR REPRESENTATION

This matters because the applicant must not acquire a planning advantage from having implemented the development first.

The application should be assessed as though the unauthorised change of use had not occurred. The fact that people are now living in the building cannot be allowed to turn the application into a fait accompli or create an implicit argument that permission should be granted because unwinding the situation would now be difficult.

That would invert the proper operation of the planning system.

I would therefore also appreciate explicit confirmation that **no positive weight is being afforded in the planning balance to the fact that the HMO has already been established or that residents are already in occupation.**

Information required before determination

Before this application is determined, I would like officers to provide a clear response on:

- the specific DM9 test relied upon and the evidence demonstrating compliance with it;
- evidence of marketing for educational and other community uses;
- evidence concerning current and future demand for such accommodation within the city;
- whether officers have independently assessed the suitability of the building for continued F1 or alternative community use;
- the maximum number of people presently occupying the property;
- the maximum number proposed;
- the assessment against DM7, including the cumulative effects associated with a 47-person HMO;
- the enforcement chronology and reasons for the approach taken; and
- confirmation that the existing unauthorised occupation will not influence the assessment of the acceptability of the proposed use.

At present, I cannot see that the applicant has demonstrated compliance with DM9 simply by establishing that GDST itself no longer needs the building. Nor do I consider that describing the proposal as a temporary "meanwhile use", or pointing to the benefits of property guardianship, answers the fundamental Development Plan questions.

There is also a wider issue of confidence in the planning system here. Residents are entitled to expect that substantial material changes of use obtain planning permission before they take place. Where that does not happen, they are entitled to understand what the Council did about it and to be reassured that carrying out development first does not confer an advantage when permission is subsequently sought.

I would therefore be grateful for a substantive response to these points before BH2026/00749 is determined, even if a further delay to planning committee is necessary in this instance.

I would also ask that this email is placed on the application file as my formal ward councillor representation and that the application is not determined until then.

