

Mid Sussex District Council

Site Allocations Development Plan Document Housing for Older People Topic Paper

December 2020

Overview and Paper Structure

- 1.1 This paper updates the position in relation to the need and supply of accommodation for older people and to provide context and support for the allocation of a further site for C2 Use at East Grinstead. The paper is structured as follows:
- Policy background;
 - Definitions of extra care housing;
 - Projected housing need for older people in mid Sussex;
 - Existing District Plan Policy;
 - Provision of Specialist Accommodation since the plan start date – 2014;
 - Recent Planning Appeal Decisions; and
 - Conclusions.

Policy Background

- 1.2 The need to provide housing for older people is critical. People are living longer and the proportion of older people in the population is increasing. Offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems.
- 1.3 Within the national context of needing to boost the supply of homes, the National Planning Policy Framework (NPPF) (2019) requires that a sufficient amount and variety of land comes forward to meet the needs of groups with specific housing requirements, including housing for older people.¹
- 1.4 The NPPF definition for ‘older people’ is:
- People over or approaching retirement age, including the active, newly-retired through to the very frail elderly; and whose housing needs can encompass accessible, adaptable general needs housing through to the full range of retirement and specialised housing for those with support or care needs.²*
- 1.5 National Planning Practice Guidance (PPG) was updated (June 2019) in recognition of the critical need to provide housing for older people. It emphasises that strategic policy-making authorities need to “*determine the needs of people who will be approaching or reaching retirement over the plan period, as well as the existing population of older people*”³.
- 1.6 It also states that plan-making authorities should set clear policies to address the housing needs of groups with particular needs such as older and disabled people,

¹ 2019 NPPF, paras. 59 & 61

² 2019 NPPF, p. 69

³ PPG, para.: 003 Ref.: 63-003-20190626

and that plans need to provide for specialist housing for older people where a need exists⁴.

- 1.7 Guidance is provided on the types of evidence that could be used when identifying the housing needs of older people, including; age profiles; population and households projections by age group; online tool kits such as Strategic Housing for Older People Analysis Tool (SHOP@) for assessing needs by tenure and type; and evidence from Joint Strategic Needs Assessments prepared by Health and Wellbeing Boards.⁵
- 1.8 The Mid Sussex District Plan 2014-2031, adopted on 28 March 2018, provides a strategic policy framework for the delivery of sustainable development across the district. It sets out the Spatial Strategy and Strategic Policies for the district to deliver sustainable development.
- 1.9 The District Plan includes overall housing requirements in Policy DP4, and DP30 further supports housing development to meet the current and future needs of older people.

Definition of specialist accommodation for older people

- 1.10 There is an increasing number of housing options for older people which range from the traditional care homes to more independent types of accommodation; the latter often offering opt-in care for residents as and when it is needed. The definitions below are taken from the Council's 2016 Addendum to the Housing and Economic Development Needs Assessment (HEDNA).

⁴ PPG, para.: 006 Ref.: 63-006-20190626

⁵ PPG, para.: 004 Ref.: 63-004-20190626

Figure 1: Definitions of housing and specialist accommodation types for older people

Sheltered housing (also known as retirement housing):

Schemes of flats or bungalows in a block or a small estate. Provide independent, self-contained homes with their own front door. All residents are usually over the age of 55.

Schemes can be to rent in the social and private sector or to buy. Range in size from studio flats to one or two bedrooms.

Properties are designed to meet the needs of older people with features such as raised electric sockets, lowered worktops and walk-in showers. Usually linked to an emergency alarm service (sometimes called 'community alarm service') to call help if needed.

Schemes may have their own 'manager' or 'warden', either living on-site or nearby, who manage the scheme and help arrange services for residents. Some schemes retain a manager or a concierge whilst others may provide "floating support" when required. Sheltered schemes usually have some shared or communal facilities such as a lounge, a laundry, a guest flat or a garden.

Such schemes usually fall within Use Class C3.

Enhanced sheltered / Extra care housing:

An enhanced form of sheltered housing for older people who are frailer and less able and require more care and support. Schemes may be available to rent or buy. Provide independent, self-contained homes with their own front door. Most properties will suit less mobile people with for instance accessible bathrooms to meet the needs of people with mobility problems who may also need personal care.

Schemes generally have both an on-site manager as well as their own care staff on site, often 24 hours a day. Schemes will have on-site catering and will usually provide one or more meals each day.

Extra care schemes are schemes designed for frailer residents with care available on site 24/7.

Such schemes usually fall within Use Class C3 and are only likely to fall within Use Class C2 where care is provided as a condition of residency and at a high level of provision often associated with residential care homes.

Registered care:

Residential care: A care home registered with the Care Quality Commission to provide residential (personal) care only. All beds are allocated to residential care.

