

Mid Sussex Site Allocations DPD EIP

Hearing Statement:

Matter 3.8 – Qualitative aspects of housing supply (older persons accommodation (Use Class C2))

Rainier Developments (Cophorne Ltd)

May 2021

Contents

1.	Introduction	3
2.	Matters to be examined	4
3.	Summary	11

Appendix 1:	Appeal Decision	
Appendix 2:	Agreed Statement on Mid Sussex Extra Care Housing Supply	
Appendix 3:	HPC Care Home Need Assessment – Mid Sussex	
Appendix 4:	ED166 Interim Findings, 29 August 2018	

Contact

Tim Burden
tim.burden@turley.co.uk

11 May 2021

1. Introduction

- 1.1 This Statement has been prepared on behalf of our Client, Rainier Estates (Copthorne Ltd), in relation to Matter 3.8 of the Mid Sussex Site Allocations DPD Examination. Our specific interests in this Examination relate to the provision of appropriate allocations for C2 uses.
- 1.2 Our Client has land interests at 'Land south of Chapel Lane, Copthorne Common' which is currently the subject of a full planning application (reference: DM/20/3081) for residential development (Use Class C2), and which is awaiting determination by Mid Sussex District Council ('MSDC').
- 1.3 This site has been promoted throughout the Mid Sussex Site Allocations DPD process as being appropriate, available and deliverable and capable of contributing to the identified C2 need of the District. Indeed, the live application is now subject to no technical objections from the Local Planning Authority.
- 1.4 Whilst we appreciate that the Inspector does not wish to consider omission sites at this time, there are a number of issues which are pertinent to considering whether the Site Allocations DPD (SADPD) meets the tests of soundness as required under paragraph 35 of the National Planning Policy Framework (the Framework).
- 1.5 Since our Regulation 19 representations, MSDC has subsequently prepared and released the following documents in response to delivering housing for older people with the SADPD. These, by their very nature, have not and could not have been used to inform the approach within the submitted Plan. At the time of submission, the Council relied entirely on the 2016 HEDNA Addendum to support its approach to older persons' accommodation.
- 1.6 We reference the following specific documents within our response below, as they were not available at the time of the last consultation:
 - ***Evidence base to support Allocation SA20 – Relevant Examination (Documents: SA 20.1, SA 20.8, SA 20.9);***
 - ***Housing for Older People Topic Paper (Examination Document TP4); and***
 - ***Site Allocations Development Plan Document Statement of Consultation Regulation 22(1)(c) Appendix 9 -Summary of Responses (Regulation 19) – Policies (December 2020).***
- 1.7 Our response below assesses the Council's approach in light of national policy and demonstrates how the approach taken to the delivery of C2 uses within the Site Allocations DPD conflicts with the Mid Sussex District Plan 2014-2031 (adopted 28th March 2018), the National Planning Policy Framework (2019) and the Planning Practice Guidance. In so doing, we refer to recent appeal decisions in the District, and a report (enclosed at **Appendix 3**) prepared on behalf of our client by HPC entitled 'Care Home Need Assessment – May 2021) which considers the extent of the need.

2. Matters to be examined

- 2.1 Our client is concerned that the Submission Draft SADPD does not allocate sufficient and specific sites to meet the identified need for older person's accommodation in the District.

Conformity with the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG)

- 2.2 The revised National Planning Policy Framework ('the NPPF 2019') was published in February 2019. In line with paragraph 61, the NPPF 2019 seeks the delivery of a wide choice of high quality homes, increased opportunities home ownership and sustainable, inclusive and mixed communities. In achieving appropriate densities, Paragraph 122 asks that policies and decisions should support development that makes efficient use of land, taking into account:

(a) *"the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;....*

- 2.3 The Planning Practice Guidance (PPG) sets out how a number of the Government's planning policies in the NPPF are expected to be applied and forms an additional material consideration in the assessment of the proposed development which should be afforded significant weight due to the identified and demonstrable need to provide for the needs of older people in general, but particularly given the level of need identified (and which is currently unaddressed) within the District.
- 2.4 As we detailed within our Regulation 19 representations, in preparing the SADPD, there had been no specific work undertaken by the Council to ascertain whether there was a requirement to allocate sites for C2 uses, despite a clear requirement in MSDP Policy DP30 to do so. The reliance on the out dated HEDNA Addendum 2016 is not appropriate.
- 2.5 This approach is flawed and unsound, in the context of national planning; in terms of the requirements set out in the adopted District Local Plan; and as clearly exemplified through the recently allowed at appeal at *"Site of the former Hazeldens Nursery, London Road, Albourne, West Sussex BN6 9BL"* (Appeal Ref: APP/D3830/W/19/3241644) (enclosed as **Appendix 1**).
- 2.6 Indeed, during that appeal, the Council itself agreed in a Statement of Common of Ground (enclosed as **Appendix 2**) that there was a significant unmet need for older persons' accommodation within the District, yet this draft SA DPD does nothing to address the issue.
- 2.7 Our latest report, enclosed at **Appendix 3**, confirms a total requirement for 1,111 elderly care beds in the District at this time. This level of demand rises to 1,227 by 2025 and 1,401 by 2030.

Conflict between the draft Site Allocations DPD with the adopted Mid Sussex Local Plan

- 2.8 As a 'daughter document' to the Mid Sussex District Plan 2014 – 2031 (adopted March 2018) (the 'MSDP'), it is necessary for the Council to produce a plan that is in general conformity with that earlier document and the policies contained there within.
- 2.9 It is noteworthy that paragraph 2.9 of the plan confirms the challenges faced by the District. This includes an ageing population with the number of people aged over 65 likely to increase by 3.1% from 18.1% to 21.2% by 2021. Further, it is expected that the proportion of the population aged over 85 will increase by 0.5%.
- 2.10 Of particular relevance is Policy DP30 (Housing Mix) of the MSDP which sets out to "meet the current and future needs of different groups in the community including older people..." but goes on to state that:
- "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."***
- 2.11 The supporting text to Policy DP30 (housing mix) advises that "the Council supports the provision of flexible general market housing and specialist accommodation or care appropriate for older persons through both public and private sector provision".
- 2.12 It then notes that "specialist accommodation and care homes falling within Use Class C2 form a very specific part of the housing needs market. Supported accommodation such as this, falls within the definition of social infrastructure which also includes community facilities and local services including buildings."
- 2.13 The Inspector's Report into the MSDP clearly noted at paragraph 39 that "MM20 also allows for the allocation of specialist accommodation and care homes falling within Use Class C2 through a future site allocations document."
- 2.14 Despite a clear requirement and expectation from the Inspector within the MSDP that there would be further assessment of the future needs for older persons' accommodation in the subsequent SADPD, the draft SADPD whilst at Regulation 19 consultation stage was not supported by any evidence regarding the need for older persons' accommodation.
- 2.15 Indeed, no specific sites solely for older person's accommodation are allocated in the adopted MSDP, presumably as the Council do not consider that there was an identified need, and a single mixed use allocation including an unknown quantum of C2 accommodation is proposed in the draft SADPD.
- 2.16 As we highlight below, a recent Section 78 appeal has highlighted the scale of such need in the District, has recognised that that need is not currently being met, and consequently that it will continue not be met through the approach advocated within the policies in the draft SA DPD.

- 2.17 We note that the Plan Period for the MSDP and the SADPD runs to 2031, with over 8 years remaining from the proposed time of the SA DPD adoption to the end of the plan period. The Local Development Scheme (2020) indicates that the Mid Sussex District Plan Review may be adopted by Winter 2023 (subject to no delays), which in essence results in one single allocation at SA20 for an undefined quantum of C2 development being proposed in the District for the entire period between 2014-2023.
- 2.18 In our opinion it is unsound to rely upon a future District Plan Review to meet the existing unmet C2 need or the need arising before the end of the plan period. The Council repeat several times within Document TP4 that *“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 needs¹. The Council contends at paragraph 1.40 of TP4 that the 2016 Tandridge Court of Appeal Judgment means that an LPA is not obliged to re-assess needs.
- 2.19 This is simply not the case for Mid Sussex, given the provision within the MSDP at policy DP30 provides an opportunity to address recognised C2 needs within the SADPD. Indeed, it was for the very reason that the Council were trying to *‘kick the can down the road’* during the NSDP Examination that DP30 is framed as it is. It is for the SADPD to deal with that urgent recognised need, now.
- 2.20 It is apparent that policy SA20 alongside the wider approach taken by MSDC to C2 uses fails to ensure that *“a sufficient number and range of homes can be provided to meet the needs of present and future generations”*².
- 2.21 The Council’s stated approach fails to demonstrate that the SADPD has been *‘positively prepared’* to meet the housing requirements of older people, and nor is it consistent with national policy as referenced above.

Identified need for older persons’ accommodation

- 2.22 The Council has previously stated that there is existing provision for any unmet C2 need through the allocation of ‘general housing’ sites, and that older persons’ accommodation could be built there. We do not consider that that is correct or supported by any substantive evidence, and indeed does not reflect the very specific requirements of operators, which is different mainstream housebuilders. It is as a result of this stance that we assume no further sites have been identified in the draft SADPD.
- 2.23 This matter has been robustly considered in a recently allowed Section 78 Appeal lodged by RV Developments Ltd & Notcutts Ltd at **“Site of the former Hazeldens Nursery, London Road, Albourne, West Sussex, BN6 9BL”** (Appeal Ref: APP/D3830/W/19/3241644) (included at **Appendix 1**).
- 2.24 Towards the end of the inquiry an *“Agreed Statement on Mid Sussex Extra Care Housing Supply”* was submitted to the Inspector (dated 30th July 2020). A copy of this document is reproduced at **Appendix 2**. This appears to present an agreed position

¹ Paragraph 1.64 of TP4

² Paragraph 8 of the NPPF (2019)

between the Council and the Appellant on supply, but with differing positions on overall need and therefore shortfall of supply against need. In the Council's scenario (Tables 1 and 3) there is an agreed shortfall of at least **251** C2 bed spaces in 2020, and **269** bed spaces in 2030. The Appellants evidence stated a shortfall **552** C2 bed spaces in 2020 and **665** bed spaces in 2030.

- 2.25 It is apparent that in either scenario there is a significant unmet need in C2 units at both 2020 and 2030. Our report at **Appendix 3** suggests that it is considerably more than that included within that SOCG.
- 2.26 The draft SADPD therefore does not appear to reflect the position the Council stated / agreed at the recent inquiry. It certainly does not plan to meet the needs recognised at the appeal.
- 2.27 There are a number of parts of that appeal decision that are pertinent to the SADPD, but we draw attention to the following paragraphs in particular. The Inspector made very clear observations on the appropriateness of those documents:
- "86. **The assessment in the HEDNA Addendum relies on population data that is now out-of-date. Its conclusions on elderly care needs justify reconsideration using the 2016-based population data. The only such assessment has been provided by the Appellants and, on the basis of a provision rate of 2.5%, this indicates a demand for extra care units of 386 in 2020. On the basis of a 4.5% provision rate the equivalent figure is 694 units.**"*
- 2.28 Following a robust analysis, the Inspector considered that there was an identified unmet need for older persons' accommodation:
- "93. **In the circumstances I consider that the evidence indicates a significant level of current unmet need, in particular for extra care leasehold housing, whichever provision rate is adopted. Furthermore, this will significantly increase over the local plan period. This situation has not been helped by the slow progress on the SA DPD and the failure to recognise an unmet need that is clearly evident. The Council's riposte that it is not being inundated by enquiries or applications for this type of development does not seem to me to be a very robust or objective yardstick on which to rely. For all of these reasons I consider that the provision of extra care units by the appeal development to be a matter of substantial weight.**"*
- 2.29 This conclusion is absolute and compelling. It is apparent that even with the Council's proposed single draft allocation (of unquantified scale and type) and with the recent appeal scheme being delivered, the unmet need for older persons' accommodation remains significant.
- 2.30 Within **Appendix 3** to this submissions, and in the absence of any documentation contained within the Council's evidence base supporting the draft SADPD, we set out our assessment of the need for older persons' accommodation in the District and summarise the planning requirement for the Council to meet its needs in full.

- 2.31 Noting the conclusions of the Albourne appeal conclusions, the Council published a Topic Paper (Document reference TP4). Interestingly at paragraph 1.2, it notes that ***'the need to provide housing for older people is critical'***.
- 2.32 Our Client agrees and also concurs with paragraph 1.3 which references the Framework and the requirements for *"a sufficient amount and variety of land comes forward to meet the needs of groups with specific housing requirements including housing for older people"*.
- 2.33 Interestingly, paragraph 1.6 also refers to the National Planning Practice Guidance (PPG) emphasising 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"*.
- 2.34 Despite MSDC acknowledging within Document TP4 that it needs to plan for housing for older people, they have continued to fail to identify the need and then positively plan for it.
- 2.35 Our Client further disagrees with the Council's conclusion that *'the general evidence is that the District has a functioning specialist older persons housing market that is meeting demand'*³.
- 2.36 In the absence of any alternative documentation within the evidence base which was prepared **before** the Regulation 19 document was published, the Council was entirely reliant on the previous HEDNA and its addendum. That remains the only assessment of need before this Examination. It has been found to be out of date.
- (i) Identifying need for older persons' accommodation, and positively planning to meet it in full.***
- 2.37 We question why MSDC continue to fail to plan positively to meet the needs of 'older people' and why it is so resistant to updating the 2016 HEDNA Addendum when it has a clear duty to do so. There is no up to date evidence from MSDC before this Examination (contrary to NPPF paragraphs 59/61) in order to identify the specific quantum of need, which the NPPF/PPG requires to be met in full. There are no exceptional circumstances to justify an alternative approach.
- 2.38 The Council, as set out within the topic paper at paragraph 1.29, appear to rely upon its strategic housing allocations to bring forward its C2 use needs rather than specific allocations for C2 uses. There is no certainty that the needs for older people will be delivered within the strategic housing allocations and fails to provide a positive strategy to meet the housing needs for older people over the plan period in line with paragraph 35 of the Framework. As referenced above, allocation SA20 is the only allocation to make reference to a care community, with no identified quantum within the policy.

³ Paragraph 1.40 of TP4

(ii) The reliance upon development to be delivered on existing brownfield sites

- 2.39 The Council has identified the need to allocate development within the AONB as part of its spatial strategy contained within the Mid Sussex District Plan (MSDP) (and the proposed allocations within the SADPD) on account of a lack of brownfield land available to accommodate its housing requirements. Therefore, if the site allocations do not bring forward C2 uses, it is highly unlikely that the significant unmet need for C2 uses will be accommodated on brownfield sites within the District.
- 2.40 The strategy being advocated by MSDC for delivering its housing needs for ‘older people’⁴, which is a strategic planning matter, is to rely principally on windfall brownfield sites, of which there is clearly a limited supply.
- 2.41 The above approach fails to demonstrate that the SADPD and SA20 has been positively prepared to meet the needs for older people nor justified with regard the strategy approach to delivering C2 uses in light of the MSDP and the supporting evidence base.
- 2.42 In summary, the approach taken within the draft SA DPD fails to meet the need for older person’s accommodation in the District, and therefore the SA DPD cannot be considered to be sound, because in our assessment:
- There is a pressing requirement to meet the diverse range of housing needs generated by a rapidly growing older population in England, who are generally living longer but spending more years in poor health. The Government requires such needs to be assessed and reflected through planning policies, and confirms that local authorities must take ‘a positive approach’ when assessing applications that propose to address an identified need for specialist older persons’ housing (PPG Reference ID 63-016-20190626);
 - The elderly population of Mid Sussex aged 65 and over is projected to increase by almost half over the current plan period to 2031, with particularly strong growth amongst the oldest cohorts (75+) which exceeds that anticipated regionally or nationally. The Council’s evidence base has attributed this growth both to people living longer and the continued attraction of retirees, particularly from London and its surrounding area;
 - The Council’s HEDNA evidence base applies national benchmarks to estimate the demand for specialist housing that could be generated by older residents, which is compared to current supply and reveals – in broad terms – an existing shortfall that will increase by 2031 without further provision. Resolving this shortfall would require an average of 160 bedspaces in specialist accommodation **each year**; and
 - Its breakdown by type of provision confirms a need for residential care homes but implies that there is an “oversupply” of nursing care homes both now and in the future, though such a simplistic interpretation belies its inherent uncertainties and limitations. It is ultimately based on national benchmarks of demand, which appear to understate the rate at which Mid Sussex residents

⁴ As defined within the NPPF (2019)

currently require nursing care. Such national benchmarks have some merit but should not be viewed as definitive. An alternative approach introduced in this report, which assumes that a growing older population continues to occupy such accommodation at the existing rate proven in Mid Sussex, more than doubles the Council's estimate of need, and would require the development of at least one new care home each year.