Nursing care: A care homes registered with the Care Quality Commission to provide nursing care. All beds are allocated to nursing care, although in practice not all residents might be in need of or receiving nursing care.

Such schemes are likely to fall within Use Class C2.

- 1.11 As Figure 1 above suggests, the relationship between these different types of housing and use classes is not a straightforward one. National Planning Policy Guidance clearly states that determining the Use Class of development for specialist elderly housing is a matter for the Local Planning Authority (LPA), but the

LPA may consider the 'level of care and scale of communal facilities provided'. The Use Classes Order defines C2 as 'Residential Institutions' where it is described as "Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)". Also listed under C2 are 'Use as a hospital or nursing home' and 'Use as a residential school, college or training centre'. Article 2 of the Order clarifies the definition of Care stating that "...unless the context otherwise requires:- "care" means personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder, and in class C2 also includes the personal care of children and medical care and treatment".

- 1.12 The significance of Use Class to older persons housing is mostly in terms of the requirements for affordable housing. Overall housing requirements in the District Plan under Policy DP4 provides for all C2 and C3 housing. Planning Practice Guidance⁶ also indicates that Plan-making authorities will need to count housing provided for older people against their housing requirement. For residential institutions, to establish the amount of accommodation released in the housing market, it indicates that authorities should base calculations on the average number of adults living in households, using the published Census data.

Projected Housing Need for Older People in Mid Sussex

- 1.13 Assessing care needs is not an exact science, especially given the range of needs and the different ways in which such services can be delivered. An assessment of housing need for older people was undertaken by the Council and published as an addendum to the HEDNA in August 2016 using the Shop@ tool recommended in the PPG⁷. The HEDNA Addendum formed part of the evidence base for the District Plan.
- 1.14 The assessment uses population data supplied by West Sussex County Council and was completed using the Shop@ analysis tool using existing provision rates for different types of accommodation and 2014-based population projections. It estimates benchmark 'need' for different types of specialist accommodation over the period 2014 – 2031. The assessment period aligns with the period covered by the District Plan.
- 1.15 This assessment was also incorporated into the West Sussex Joint Strategic Needs Assessment: Health and Social Care Profile of Older People (April 2015).
- 1.16 A summary of the estimated supply and demand for housing for older people (based on bedspaces or single units) is published in the HEDNA Addendum and reproduced in Table 1 below.

⁶ Paragraph: 016a Reference ID: 63-016a-20190626 Revision date: 26 June 2019

⁷ Paragraph: 004 Reference ID: 63-004-20190626 Revision date: 26 June 2019

Table 1: Need for Sheltered, Extra Care and Registered Care 2014-2031

	2014 demand	2014 supply	Need (2014 demand vs. 2014 supply)	2031 demand	Need (2031 demand vs. 2014 supply)
Sheltered Housing (C3)	1,650	1,499	151 (9%)	2,775	1,276 (46%)
Sheltered Housing: Rent	940	848	92 (10%)	1,582	734 (46%)
Sheltered Housing: Purchase	710	651	59 (8%)	1,193	542 (45%)
Enhanced Sheltered (C3)	264	104	160 (61%)	444	340 (77%)
Enhanced Sheltered: Rent	103	41	62 (60%)	173	132 (76%)
Enhanced Sheltered: Purchase	161	63	98 (61%)	271	208 (77%)
Extra Care (mostly C3)	330	210	120 (36%)	555	345 (62%)
Extra Care: Rent	241	154	87 (36%)	405	251 (62%)
Extra Care: Purchase	89	56	33 (37%)	149	93 (62%)
Registered Care (C2)	1,452	1,680	-228 (-16%)	2,442	762 (31%)
Residential Care	858	471	387 (45%)	1,443	972 (67%)
Nursing Care	594	1,209	-615 (-104%)	999	-210 (-21%)

- 1.17 Table 1 suggests there will be an increase in demand across almost all types of specialist accommodation for older people in Mid Sussex to 2031. The only exception is in nursing care accommodation which shows a 21% decrease in demand by 2031. At 2014 levels of supply, the greatest need will be for enhanced sheltered housing (77%) followed by extra care housing (62%).
- 1.18 Table 1 of the HEDNA update suggests that there was a surplus of C2 accommodation (specifically Nursing Care) at the base date of 2014, equivalent to 228 units/ bed spaces. This surplus suggests that, overall, there was not an immediate or unmet need for C2 accommodation at this point.
- 1.19 The surplus of 228 units of C2 in 2014 also suggests there was no immediate need in the years following 2014, based on an average annual growth in C2 need of around 50 bed spaces per year, which may be inferred from Table 1. By 2031, an additional 762 bed spaces would be required to meet the projected housing need of C2 (Residential Care).
- 1.20 Table 1 of the HEDNA update suggests that there was an unmet need in all three C3 housing types for older people at the base date of 2014, equivalent to 151 units of sheltered housing, 160 units of enhanced sheltered housing and 120 units of extra care housing. Although there is an unmet need, it is not at a level to suggest that there was a significant unmet need of C3 accommodation at this point.
- 1.21 To 2031, Table 1 indicates a need for C3 housing for older people including for: sheltered housing (1,276 units); enhanced sheltered housing (340 units); and extra care housing types (345 units). This need is to be met over the Plan period.
- 1.22 Since the start of the Plan period a number of schemes for housing for older people (falling under both C2 and C3 Use Classes) have come forward; these are summarised in Table 2 below. The full table can be found in Appendix 1.
- 1.23 In interpreting these projections in the period since the HEDNA update a number of issues need to be taken into account as set out below.