- 2.43 The Council's generalised claim that there is no need for care homes is considered to be unsubstantiated, and it should – based on the recent conclusions of an Inspector – take a more positive approach to meeting the needs of a growing elderly population.
- 2.44 Finally, we would respectfully draw the Inspector to the interim findings of his colleague Inspector Clark, at the Aylesbury Vale Local Plan Examination (see **Appendix 4**), where in his interim findings (29 August 2018) he clearly stated at paragraphs 59 and 60 that it was necessary for that plan to be amended to meet specific housing needs.

59) Although VALP paragraphs 5.57 to 5.61 summarise the section of the HEDNA which analyses the housing needs of older people and which quotes from national Guidance identifying separate categories of sheltered, enhanced sheltered, extra care and registered care housing as well as residential institutions (Use Class C2) and also quotes the 2012 Housing Our Ageing Population report which differentiates between mainstream housing, specialised housing and Care Homes, policy H6 itself does not seem to recognise that specialised housing and Care Homes cannot simply be "peppercotted" as a percentage of general mainstream housing but need to be provided collectively in institutional or quasiinstitutional groupings with a substantial critical mass sufficient to pay for the support services which are provided.

"60) Nor does it appear to include any allocations or policy provision for sheltered housing schemes or any of the other categories of nonmainstream housing for older people described in national Guidance. Consequently, it does not demonstrate that it provides for these housing needs of older people and so is unsound in that respect. The Council needs to revisit this part of policy H6."

3. Summary

- 3.1 As we have demonstrated, the SADPD is unable, and failing, to provide for the levels of housing and care accommodation required to meet the needs of older people. The emerging Site Allocations DPD will also not do so.
- 3.2 As such, in our specific response to Matter 3.8, yes there is a need for qualitative parameters for housing provision in plan, specifically for older persons' accommodation (Use Class C2).
- 3.3 The submissions above demonstrate that the draft SADPD does not meet the tests of soundness identified at paragraph 35 of the NPPF (2019):
- **Positively prepared** – the SADPD cannot be regarded as being positively prepared as it fails to meet the identified areas objectively assessed needs for older person' accommodation;
 - **Justified** – the SADPD does not include an appropriate strategy, taking into account the reasonable alternatives, to meet the meet the needs for older person' accommodation. There is no evidence to support the Council's approach, and as identified in the Albourne appeal, the previous HEDNA and its Addendum is Out of Date;
 - **Effective** – the Plan is not effective. As a daughter document to the MSDP, Policy DP30 (Housing Mix) is relevant. It required that *"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."* As we have highlighted, a significant identified shortfall does exist, and it is apparent that the single, unclear allocation, will not meet those identified needs in full.
 - **Consistent with national policy** – the SADPD does not accord with the policies in the Framework and PPG as it fails to meet in full the needs of the District.
- 3.4 For the reasons identified above, the draft SADPD is unsound. To remedy these concerns, the Council must allocate specific sites to meet the identified need for older persons' accommodation. The recent appeal decision at Albourne provides clarification on this matter.
- 3.5 Our clients' site is available and deliverable, as confirmed by the 2018 SHELAA (site reference 269), and can therefore meet in part those needs. The "Housing for Older People Topic Paper (Examination Document TP4) at Appendix 2 states that the site has been set aside due to it being "unrelated to an existing settlement boundary". Yet we note that a number of protected employment sites, as set out in draft Policy SA34, surround the site. It is an entirely appropriate site for the use proposed.

Appendix 1: Appeal Decision



Appeal Decision

Inquiry Held on 20-22, 24, 27, 28, 30, 31 July and 6 August 2020

Site visits made on 16 July, 7 and 16 August 2020

by Christina Downes BSc DipTP MRTPI

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

Decision date: 11 September 2020

Appeal Ref: APP/D3830/W/19/3241644

Site of the former Hazeldens Nursery, London Road, Albourne, West Sussex BN6 9BL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by RV Developments Ltd and Notcutts Ltd against the decision of Mid Sussex District Council.
 - The application Ref DM/19/1001, dated 8 March 2019, was refused by notice dated 26 July 2019.
 - The development proposed is an extra care development of up to 84 units (comprising of apartments and cottages) all within Use Class C2, associated communal facilities. 2 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 include the demolition of the existing bungalow on the site.
-

DECISION

1. The appeal is allowed and outline planning permission is granted for an extra care development of up to 84 units (comprising of apartments and cottages) all within Use Class C2, associated communal facilities. 2 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 include the demolition of the existing bungalow on the site on the site of the former Hazeldens Nursery, London Road, Albourne, in accordance with the terms of the application, Ref DM/19/1001, dated 8 March 2019, subject to the conditions in Annex C to this decision.

PROCEDURAL MATTERS

2. A costs application was made by RV Developments Ltd and Notcutts Ltd against Mid Sussex District Council. This is the subject of a separate Decision.
3. The application was made in outline form with access as the only matter to be considered at this stage. It was accompanied by a Parameter Plan (drawing no: RETI150215 PP-01 rev G) along with a detailed plan of the access and traffic calming measures proposed along London Road (drawing no: 1701-56 SK08 rev B). Following discussion at the inquiry it was agreed that the Sketch Layout (drawing no: RETI150215 SKL-04 rev J) should also be treated as an application drawing.

4. At the request of the Appellants, I undertook an accompanied visit to Charters Village, one of Retirement Villages' extra care developments in East Grinstead, West Sussex.
5. The proposal is supported by a Planning Obligation by Agreement (S106 Agreement) and a Planning Obligation by Unilateral Undertaking (UU). Just before the close of the inquiry the Council and the Appellants were involved in further discussions about the definition of Personal Care in the UU, amongst other things. As a result, changes were made whereby the Council reviewed its position and agreed that the proposed development would fall with Use Class Use C2 rather than Class C3 in the *Town and Country Planning (Use Classes) Order 1987 (as amended)*. As a consequence, there was no longer a policy requirement for affordable housing and the reason for refusal relating to that matter was no longer pursued. In order to allow the completion and engrossment of the legal documents, I agreed to a short extension of time following the close of the inquiry.
6. The planning application was made with reference to Use Class C2 in the description of the proposal. I was told that the Council would not validate it unless this reference was removed, which the Appellants agreed to do although by accounts not altogether willingly. In any event, as indicated in the preceding paragraph there is now no dispute that the proposal would fall within Class C2 and so it remains in the description as originally submitted.

REASONS

PLANNING POLICY CONTEXT AND THE APPROACH TO DECISION MAKING

7. For the purposes of this appeal the relevant part of the development plan comprises the *Mid Sussex District Plan 2014-2031* adopted in March 2018 (the MSDP) and the *Albourne Parish Council Neighbourhood Plan* made in September 2016 (the ANP). I do not consider that there are any pertinent saved policies or allocations in the *Mid Sussex Local Plan* (2004) or the *Small Scale Housing Allocations Development Plan Document* (2008) in this case. I return to this briefly below. The *West Sussex Joint Minerals Local Plan* (2018) is agreed by all parties not to be relevant.
8. It is the Appellants' case that the presumption in favour of sustainable development applies as set out in paragraph 11 of the *National Planning Policy Framework* (the Framework). This is on two counts each of which is considered below. The first is that the development plan itself is not up-to-date. If that is the case, then the Appellants agree that paragraph 11c) could not apply. The second is that the basket of most important policies for determining the application are out-of-date because they are inconsistent with Framework policies. It is agreed between the main parties that the Council is able to demonstrate a five-year supply of deliverable sites to meet its housing requirement.