- Mid Sussex District is not necessarily a functional ‘catchment’ or ‘market’ area for specialist older persons housing in the sense of being a likely area of search. Mid Sussex Housing officers have anecdotally observed a tendency for Mid Sussex’s care needs to be met by provision on the coast and in the South Downs National Park, reflecting user/ customer preferences for attractive locations. Elderly persons entering care homes are, anecdotally, likely to locate close to wider family that may live elsewhere. Therefore, the need arising from the local older population may be displaced if residents chose to move to a different area. Several ‘retirement villages’ are located just beyond the boundaries of Mid Sussex District, such as St George’s Retreat, Ditchling Common or Charters Village in East Grinstead.
- The need expressed by the Shop@ analysis is based on both a demographic need and a rising proportion of the elderly population using specialist accommodation, rather than, say, care at home. The increased provision is implicitly seen as desirable. While this point is supported, it is also aspirational and needs to be considered in the context of funding, affordability and value for money. The ‘crisis’ in social care funding has also restricted the growth of traditional publicly funded provision. Moreover, as the PPG says: many older people may not want or need specialist accommodation or care and may wish to stay or move to general housing that is already suitable.⁸ It is also better to build accessible housing from the outset rather than have to make adaptations at a later stage – both in terms of cost and with regard to people being able to remain safe and independent in their homes.⁹
- The analysis used pre-set provision rates for different types of accommodation and does not allow for the changes occurring in the care and specialist housing market. In practice a number of changes are taking place. This includes a move away from institutionalised forms of accommodation, including public sector sheltered housing funded through the state towards private and higher quality provision allowing greater independence and leasehold ownership. This is particularly reflected in the growth of extra care leasehold provision.
- The overall figures suggested by Shop@ tool were comparatively high, with an overall need of just over 2,700 additional units (bed spaces or single units) by 2031, equivalent to about 170 units per year on average. This is a reflection of demographic need but also of the Shop@ assumptions that a rising proportion of older people will seek specialist accommodation rather than care at home.

District Plan Policy Response

- 1.24 Reflecting the findings of the HEDNA update, the District Plan includes facilitative policies and sufficient flexibility to enable specialist accommodation to come forward. In line with good practice and considerations of sustainable communities, the Council generally supports provision that is integrated with existing and well serviced communities, the latter including public transport, surgeries and local shops capable of supporting independent living.
- 1.25 In addition to the main policies on housing provision (DP4 and DP6) the Council’s main additional approach in the District Plan to is look positively on the provision of

⁸ Paragraph: 012 Reference ID: 63-012-20190626 Revision date: 26 June 2019

⁹ Paragraph: 008 Reference ID: 63-008-20190626 Revision date: 26 June 2019

C2 uses on allocated Housing sites and to make any future allocations for C2 because of supply shortfalls arising from unmet need. (see Figure 2)

Figure 2: Extract of Supporting Text for Policy DP30: Housing Mix

“Whilst more attention may need to be paid towards matters of design, neighbouring land uses and security, schemes falling within Use Class C2 are considered to usually have a lesser impact on existing communities, for instance through lower vehicle usage levels and reduced parking requirements. For this reason, provided the scheme makes efficient use of land, any site considered appropriate for housing development would be positively considered for such older person accommodation through the decision-making process”.

- 1.26 The Council chose not to make specific allocations for specialist housing as part of the District Plan, an approach that is supported by Planning Practice Guidance¹⁰. Nevertheless, older persons housing and C2 uses were supported as a component of strategic housing allocations, and proposals have come forward at two of the strategic allocations at Burgess Hill and Pease Pottage, as shown in Table 2 below.
- 1.27 In addition, the District Plan strategy, as set out in policies DP4: Housing and DP6: Settlement Hierarchy does not make a distinction between dwelling types. Therefore, sites meeting a specialist housing need also need to be in compliance with District Plan strategy.
- 1.28 Policy D30 also recognised the potential need for further allocations (Figure 3)

Figure 3: Extract of Policy DP30: Housing Mix

If a shortfall is identified in the supply of specialist accommodation and care homes falling within Use Class C2 to meet demand in the District, the Council will consider allocating sites for such use through a Site Allocations Document, produced by the District Council.

- 1.29 Consistent with Policy DP30 of the District Plan, the Council is proposing an allocation for C2 as part of its emerging Site Allocations DPD. The site allocations process was an opportunity for site proponents to promote their sites for allocation to help deliver the District Plan; including provision of housing for older people.
- 1.30 As part of the submitted Site Allocations DPD, Draft Policy SA20: Land south and west of Imberhorne Upper School, Imberhorne Lane, East Grinstead, includes provision for 550 units including a component of C2 Use. The level of specialist or C2 provision for SA20 is yet to be determined, no figure is therefore included in Table 3.
- 1.31 During Regulation 19 consultation six respondents made representations promoting six sites exclusively, or in part, for older people’s accommodation. Of these, one submission is a new site not previously considered and two sites had not previously been put forward for specialist accommodation.
- 1.32 An assessment of sites submitted to the Council’s Regulation 19 consultation promoting C2 use has been made and can be found in Appendix 2. All potential housing sites were considered through the same site selection process, regardless

¹⁰ Paragraph: 013 Reference ID: 63-013-20190626. Revision date: 26 June 2019

of the dwelling type.

- 1.33 Specialist accommodation and care homes fall within the definition of social infrastructure which includes communities and local services. Policy DP25 protects against the loss of specialist accommodation, unless specific criteria are met.

Figure 4: Policy DP25: Community Facilities and Local Services

The provision or improvement of community facilities and local services that contribute to creating sustainable communities will be supported.

Where proposals involve the loss of a community facility, (including those facilities where the loss would reduce the community's ability to meet its day-to-day needs locally) evidence will need to be provided that demonstrates:

- that the use is no longer viable; or
- that there is an existing duplicate facility in the locality which can accommodate the impact of the loss of the facility; or
- that a replacement facility will be provided in the locality.

The on-site provision of new community facilities will be required on larger developments, where practicable and viable, including making land available for this purpose. Planning conditions and/ or planning obligations will be used to secure on-site facilities. Further information about the provision, including standards, of community facilities will be set out in a Supplementary Planning Document.

Community facilities and local services to meet local needs will be identified through Neighbourhood Plans or a Site Allocations Development Plan Document produced by the District Council.

- 1.34 DP28 recognises the need for adaptable homes and spaces to ensure that buildings are inclusive and safe.

Figure 5: Key requirements of DP28: Accessibility

- **All development must be accessible to all users.**
- **20% of dwellings to meet Category 2 – accessible and adaptable dwellings on development of 5+ dwellings (with some identified exceptions).**
- **4% of affordable homes should be Category 3 – Wheelchair-user dwellings.**
- **Requirements also apply to private extra care, assisted living or other such specialist accommodation.**

Provision of Specialist Accommodation since 2014

- 1.35 The Council has monitored the supply of specialist new accommodation as new planning consents since 2014 and these are summarised in Table 2 below. In total schemes equivalent to 405 bed spaces/units have been granted, while 123 units have been lost from the stock. The HEDNA update suggested a possible requirement of 2,723 units by 2031, equivalent to about 170 units per year on average. By comparison the overall level of provision has been considerably less than suggested when measured by consents (Table 2) or build out and completions (Table 3). Most development that has come forward has been Care Homes or Extra Care housing and there has been an absence of new proposals for sheltered accommodation.

- 1.36 The level of provision relative to the HEDNA is interpreted as representing a number of factors, including issues with the aspirational nature of the Shop@ tool

as well as other factors including a subdued market, reflecting public funding challenges for specialist accommodation, including caps on the level of fees paid through the public sector for private care. The subdued market also probably reflects the popularity and availability of care at home (using domiciliary agencies). It may also reflect the relative affordability and value for money of some leasehold provision as a result of high costs, service charges and the clawback on eventual sales.