Whether the development plan as a whole is up-to-date

9. The Council has chosen to adopt a two-stage approach whereby the MSDP only includes strategic allocations, with the smaller housing sites to be identified through a *Site Allocations Development Plan Document* (SA DPD) and neighbourhood plans. Policy DP4 in the MSDP anticipates the former document

being adopted in 2020, but the 2019 Local Development Scheme envisages this to be the summer of 2021. I was told at the inquiry that the Regulation 19 consultation had only just commenced and so there appears to have been further slippage and a more realistic assessment would be adoption later next year or even early in 2022.

10. The 2004 *Planning & Compulsory Purchase Act (as amended)* requires local planning authorities to identify strategic priorities for the development and use of land in their area. Policies in the development plan document must address these priorities. This is reflected in paragraph 17 of the Framework and similarly in the 2012 version of the Framework. The MSDP sets strategic priorities (termed objectives) in Chapter 2 and the policies to address them in Chapter 4. These include policy DP4. As mentioned above, policy DP4 specifically refers to the subsequent preparation of the SA DPD. If this had been required to have been produced at the same time it is difficult to see how the Examining Inspector could have been found it legally compliant in terms of consistency with national policy or legislation. However, it was found to be sound and as far as I am aware, no legal challenge was made to its adoption.
11. It is the case that the Examining Inspector indicated an expectation that the SA DPD would follow "*soon after this plan*" and recorded that the Council had committed to bringing it forward "*at an early date*". However, there was no clear indication as to the anticipated timeframe, apart from what is indicated in policy DP4. There has clearly been slippage but, the complaint that the MSDP does not adequately address small sites coming forward is as true now as it was when the plan was found sound. The Framework does not require a plan to necessarily allocate all of the housing land supply for the whole plan period. That is why it distinguishes between deliverable and developable sites during different stages of the lifetime of the plan.
12. In any event, the MSDP includes other means for bringing small sites forwards including neighbourhood plans. Mid Sussex District has a good coverage of such plans, albeit that most were made under the auspices of the 2004 Local Plan. Nevertheless, there is insufficient evidence to support the Appellants' assertion that this therefore means that the contribution of small sites from this source is "nominal" on a district-wide basis. Whilst the Albourne Neighbourhood Plan includes few allocations, it is one of around 20 such plans. Policy DP6 is permissive of settlement expansion and allows small sites of less than 10 dwellings to come forwards under certain conditions. The Examining Inspector considered that it provided the MSDP with extra robustness and flexibility in maintaining a rolling 5-year supply of housing land.
13. For all of the above reasons I do not consider that the development plan is out-of-date at the present time.

The most important policies for determining this application

14. The Council and the Appellants consider that the following policies, which are included in the reasons for refusal, should be considered most important:

- MSDP: DP6, DP12, DP15, DP21, DP31, DP34, DP35
- ANP: ALC1, ALH1

All of these seem to me to fall within this category, save for policy DP31

relating to affordable housing. This rested on the dispute about whether the proposal fell within Use Class C2 or Use Class C3 and this in turn was resolved by the tightening of the definition of "Personal Care" in the UU. This document was not finalised at the time that the planning application was being considered by the Council and there was thus scope for change, as indeed happened during the inquiry. There was no dispute that the policy does not apply to Use Class C2 housing proposals and so, whilst it is relevant, I do not consider policy DP31 is of key importance to the determination of the application.

15. There are a number of disputed policies, which are as follows:

- Policy DP4 relates to housing delivery and sets out the District's housing requirement and how it will be addressed. It also commits to the preparation of a SA DPD as referred to above. It is clearly relevant to the consideration of a housing proposal, but it is not a development management policy that plays a significant role in determining planning applications. It is thus not a most important policy in this case.
- Policy DP20 is included in the reasons for refusal and relates to securing infrastructure and mitigation through planning obligations or the Community Infrastructure Levy. This will be addressed through the legal Deeds and, whilst clearly relevant is not to my mind of most importance.
- Policy DP25 concerns community facilities and local services and the supporting text makes clear that specialist accommodation and care homes are included. This supports the type of development being proposed and is therefore a most important policy in this case.
- Policy DP30 relates to housing mix and the need to meet the current needs of different groups in the community, including older people. It is a most important policy to the consideration of this proposal.
- Policy ALH2 in the ANP is an allocation for 2 houses in Albourne. This is not of particular relevance to the proposal and is not a most important policy.

16. The Appellants consider the saved policies in the 2004 Local Plan and policies SSH/7 to SSH/18 in the 2008 Small Scale Housing Allocations Development Plan Document to be most important. These relate mainly to site specific matters and allocations. Both are based on an out-of-date housing requirement established in the West Sussex Structure Plan. They also do not address the need for elderly persons accommodation. However, their relevance to the current proposal is tenuous and they are not of pertinence to this application.

17. Drawing together the above points, the most important policies to the determination of this application are:

- MSDP: DP6, DP12, DP15, DP21, DP25, DP30, DP34, DP35
- ANP: ALC1, ALH1

Whether the most important policies are out-of-date

18. Whether the aforementioned policies are considered out-of-date in terms of paragraph 11d) of the Framework will depend on their degree of consistency with its policies. This was not a matter that the Council specifically addressed in its evidence, but I agree with the Appellants' assessment that policies DP21,

- DP34 and DP35 are consistent and can be considered up-to-date.
19. The Appellants' complaint regarding policies DP6, DP15, DP25 and DP30 is that they fail to address the way that extra care housing will be provided to meet identified needs as required by the Framework and Planning Practice Guidance.
 20. The assessment of need, including for older person's housing, was undertaken through the Housing and Economic Needs Assessment (HEDNA) and its Addendum and formed part of the evidence base for the MSDP. Whilst this has been strongly criticised by the Appellants on many counts it nevertheless does provide an assessment of the type and tenure of housing needed for older people. Furthermore, it is clear that the Examining Inspector considered the matter of older person's housing. Policy DP30 was found sound, subject to modifications that were subsequently incorporated.
 21. The matter of need is considered in detail later. However, policies DP25 and DP30 flow from the assessment of need in the HEDNA Addendum. Policy DP30 indicates that current and future needs of different community groups, including older people, will be met and that if there is found to be a shortfall in Class C2 housing, allocations through the SA DPD will be considered. There is an allocated site (SA 20) within that draft document for a care community. The Appellants are critical of this for various reasons, but the plan is still at an early stage and these will be considered at the examination in due course.
 22. Policy DP6 supports settlement growth, including to meet identified community needs. Bearing in mind the terms of policy DP25, this could include extra care housing. Policy DP15 addresses housing in the countryside and refers to policy DP6 as a criterion. The Planning Practice Guidance is not prescriptive as to how the housing needs of older people are addressed in planning policies. Overall, the aforementioned policies are, in my opinion, consistent with the guidance and Framework policy, including paragraph 61.
 23. Policy DP12 indicates that the countryside will be protected in recognition of its intrinsic character and beauty. It also refers to various landscape documents and evidence to be used in the assessment of the impact of development proposals. Whilst the wording could be improved, it does not seem to me to imply uncritical protection but rather a more nuanced approach that takes account of the effect on the quality and character of the landscape in question. To my mind this is consistent with the policy in both the 2012 Framework, under which the MSDP was considered, and the current version (2019). In that respect I do not agree with the Inspector in the Bolney appeal that the approach to protection has materially changed between the two documents.
 24. Policy ALC1 seeks to maintain and where possible enhance the quality of the rural and landscape character of the Parish. Overall, its terms seem to me to be similar to policy DP12.
 25. Policy ALH1 generally supports development on land immediately adjoining the built-up boundary, whereas policy DP6 permits such development if it is contiguous with an existing built-up area. Policy ALH1 also has the added requirement that other than a brownfield site the development must be infill and surrounded by existing development. These provisions are more restrictive than policy DP6 in the MSDP, which as the more recent policy in the development plan therefore takes precedence.

Whether the basket of most important policies is out-of-date

26. From the above, I have found that other than policy ALH1 in the ANP, the most important policies are not out-of-date and in the circumstances I do not consider that the basket overall is out-of-date either.

Conclusions

27. Paragraph 11 of the Framework sets out the approach to decision making within the context of the presumption in favour of sustainable development. In this case there are development plan policies relevant to the determination of this application and overall, I conclude that they are not out-of-date. Paragraph 11d)ii) is therefore not engaged.

28. In such circumstances it will be necessary to consider whether the proposal would accord with an up-to-date development plan and whether paragraph 11c) is engaged. This is a matter to which I will return in my final conclusions.

THE EFFECT OF THE PROPOSAL ON THE CHARACTER AND APPEARANCE OF THE AREA AND THE SURROUNDING LANDSCAPE, INCLUDING THE NEARBY SOUTH DOWNS NATIONAL PARK

29. The appeal site comprises about 4.4 hectares of land on the western side of London Road. Its previous longstanding use as a nursery ceased several years ago. The large glasshouses that once stood on the northern area have been demolished and all that now exists are remnant hardstandings. A small bungalow occupies the north-eastern part of the site. This building would be demolished, and the site would be redeveloped with 84 extra care dwellings within a mix of apartment buildings and bungalows. The site is outside the defined built-up boundary of Albourne and is therefore in the countryside for policy purposes.

Effect on the landscape

30. The appeal site is within the Hurstpierpoint Scarp Footslopes Landscape Character Area (the LCA) in the *Mid Sussex Landscape Character Assessment* (2005). Key characteristics include undulating sandstone ridges and clay vales; an agricultural and pastoral rural landscape; a mosaic of small and large fields; woodlands, shaws and hedgerows with woodland trees; expanded ridge line villages; traditional rural buildings and dispersed farmsteads; and a criss-cross of busy roads. In addition, views are dominated by the steep downward scarp of the South Downs.

31. The site boundaries are bordered by boundary tree and hedge lines, but in places these are patchy and their quality is diminished in places by the incursion of non-indigenous conifers. There is a small ridge running east to west across the northern part, which includes the roadways, hardstandings and bungalow along with conifer tree lines and groups. There is a narrow view of the South Downs framed by vegetation. The southern section is on the shallow valley side running down to Cutlers Brook and comprises rough grassland. From here there are open views southwards to the escarpment. Two lines of non-native hybrid black poplars cross the western section, which were grown as shelter belts for the nursery stock.

32. Unlike Albourne and the surrounding countryside, I do not consider that the

- appeal site is typical of the LCA of which it forms a part. Although it includes some characteristics such as the shallow ridge and some outward views to the escarpment, its tree and hedge lines are not particularly strong and its use as a nursery over many years has changed its character substantially. In my opinion, it is not well integrated with the wider landscape.
33. The appeal proposal is in outline, with the layout and external appearance to be considered at a later stage. However, the Parameters Plan and Sketch Layout help to establish some basic principles. The *Arboricultural Impact Assessment* indicates that a number of trees and tree groups within the site would be removed. These include the non-indigenous conifers and all those to be felled are judged by the Tree Survey to be of low quality and value. The better trees are mainly along the site boundaries and would be retained. Some of the hybrid black poplars would be removed but most would be assessed and, if necessary, there would be a phased programme of replacement with native tree stock. There would also be additional indigenous tree planting in the south-western corner in front of the incongruous conifer hedge along the boundary with Spurk Barn.
34. The built development would be within the western and eastern parts of the site with groups of cottages and apartment buildings set within landscaped gardens and interspersed with intervening belts of trees. The cottages would be one and a half storeys in height whilst the apartment buildings would be two-storeys with some higher elements incorporating accommodation in the roof. A 10m landscaped swathe between the trees along the London Road boundary and the adjacent apartment buildings is proposed. The largest building would be the two-storey clubhouse, which would be at the northern end of the site. There would be views maintained through to the South Downs escarpment, although these would be within the context of a built environment.
35. Undoubtedly the character of the site would change. The proposal would replace open and largely undeveloped land with buildings and hard surfacing within a green framework. However, as the site shares few of the features that provide this LCA with its identity and taking account of the large area that it covers, the overall impact would be small-scale and localised. In terms of the tree cover, the replacement of the non-indigenous species, especially the conifer stands, with native trees would be a landscape benefit that would increase as the new planting matures. For the reasons given below, I do not consider that the appeal scheme would be seen as an expansion of the ridgeline village. However, for the aforementioned reasons, the harm that would arise to landscape character would be relatively small and would reduce over time.

Visual effects

36. There are public footpaths close to the northern and western boundaries of the site and these run west and south into the open countryside. They appear to be well used and provide attractive routes that link up with a wider network of paths for informal recreation. Walkers are likely to particularly value the rural nature of these paths and the attractive views of the South Downs escarpment and Wolstonbury Hill. These people will be attuned to the environment through which they pass and thus highly sensitive to change. However, it is important to remember that this will be a kinetic experience, which will continually

change as the receptor moves through the countryside.

37. During my visits to the area, I walked along the adjoining footpaths and to my mind the place where the impact of the new development would be greatest would be from the stretch of Footpath 19/1AI that runs adjacent to the northern boundary. From the direction of London Road, the site is on the left. At present there are intermittent inward views between trees and vegetation, with a framed view of the escarpment about half-way along. However, this corridor is not altogether rural in character and the inward view includes the hard standings, roadway and bungalow as well as tall stands of conifer trees. In addition, on the other side of the footpath is the large, hard surfaced car park of the Brethren's Meeting Hall. Whilst this is relatively well screened by the mixed indigenous hedge along the boundary, there are glimpses through the green wire fence and a full view through the metal gate. In addition, the managed appearance of the hedge and tall lighting columns that project above it further detract from the rural ambience. Further along the path, the large barrel roofed building itself comes into view.
38. Nevertheless, the appeal development would result in a considerable change on the southern side of the footpath. Whilst the Sketch Layout shows some tree retention and a belt of new planting, the new buildings would be evident to the observer and most particularly the long rear elevation of the clubhouse. Whilst a view of the South Downs would be maintained this would be framed by built development rather than vegetation. The existing user experience would therefore be considerably diminished although the adverse effects would be reduced over time as the new planting matures. Furthermore, these effects would be experienced over a relatively small section of the walk. Once past the site the footpath emerges into open farmland.
39. Approaching the site along Footpath 19/1AI from the other direction, there is a wide panorama. At various points this includes the Brethren's Meeting Hall building, the houses in the village amongst trees, the vineyard and the roof of Spurk Barn with Wolstonbury Hill behind. There are glimpses through the trees along the western site boundary of the bungalow and the conifers along the London Road frontage. The understorey is variable, and following development I have little doubt that filtered views of the new buildings would be seen, especially during the winter months. Whilst reinforcement planting with species such as holly would provide more screening, I am doubtful that it would be wholly effective in the longer term. Although there would be large gaps between the clusters of new buildings, the context of Spurk Barn as a lone rural outlier would also be compromised.
40. Footpath 18AI runs close to the western site boundary but when moving southwards the walker's attention is likely to be particularly drawn to the open panoramic view of attractive countryside and the dramatic form of the South Downs escarpment in the background. Views into the site would be to one side and secondary in the overall experience. In the other direction, Spurk Barn is the first building to come into view on the right-hand side. With its relatively open frontage and domesticised curtilage, the effect of the new development behind the trees would not be particularly pronounced.
41. Along the eastern site boundary, the bank with trees and understorey vegetation provides a relatively good screen to London Road. However, in