Table 2: Housing for Older People provision

Parish/ Settlement	Site Address	DM/ Policy Ref.	Proposal summary	Gross	Loss	Net supply
2015/16						
East Grinstead	St Albans House, Lingfield Road	DM/16/0177	Change of use from a dwelling house (C3) to residential care home (C2),	9	0	9
2017/18						
Slaugham	Land east of Brighton Road, Brighton Road	DM/17/2534 (Policy DP10)	Construction of 156 dwellings, 24-bed care facility, community hub with associated access, parking open space and associated infrastructure and earthworks.	24	0	24
2018/19						
East Grinstead	1-25 Bell Hammer	DM/18/1762	Demolition of former sheltered housing scheme at Bell Hammer and the erection of 35 retirement living apartments for older persons, to include 31no. 1 bed apartments and 4no. 2 bed apartments.	35	25	10
Horsted Keynes	Westall House, Birchgrove Road	DM/17/1262	Demolition of 16 existing single storey sheltered housing units and erection of a new two storey Extra Care facility comprising 24 no. 1 and 2 bedroom apartments. Erection of a new two storey Dementia Care extension comprising 12 no. care bedroom suites. Conversion of 3 no existing bedrooms to care bedroom suites.	36	16	20
East Grinstead	Lingfield Lodge Retirement Home, London Road	DM/17/1521	Demolition of existing retirement home (class C3) and proposed redevelopment of the site to provide an Extra Care Sheltered Scheme (Class C2) for older people with associated communal facilities. Total of 48 new apartments.	48	26	22
Burgess Hill	Oaklodge Nursing Home, 2 Silverdale Road	DM/18/1349	Demolition of existing shed and proposed extension of the existing 21 bed care home creating an additional 9 bedrooms of which 7 are en-suite.	9	0	9
Haywards Heath	Beech Hurst Nursing Home, Butlers Green Road	DM/18/0582	Demolition of the existing building and redevelopment of the site to provide a replacement care home (Use Class C2)	72	56	16
2019/20						

Haywards Heath	23 and 25 Bolnore Road	DM/18/1274	Demolition of dwelling at No. 25 and garage at No. 23 Bolnore Road and redevelopment to form 15 sheltered dwellings for the elderly, comprising 8 retirement cottages and 7 retirement apartments.	15	0	15
Lindfield	Walstead Place, Scaynes Hill Road	DM/19/2834	Single storey extension and the creation of 6 car parking spaces.	9	0	9
Cuckfield	Pelham House, London Road	DM/18/3008	Proposed single storey rear extension to form 4no. new en-suite bedroom facilities	4	0	4
Burgess Hill	Northern Arc	DM/18/5114	60 extra care accommodation	60	0	60
Albourne	Site of former Hazeldens Nursery, London Road	DM/19/1001	Outline application for an extra care development of up to 84 units (comprising of apartments and cottages)	84	0	84
Total				405	123	282

1.37 In addition to the above, the Haywards Heath Neighbourhood Plan allocates a site (Policy H7: Downlands Park) for approximately 20 bungalows for older people. In the emerging Site Allocations DPD Policy SA20: Land south and west of Imberhorne Upper School requires that the development includes C2 accommodation. The total provision of housing for older people set out in Table 2 and allocations is summarised in Table 3 below.

Table 3: Total provision by accommodation type since start of Plan period

Provision type	Net number of beds/ units		
	Not started	Under construction	Complete
Sheltered / retirement housing	15	-16	0
Extra Care	172	48	0
Residential care home	33	12	25
Nursing care home	9	0	4
Total	229	44	29

Total figures differ slightly from those in Table 2 because of implementation of earlier consents

1.38 Despite the low levels of development, there is no evidence of significant unmet need or development pressure. Indeed, as shown in Table 3, existing consents are also being implemented slowly, suggestive that market demand remains low.

1.39 In the forthcoming District Plan Review, the Council will need to consider whether relevant policies need amending or new allocations made to boost the supply of, specifically, enhanced sheltered and extra care accommodation which are expected to see the greatest growth in demand to 2031. This will be subject to the outcome of any updated needs assessment undertaken for the review.

1.40 The general evidence is that the District has a functioning specialist older persons housing market that is meeting demand. Moreover, as a strategic issue, it is not for the Site Allocations DPD to revisit the District Plan's approach to housing for older people; this will be for the review to consider. The Site Allocations DPD is a

subsidiary plan to the adopted 2018 District Plan, therefore revisiting strategic issues such as this are not within the scope of this Plan. This approach is consistent with a 2016 Court of Appeal Judgement¹¹ which confirmed that an LPA is not obliged to re-assess needs (i.e. Objectively Assessed Housing Needs) where a development plan document is dealing with site allocations to deliver an already agreed housing requirement.

Recent Planning Appeal Decisions

1.41 The Council recently received two planning appeal decisions for C2 provision: Land off London Road, Bolney and Former Hazeldens Nursery, Albourne. Whilst decided only nine months apart the Inspectors reached different conclusions on the District's need for housing for older people.

1.42 It should be noted that in both appeals the District Plan, and relevant policies to the planning applications, were considered up-to-date. Furthermore, the evidence presented by the Council was robust, albeit the Albourne Inspector was impressed with the quality and benefits of the appeal scheme.

1.43 Below is a fuller summary of the two appeal decisions.

Land off London Road, Bolney.