- places the cover is patchier and there are filtered views into the site, which will be more pronounced in winter. Motorists would be concentrating on the road ahead and so would have a lower awareness of changes to the peripheral view. There is a footway along the eastern side of the road, and I was told that this is relatively well used by dog walkers and those working in the businesses further to the south. For these people there would be a change, but it would be on one side and within the context of a relatively busy road and the existing built development along the eastern side of London Road.
42. The north-eastern corner of the site would be opened up with a new section of footway along the frontage and a new engineered access. This would entail some frontage tree removal, although the higher value oak tree is shown to be retained. From this point there would be a considerable change with views of the new clubhouse, cottages and apartments. New landscaping would provide some mitigation and the change would be experienced within the context of other urbanising influences. These include the wide green metal gates and entrance to the Brethren's Meeting Hall adjacent and the relatively prominent historic stuccoed houses opposite.
43. I observed the site from more distant footpaths, approaching along London Road in both directions and from various points in Church Lane. However, taking account of the undulating topography and the benefit of distance, I judged that the visual impact would be largely benign. I walked up Wolstonbury Hill and to the Devil's Dyke but was unable to identify the site from these more distant locations due to the vegetation cover. It may be that there would more visibility following development and in winter. However, this would be within the context of a wide panorama that includes built development.
44. In the circumstances, even if it were to be seen, I do not consider that the appeal scheme would materially detract from the enjoyment of these panoramic views. The site is not within the Dark Skies zone of the South Downs National Park and whilst the development would introduce new lighting this could be controlled. In addition, it would be seen within the context of lights in other villages, towns and roadways. In the circumstances there would be no conflict with policy ALC2 or the dark skies initiative in the ANP.
45. For all of these reasons I consider that there would be some adverse visual impacts, particularly for footpath users and at the site entrance on London Road. However, these would be limited and localised. The adverse effects would be reduced but not eliminated as new landscaping and tree planting matures.

Effect on the character of the settlement of Albourne

46. Albourne is a ridgeline village and its main historic core is around The Street and Church Lane with a smaller historic group of houses to the north at Albourne Green. By the mid-20th century the space between these two areas had been infilled and later still the village expanded eastwards. The village therefore has a mixed character with the older parts in particular being defined by their wooded setting. The village boundary is quite tightly defined for policy purposes. However, as often happens, there is a more dispersed settlement pattern with linear development radiating outwards along the road frontages,

- including along the eastern side of London Road as far as Cutlers Brook. The built-up area is therefore more extensive than the policy boundary.
47. The agrarian landscape provides the setting for this Downland village, but for the reasons I have given above the appeal site is not representative of its rural surroundings. Whilst it is largely undeveloped, in my opinion it contributes little to the context of the village. On the other hand, the proposed development would not appear as a natural expansion of the built-up area either. I appreciate that it would not extend it further to the west or south, but this is a factor of little consequence. The dispersed nature of the settlement is mainly due to frontage development, which the appeal proposal could not claim to be.
48. The Brethren's Meeting Hall is a development that physically, functionally and visually stands outside the village. The appeal scheme would be further to the south and appear as an outlier that would not conform to the prevailing pattern of development described above. On the other hand, it would share some of the features of the village. For example, the site benefits from a local ridgeline and over time the new buildings would stand within a well treed environment. Furthermore, the *Design Commitment Statement* indicates that the design approach is to create a development that reflects the surrounding architecture and landscape. The appearance of the new buildings is a matter that can be controlled by the Council at reserved matters stage.
49. There has been a great deal of local concern about the size of the development relative to the existing village. The Parish Council indicate that Albourne has about 250 households and some 650 residents. It therefore points to an increase in size of over 30%. For the reasons I have already given, I do not consider that this development would appear as a natural extension to the village. However, the proposed shop, lockers, electric charging points and workshops, which I discuss later, would allow a degree of community integration. The village itself has grown incrementally and cannot be viewed as a set piece that has not changed over time. There may be harmful impacts from an increasing population in terms of highway safety and insufficient infrastructure, for example and I consider these later. However, the size of the development in itself would cause little harm to the character of the village, in my judgement.

Effect on agricultural land

50. Paragraph 170 of the Framework seeks to recognise the benefits of protecting the best and most versatile agricultural land, which is classified as Grades 1, 2, and 3a. The appeal site is shown on the *Provisional Agricultural Land Classification Maps* as being within an area of Grade 2, which denotes very good quality farmland. However, these maps were not based on physical surveys. They were intended to provide strategic guidance for planners on a small-scale map base. Natural England in its *Technical Information Note TIN049*, advises that they are outdated and should not be relied on for individual site assessments.
51. The Appellants commissioned an *Agricultural Land Classification Report*, which was based on a site survey carried out in February 2020, including examination of 5 auger samples and a trial pit. This concluded that the land was grade 3b with shallow soils over a depth of dense clay subsoil. This is the best available

evidence and I am satisfied that the development would not result in the unacceptable loss of high value agricultural land.

Overall conclusions

52. The appeal site is located within the open countryside, outside the built-up area and not contiguous with its boundaries. There would be some residual adverse landscape and visual impact, although this would be localised and limited in nature. There would also be a small adverse effect on the character of the village of Albourne because the development would not be seen as an expansion to the main built-up area of the village nor reflect the frontage development along the peripheral roads. There would be no adverse impact on the South Downs National Park or views from within it. Nevertheless, there would be conflict with policy DP6, DP12 and DP15 in the MSDP and policies ALC1 and ALH1 in the ANP.

THE EFFECT OF THE PROPOSAL ON HERITAGE ASSETS

53. There is no dispute that the designated heritage assets affected would be the four Grade II listed houses on the eastern side of London Road. The effect would derive from changes to their setting and it is agreed that any harm would be less than substantial in nature and that paragraph 196 of the Framework would be engaged whereby harm is to be weighed against public benefits. Unlike the setting of the listed buildings, the setting of the Albourne Conservation Area is not protected by statute. Nevertheless, the same considerations will apply as a matter of policy in terms of weighing harm to significance against benefits. Spurk Barn is adjacent to the south-western corner of the appeal site and is a non-designated heritage asset. Paragraph 197 of the Framework makes clear that a balanced judgement should be made, having regard to the scale of any harm and the significance of the asset.

The listed buildings

54. There was much discussion at the inquiry about the contribution of the appeal site to the significance of the listed buildings. Elm House, Tipnoaks and Hillbrook House are two-storey stuccoed villas built in the early 19th century. These were modest country houses, which demonstrated their owners' aspirations for elegant country living with their classical, well-proportioned facades and convenient roadside location outside the main village. The immediate setting is provided by the gardens in which they stood but the wider rural environment, including the fields to the front and rear would have contributed to the pastoral context and significance of these houses. It can be seen on the 1874 Ordnance Survey Map that there are 4 subdivisions on the appeal site. This suggests that by this time the land was being used as a market garden or commercial nursery.

55. Mole Manor was of earlier construction and the 1839 Tithe Map shows it standing in an isolated position on the eastern side of London Road. It is a rare example of a modest Sussex cottage with a red brick and clay tile construction and an isolated countryside setting and these factors contributed to its significance. In my opinion its setting was significantly compromised by the building of Elm House and Tipnoaks. These more substantial houses overpower the cottage as they not only join it on either side but also stand well forward of its front elevation.

56. There is also significance derived from the listed buildings as a group. In this respect, Mole Manor makes a contribution through its style and character, which is in contrast to the classical form and proportions of the stuccoed villas.
57. The appeal site was clearly part of the countryside setting when these buildings were built and thus contributed to their significance. There is no indication on the 1874 map that there was tree planting at this stage and it is reasonable to surmise that originally the dwellings faced a relatively open landscape, which would have allowed the owners attractive views from the front of their houses. In any event, by 1910 the Ordnance Survey map shows a tree belt along the eastern boundary and some tree planting within the site itself. Whilst the context is therefore likely to have changed somewhat, the westerly outlook would still have been essentially green and rural with likely views through the trees into the site.
58. More substantial changes occurred in the mid-20th century as Albourne expanded and the London Road was re-engineered and widened. More recently still there has been further development along London Road, including to the south of Hillbrook House and the Brethren's Meeting Hall. The latter appears to have been on land formerly used as part of Hazeldens Nursery. The wider pastoral environment has thus been considerably eroded over time, which has diminished the historical understanding provided by the wider setting of these listed buildings. Their individual and group significance is now mainly derived from their fabric and the immediate setting of their garden plots.
59. Following development, the views towards the appeal site would change through the introduction of a new access, a footway along the London Road frontage and views towards a built environment. The effect would be greatest in respect of Tipnoaks, due to its position opposite the site entrance. Hillbrook House stands further back from the road in an elevated position and there would be filtered views of the new buildings from within its site through and above the roadside vegetation. There would therefore be some further change to the context in which the listed buildings would be appreciated but, for the reasons I have given, I consider that the effect on significance would be relatively small.
60. With respect of Elm House and Mole Manor the harm would be at the lower end of the scale of less than substantial harm. With respect of Tipnoaks and Hillbrook House it would be slightly higher but still lower than moderate, with a similar effect on the significance of these houses as a group. Whilst the choice of materials, design and landscaping of the new development would be controlled through reserved matters, the impacts I have identified are unlikely to be materially reduced over time.

Spurk Barn

61. This agricultural building is a non-designated heritage asset probably dating back to the 19th century. Its primary interest is in its form and fabric with flint and brick construction and the retention of many original features. The boundary lines on historic maps suggest that Spurk Barn was not functionally connected to the appeal site. Indeed, with no obvious connection to any local farms it was probably an isolated field barn associated with the agricultural land to the west.

62. Spurk Barn has been converted to residential use and windows have been added along with an extension. Its immediate setting is now a domestic garden and parking area. Along its boundaries with the appeal site is a thick conifer hedge. Although this could be removed it would seem unlikely due to the privacy it affords. The significance derived from the wider setting is mainly across the open agricultural land to the west. Nevertheless, the largely undeveloped nature of the appeal site does contribute to the sense of isolation of the building, particularly in views from Church Lane and sequentially when walking east along Footpath 19/1AI and south along Footpath 18AI.
63. As I have already concluded above, the proposed buildings would be seen, especially in the winter months, through gaps in the trees and understorey along the western site boundary. Whilst the effect would be to have an adverse effect on the appreciation of the barn as an isolated entity, its value as a field barn is now diminished on account of its residential conversion and the domestication of its grounds. To my mind this undesignated heritage asset has a relatively low level of significance. The small degree of harm that would arise from the appeal proposal would also be further reduced over time as reinforcement planting matures, including the band of new trees between the conifer hedge and built development.

Albourne Conservation Area

64. This comprises the original historic core of the village at the southern end of The Street and along a section of Church Lane. The only appraisal is found in *The Conservation Areas in Mid Sussex* (August 2018), which notes five features that contribute to its character. These include the trees and hedges; the sunken road relative to many of the houses with attractive retaining walls; the cottage style houses with small windows; the lack of a set building line or footway with varying road widths and a meandering rural character; and the attractive countryside views to the west and south. The latter is the only one relevant to setting.
65. At one time no doubt the appeal site, because of its relatively open and undeveloped character, would have played some part in this respect. However, modern housing on the south side of Church Lane and the construction of the Brethren's Meeting Hall building and car park has provided a visual intervention that has meant that it no longer contributes in this way. The main southerly aspect is provided by the fields beyond its western boundary. Even if there were glimpses of the new development through the trees from the southern part of the conservation area, which is doubtful, they would be peripheral and oblique.
66. It is also the case that the Council did not consider that the proposed development of the Brethren's Hall site would have any adverse impact on the conservation area, notwithstanding that the large building with its incongruous design would be in close proximity to the southern edge. I appreciate that this development was built on exceptional grounds of need but that does not negate the requirement to consider the effects on the setting of the heritage asset. Furthermore, the Council's *Strategic and Economic Land Availability Assessment* (2018) did not consider that a potential yield of 132 houses on the appeal site would negatively impact on the heritage asset. The Council's objection now in terms of harm to setting therefore seems to me to be

inconsistent.

67. It is likely that Albourne depended on farming and market gardening for its growth. However, in the absence of a detailed appraisal the only evidence of the features that contribute to its character are those in the aforementioned 2018 document. There is nothing to say that the tree nursery financed buildings in the village and even if it did this use has long ceased. This was certainly not a matter referred to in respect of the development of the land to the north, which was also part of the nursery at one time.
68. For all of the above reasons I do not consider that the appeal site provides part of the setting of the Albourne Conservation Area. It follows that the appeal development would have no effect on the significance of the designated heritage asset.

Overall conclusion

69. Drawing together all of the above points it is concluded that the appeal proposal would cause less than substantial harm to the significance of the Grade II listed buildings, Elm House, Mole Manor, Tipnoaks and Hillbrook House. This would be at the low end of the scale but nevertheless is a matter to which considerable weight and importance should be ascribed. There would be a small degree of harm to Spurk Barn, but this will need to be considered against the relatively low significance of the building. The relevant balancing exercise will be undertaken later in the decision and a conclusion reached as to whether the appeal proposal would conflict with policy DP34 in the MSDP. The Albourne Conservation Area and its setting would remain unaffected by the appeal scheme. The appeal proposal would therefore comply with policy DP35 in the MSDP.

WHETHER THE SITE IS WITHIN AN ACCESSIBLE LOCATION, GIVING NEW OCCUPIERS THE OPPORTUNITY TO TRAVEL BY MODES OTHER THAN THE PRIVATE CAR

70. There is an age restriction of 65 years for primary occupiers of the proposed development, although younger partners would not be excluded. Nevertheless, I was told that the average age of Retirement Villages' occupants is 82 years and that only about 25% are couples. Bearing in mind the nature of the scheme with its care component, it is reasonable to surmise that most people living there would be in the older cohort. That does not mean to say that some residents would not still drive but it is unsurprising that the evidence indicates a lower level of car ownership than general purpose housing and that car sharing is popular on other Retirement Villages' developments.
71. Residents living in the proposed development would occupy a self-contained cottage or apartment. The purpose, unlike a care home, is to maintain independence although the degree will vary depending on the care needs of the individual. Nevertheless, each dwelling is fitted with a kitchen and although there is also a restaurant within the communal building on the site, it is anticipated that many will also wish to cook for themselves. Albourne is a Category 3 village and has no shops or facilities apart from a village hall and primary school. There is a volunteer run community shop in Sayers Green, but other than that, the nearest shops are in Hurstpierpoint, where there is also a health centre, post office and pharmacy.

72. It seems unlikely that residents, even those with good mobility, would walk to Sayers Common or Hurstpierpoint. although a few may undertake the relatively short cycle ride. The nearest bus stops are some 85m from the site travelling north and 250m from the site travelling south. These serve the 100 bus to Burgess Hill, which is a Category 1 settlement with higher order shops, services and facilities. A bus journey would take about 11 minutes, although the bus only runs hourly and not on Sundays. Nevertheless, residents would not be making regular work journeys and it seems to me that the bus may be a viable choice for some trips such as visits to the supermarket or bank, for example.
73. The bus stops for the 273 service are some 560m away, north of the Albourne Road traffic lights. This service runs through Hurstpierpoint, which is a bus journey of about 5 minutes. However, the bus runs only every 120-160 minutes and, again, not on a Sunday. The journey would therefore need to be carefully planned and would be most likely to take the form of an outing rather than a trip for a dedicated purpose.
74. The proposal is that there would be a shift pattern for staff, with about 15 being on site at any time. The information from the Retirement Villages' other sites is that staff are in general drawn from the local area, with over half living within 5 miles and 82% living within 10 miles. The analysis indicates that most staff living within 5 miles are likely to come from Burgess Hill. This would be within cycling distance and the 100 service would also be an option for some shifts. However, the bus only runs until the early evening and not at all on a Sunday. There may well be some flexibility in terms of shift patterns, but the bus would not be an option for late evening, early morning or Sunday travel.
75. The Framework indicates that the opportunities to maximise transport solutions will vary between rural and urban areas and this should be taken into account in decision-making. It also says that significant development should be focused on locations which are or *can be made* sustainable. In this case the Appellants have included a number of provisions to improve the accessibility credentials of the proposed development.
76. A dedicated non-profit making minibus would be provided for use by residents and staff. The S106 Agreement includes a covenant for its provision and the evidence indicated that it could be used for shopping trips, GP and health related appointments and day outings. It would also be available for staff travel, subject to the payment of subsidised charges. I was told that this could be used for late evening shifts when the bus has stopped running or for pick-ups from bus stops or the railway station in Hassocks. Whilst some staff, especially those on a late shift or working on a Sunday may prefer the convenience of a car, the existence of this option would extend the available modal choice for staff, provided the subsidised charges are reasonably priced.
77. The proposed development would be subject to a Final Travel Plan before the development is first occupied. This would be based on the *Travel Plan* submitted with the planning application, which includes various targets to increase public transport, cycle and pedestrian trips. Measures include the provision of a length of new footway along the western side of London Road to link the site to the northbound bus stop; cycle parking facilities with changing and washing facilities for staff and discounts on bicycles and cycle equipment; and the minibus. In addition, the traffic calming measures would include an