1.44 Two speculative development proposals were considered during the appeal:

Appeal A: Erection of a new class C2 care/ assisted living older persons facility (up to 15,500 sqm GIA) (Appeal ref. APP/D3830/W/19/3231997).

Appeal B: Erection of new use class C2 care/ assisted living older persons facilities (up to 7,000sqm GIA) and 40 age-restricted (over 55) use class C3 dwellings (APP/D3830/W/19/3231996).

1.45 The two Bolney appeals were dismissed on the 19th December 2019. In coming to his conclusions, the Inspector agreed that the Council was able to demonstrate a 5-year housing land supply as at 1 April 2019; therefore, the development plan was up-to-date. He also acknowledged that the District Plan was "relatively modern", having been adopted only 18 months prior to the Inquiry and that "the planning system should be genuinely plan-led".

1.46 The Inspector noted that the proposals would assist in meeting an unmet C2 need but gave this only moderate weight given the evidence before him; both in terms of current supply and market demand.

1.47 Furthermore, he concluded that the current market for C2 use may not be especially buoyant in Mid Sussex owing to the fact that two other sites in the pipeline have removed or delayed their C2 elements. If there was a significant demand for C2 then this would not be the case.

1.48 The Appellants presented evidence on C2 need (*Care Needs Assessment, Pinders, September 2019*) which indicated a need of 985 units up to 2029, rather than the 762 units/ bed spaces that the Council found were needed to 2031. Noting the different methodologies and timeframes, the Inspector favoured the Council's

¹¹ Oxted Residential Ltd v Tandridge District Council; 29 April (Ref 2016 EWCA Civ 414).

position. He also concluded that there was sufficient time, either to 2029 or 2031, to meet the identified unmet need.

Site of the former Hazeldens Nursery, London Road, Albourne.

- 1.49 This proposal was a luxury leasehold extra care development of up to 84 units (comprising of apartments and cottages) all within Use Class C2, with associated communal facilities (APP/D3830/W/19/3241644). The Albourne appeal was allowed on the 11th September 2020. The Inspector found that the proposal was contrary to the development plan and caused harm to landscape and heritage assets, but this was outweighed by the substantial weight she gave to the package of benefits delivered by the scheme. The Inspector also undertook a tour of the appellant's existing scheme at Charters Village near East Grinstead.
- 1.50 The Inspector in this appeal concluded that the development plan is not out-of-date. She also found other District Plan policies considered to be relevant to the provision of housing for older people (DP6, DP15, DP25 and DP30) to be consistent with the NPPF and PPG.
- 1.51 The Inspector acknowledged that the HEDNA Addendum assessed the needs of housing for older people, including type and tenure of housing as required by the NPPF and PPG. However, she noted that the SHOP@ toolkit used, now, out-of-data projections (i.e. 2014 rather than latest projections) and an alternative, lower, "provision rate" (2.5% per 1000 of the population over 75 rather than suggested by the Appellant which was 4.5% per 1000¹²) for extra care housing specifically. In doing so she was acknowledging market trends in the types of provision suggested by the Appellant for decline in traditional sheltered housing and the desirability of extra care provision.
- 1.52 It should be noted that the 2014 population projections for the size of older population used in the HEDNA remain very similar to the 2016 projections so the use of older forecasts did not actually have a material effect.
- 1.53 Whilst the Inspector, on this occasion, preferred an alternative provision rate she did not go so far as to state that the 2.5% used in the HEDNA analysis was incorrect, in fact she acknowledged that the alternative 4.5% provision rate for leasehold extra care housing was aspirational and not evidence based. As such, it is not unreasonable for the Council to use the HEDNA Addendum's conclusions. For plan making purposes the attempt to split requirements into different types of provision, tenures, market brands or quality does not seem entirely relevant, as the nature of final schemes and their affordability are unknown.

Additional Analysis

- 1.54 The rate of new development coming forward does not suggest any current significant unmet need or excess demand. This point is also confirmed by the experience of the Council's housing officers, who suggest the availability of places in existing provision is good.
- 1.55 Particular trends have been for the inclusion of care homes as part of the larger strategic housing developments. Elements of care provision have been proposed as

¹² Based on the value used in a more recent example forecasting exercise cited by the appellant in Bury, Lancashire.

part of the council's strategic growth allocations at Pease Pottage and at the Northern Arc, Burgess Hill.

- 1.56 In the case of Pease Pottage, allocated in District Plan policy DP10 for a Hospice (C2), with 24 out of 48 of the bed spaces at Pease Pottage have commenced. The Northern Arc, allocated in District Plan policy DP9, includes 60 units of extra care accommodation (Use Class C3) in the approved scheme.
- 1.57 Furthermore, there is evidence that specialist housing schemes are not coming forward, despite the granting of planning permission. Some consented care schemes, such as at Kingsland Laines and at Handcross have removed or delayed their C2 elements, suggesting that the market for C2 use may not be especially buoyant at present.

Summary

- 1.58 Based on the Council's HEDNA addendum analysis, there was surplus in C2 (Nursing Care) use provision in 2014 and developments coming forward through allocations and planning applications are contributing to the projected needs across the range of housing types for older people.
- 1.59 Large developments with an element of care are coming forward and being consented as part of strategic housing allocations, such as at Pease Pottage and the Northern Arc, in line with District Plan policy. This overall picture of demand and supply does not support a revision of the current housing for older people strategy at this time.
- 1.60 In general, there have been more applications coming forward for C2 than C3 types of housing for older people. This may be indicative of a care 'market' that is not necessarily seeing a high demand for C3 types of housing for older people at this time.
- 1.61 Based on the evidence at the time, the Council was not required to identify specific provision for housing for older people within the District Plan. The evidence indicated no immediate need.
- 1.62 Given the rate of specialist housing coming forward since the start of the Plan period, especially in the last two years, it is not considered necessary to allocate sites to deliver housing for older people in the Site Allocations DPD. In any case, no suitable sites have, to date, been identified. See Site Selection Paper 3: Housing Sites and Appendix 2 below.
- 1.63 The District Plan review will need to consider whether the current strategy remains effective in bringing forward housing for older people, or if further intervention is required to boost supply. This will be informed by an update of the HEDNA, or equivalent.
- 1.64 The District Plan review is the proper place to revisit strategic issues such as the provision of housing for older people; it is not within the scope of the Site Allocations DPD to re-establish needs.

Appendices

Appendix 1: Provision of older persons housing in Mid Sussex since start of Plan period

Parish/ Settlement	Site Address	DM/ Policy Ref.	Decision Date	Status	Proposal	Type	Gross supply	Loss	Net supply	Accommodation type
2015/16										
East Grinstead	St Albans House, Lingfield Road	DM/16/0177	17/03/2016	Complete	Change of use from a dwelling house (C3) to residential care home (C2),	C2	9	0	9	Residential care home
2017/18										
Slaugham	Land east of Brighton Road, Brighton Road	DM/17/2534	13/10/2017	Not started (Phase 1 under construction)	Reserved Matters application for details of the appearance, landscaping, layout and scale following outline permission DM/15/4711 of Phase 1 for the construction of 156 dwellings, 24-bed care facility, community hub with associated access, parking open space and associated infrastructure and earthworks.	C2	24	0	24	Hospice / care home
2018/19										
East Grinstead	1-25 Bell Hammer	DM/18/1762	04/02/2019	Under construction	Demolition of former sheltered housing scheme at Bell Hammer and the erection of 35 retirement living apartments for older persons, to include 31no. 1 bed apartments and 4no. 2 bed apartments.	C2	35	25	10	Sheltered housing

Horsted Keynes	Westall House, Birchgrove Road	DM/17/1262	23/04/2018	12 under construction, 24 not started	Demolition of 16 existing single storey sheltered housing units located on the south western side of site and erection of a new two storey Extra Care facility comprising 24 no. 1 and 2 bedroom apartments plus communal and ancillary facilities. Erection of a new single storey extension to the dining room and kitchen on north western elevation. Erection of a new two storey Dementia Care extension on the north eastern side of the site comprising 12 no. care bedroom suites plus communal and ancillary facilities. Conversion of 3 no existing bedrooms to care bedroom suites.	C2	24	16	8	Extra care
						C2	12	0	12	Residential care home
East Grinstead	Lingfield Lodge Retirement Home, London Road	DM/17/1521	06/09/2018	Under construction	Demolition of existing retirement home (class C3) and proposed redevelopment of the site to provide an Extra Care Sheltered Scheme (Class C2) for older people with associated communal facilities. Total of 48 new apartments with communal facilities including a communal lounge and dining area together with a range of recreational rooms.	C2	48	0	48	Extra care, social rented
						C3	0	26	-26	Sheltered/ Retirement home

Burgess Hill	Oaklodge Nursing Home, 2 Silverdale Road	DM/18/1349	01/10/2018	Not started	Demolition of existing shed and proposed extension of the existing 21 bed care home creating an additional 9 bedrooms of which 7 are en-suite	C2	9	0	9	Nursing Care Home
Haywards Heath	Beech Hurst Nursing Home, Butlers Green Road	DM/18/0582	30/10/2018	Complete	Demolition of the existing building and redevelopment of the site to provide a replacement care home (Use Class C2)	C2	72	56	16	Residential care home
2019/20										
Haywards Heath	23 and 25 Bolnore Road	DM/18/1274	20/05/2019	New app in for 67 bed care home (DM/20/3310)	Demolition of dwelling at No. 25 and garage at No. 23 Bolnore Road and redevelopment to form 15 sheltered dwellings for the elderly, comprising 8 retirement cottages and 7 retirement apartments, including communal facilities	C2	15	0	15	Sheltered. Purchase.
Lindfield	Walstead Place, Scaynes Hill Road	DM/19/2834	09/09/2019	Not started	Single storey extension and the creation of 6 car parking spaces.	C2	9	0	9	Residential care home
Cuckfield	Pelham House, London Road	DM/18/3008	28/09/2019	Complete	Proposed single storey rear extension to form 4no. new en-suite bedroom facilities	C2	4	0	4	Nursing Care Home
Burgess Hill	Northern Arc	DM/18/5114	04/10/2019		60 extra care accommodation	C3	60	0	60	Extra care

Albourne	Site of former Hazeldens Nursery, London Road	DM/19/1001	11/09/2020	n/a	Outline application for an extra care development of up to 84 units (comprising of apartments and cottages) associated communal facilities, 2no. workshops; provision of vehicular and cycle parking together with all necessary internal roads and footpaths; provision of open space and associated landscape works; and ancillary works and structures. Works to also include the demolition of the existing bungalow on the site. All matters to be reserved except for access.	C2	84	0	84	Extra care, purchase
Total							405	123	282	

ALLOCATIONS

Haywards Heath	Downlands Park	Policy H7		Approx. 20 bungalows for older persons	C2	20	0	20	Extra care
East Grinstead	Land south and west of Imberhorne Upper School	Policy SA20			C2				Extra care
Total						20	0	20	

Appendix 2: Assessment of Regulation 19 site submissions

Respondent Ref	Organisation	On Behalf of	Site Address (#SHELAA Ref)	Comment
2001	Nexus Planning	Frontier Estates_Hassocks	Byanda Hassocks	Site not previously considered through Site Selection Process as not submitted to the SHELAA/Call for sites. The site consists of an ancillary bungalow and additional detached dwelling. The site has an extant planning permission for 4 dwellings (gross). The 0.4 hectare site promoted for C2 and C3 uses. Pre-application discussions for a C2 proposal have been held. Concerns raised about the suitability of the site to accommodate the scale of development proposed. Given the planning history of the site, it is not considered that this site should be allocated for C2 or C3 uses. Sufficient C3 are allocated within the Site Allocations DPD to ensure the housing requirement is met in full. The District Plan provides a policy framework for addressing any C2 need arising.
2092	Turley	Rainier Developments Copthorne	Land south of Chapel Lane Copthorne Common #269	Site promoted for C2 use. This site has been considered through the site selection process. Site has been assessed as not being compliant with the District Plan Strategy, as set out in Site Selection Paper 1. The site is unrelated to an existing settlement boundary.
786	Strutt and Parker	Somerston Developments Projects	Woodpeckers, Copthorne #810	Site promoted for C2 use. This site has been considered through the site selection process. Site has been assessed as not being compliant with the District Plan Strategy, as set out in Site Selection Paper 1. The site is unrelated to an existing settlement boundary.
709	Barton Willmore	Retirement Villages Developments	Hazelden Nursery Albourne #52	This site was granted planning consent for extra care accommodation at Appeal in September 2020.
697	Star Planning	Welbeck - Handcross	Land west of London Road Handcross #823	Site promoted for C2 (at Regulation 19) and C3 use. This site has been considered through the site selection process. It was not considered further following detailed site

				assessment due to its proximity to SSSI/SNCI, as set out in Site Selection Paper 3.
657	DHA Planning	Option Two Development LTD	Courthouse Farm Copthorne #990	Site promoted for C2 (at Regulation 19) and C3 use. This site has been considered through the site selection process. It was not considered further following detailed site assessment due to potential adverse effects on the Copthorne Local Wildlife Site and it does not fit settlement pattern.

Other C2 care proposals

There were a couple of additional sites that were promoted for care proposals prior to Regulation 19 but had not been re-submitted. These are listed below for completeness.

694	JLL	Anstone Development	Packway House, land north of Bolney #541	Site promoted for C2 (at Regulation 19) and C3 use. Planning appeal dismissed in December 2020. This site has been considered through the site selection process. It was not considered further following detailed site assessment due to its likely high adverse impact on the AONB, as set out in Site Selection Paper 3. An alternative, smaller scale site submitted at Regulation 19 but not specifically for C2 use.
781	Freeths LLP	Country Court Care Homes	Land at Tilgate Forest Lodge Brighton Road Pease Pottage #774	Site previously promoted for C2 (at Regulation 18). This site has been considered through the site selection process. Site has been assessed as not being compliant with the District Plan Strategy, as set out in Site Selection Paper 1. The site is unrelated to an existing settlement boundary.