uncontrolled crossing and pedestrian refuge. Along with the introduction of a 30mph speed limit, this measure would provide those residents wishing to cross London Road, for example on the way back from the bus stop, with a safe means of doing so.

78. The on-site facilities in the communal building are also a relevant factor. This includes a small shop to provide fresh products and basic groceries. I saw the shop at Charters, which had quite a good range of everyday goods including fresh fruit and vegetables, dairy products, tinned items and toiletries. The clubhouse would also have a small library, hair salon, therapy room, bar and restaurant. Clearly providing these facilities on the site would have the potential to reduce the number of external journeys that residents would have to make. I was told that the various facilities are not intended to be profit making and the UU includes a covenant that they would be operated and managed by the Owner or the Management Company. That they could not be leased to a commercial operator gives some comfort that they would continue to operate effectively in the longer term in accommodate daily needs of residents.
79. It seems to me that the appeal proposal has done what it can to enhance accessibility. Residents and staff would have genuine choices available to undertake journeys by modes other than the private car. This is a rural area where it is to be expected that travel options are more limited than in a town and the car would undoubtedly be used for some trips. Every decision turns on its own circumstances but, insofar as there are similarities, I have not reached the same conclusion as the Bolney Inspector for the reasons I have given. I consider that the appeal scheme would be relatively sustainable in terms of location to minimise the need to travel. Overall it would not conflict with policy DP21 in the MSDP.

THE BENEFITS OF THE PROPOSAL

80. For the avoidance of doubt, in ascribing weight to the benefits I have used the following scale: limited, significant and substantial.

The need for extra care housing

81. Paragraph 61 of the Framework requires that the size, type and tenure of housing needs for different groups in the community, including older people, should be assessed and reflected in planning policies. The glossary indicates that these are people over or approaching retirement age. They will include the active elderly at one end of the scale and the very frail elderly at the other. There will be a range of housing needs from adapted and accessible general needs housing to specialised accommodation with support or care.
82. The June 2019 version of the *Planning Practice Guidance* includes its own expanded section on housing for older and disabled people. It makes the point that the need to provide housing for this group is critical in view of the rising numbers in the overall population. Furthermore, it considers that older people should be offered a better choice of accommodation to suit their changing needs in order that they can live independently for longer and feel connected to their communities. Extra care housing is recognised by the Government as providing such benefits.

83. The Council's consideration of the housing needs of elderly people can be found in the *Housing and Economic Development Assessment Addendum* (the HEDNA Addendum) published in August 2016. This provided part of the evidence base to the MSDP and uses the 2014-based population and household projections (released in 2016). Amongst other things the HEDNA Addendum considers the need for specialist housing for older people, including extra care housing, using the *Strategic Housing for Older People Analysis Tool* (SHOP@), This is given as an example of an online toolkit for assessment in the *Planning Practice Guidance* but the document neither endorses its use nor precludes the use of other methodologies. It is important to bear in mind that whichever model is used, its output will be determined by the assumptions on which it relies.
84. The SHOP@ toolkit is preset with the number of units required per 1,000 of the population over 75 years old at 25 or 2.5%. This I shall refer to as the "provision rate" and it has been derived from *More Choice Greater Voice* (2008), which is a document that seeks to provide a strategy for housing with care for older people. It is important to have in mind that the provision rate is an assumption and is not evidence based. The Council pointed out that a provision rate of 25 is roughly double that for extra care housing nationally. However, that reflects the critical need across the country and is not particularly helpful in the consideration of how need should be met in Mid Sussex.
85. In December 2012 *Housing in later life: planning ahead for specialist housing for older people* sought to update *More Choice Greater Voice*. It recognises that extra care housing was becoming better known as an alternative choice for older people who do not necessarily want or need to move to a residential care home. Furthermore, it recognises a prevalence for home ownership in the elderly population and predicts that demand for extra care housing for sale will be twice that of extra care housing for rent¹. It provides a toolkit for use by local authorities in their planning for and delivery of specialist housing for older people. It seeks to improve housing choice for a growing ageing population and increases the provision rate to 45 or 4.5% per 1,000 of the population over 75 years old. Whilst a worked example is given for Bury Metropolitan Council, it seems apparent from the information provided that this provision rate is one that is more generally applicable. That said, it is important to understand that this is an aspirational figure and is also not evidence based.
86. The assessment in the HEDNA Addendum relies on population data that is now out-of-date. Its conclusions on elderly care needs justify reconsideration using the 2016-based population data. The only such assessment has been provided by the Appellants and, on the basis of a provision rate of 2.5%, this indicates a demand for extra care units of 386 in 2020. On the basis of a 4.5% provision rate the equivalent figure is 694 units.
87. In the Council's assessment the tenure split of extra care housing has been set at 73% rent and 27% purchase. In Mid Sussex private leasehold extra care provision is limited to a single development at Corbett Court in Burgess Hill. In terms of extra care units for rent, the database is out-of-date because since 2014, 68 units have been demolished. The Council conceded at the inquiry that the figures in the HEDNA Addendum for extra care provision are thus out-of-

¹ Extra care housing for sale is generally on the basis of a leasehold tenure.

- date. The current (2020) supply is lower, the need is higher, and the tenure split, based on existing provision and the corrected supply, would therefore be about 60% rent and 40% purchase.
88. In Mid Sussex the evidence indicates that the vast majority of older people are owner occupiers. Many of these people will be able to continue to live in their own homes through old age with the necessary adaptations and care support. However, not all homes are suitable. In such cases a homeowner may be attracted to an extra care facility where they can continue to own their own home and maintain a degree of independence whilst enjoying support and care within a secure environment. Within Mid Sussex such choice is largely unavailable.
89. The Appellants have used a tenure split of 33% rent and 67% purchase in their modelling. Whilst this is recognised as favouring an owner-occupied solution it nonetheless reflects the local housing market in Mid Sussex. Furthermore, it aligns with national policy insofar as it redresses the balance towards greater flexibility and choice in how older people are able to live. It is to be noted that the SHOP@ toolkit itself recognises that the percentage of leasehold tenures will increase in the future and that areas of affluence will see a higher percentage increase by 2035. In such areas, which includes Mid Sussex, it suggests a tenure split more redolent of the Appellants' modelling.
90. The Council argued that the tenure split is of less importance than the headline figure. However, the evidence indicates that the extra care properties for rent in this District are managed by Housing Associations and therefore an existing homeowner would be unlikely to qualify for occupation. It also appears that the pipeline supply of extra care housing is all social rented tenure. It is therefore reasonable to assume that maintaining a tenure split that favours rental units would be unlikely to allow realistic alternative options to the majority of older people who are currently homeowners. In the circumstances and based on the specific evidence I have been given, I consider that the Appellants' assessment of demand in terms of tenure is more credible and thus to be preferred.
91. The existing supply, taking account of the aforementioned demolitions, is 142 extra care units. If need is defined as the difference between supply and demand, then even on the Council's favoured provision rate it currently stands at 244 extra care units. The information indicates that there are planning permissions for some 132 additional extra care units in the pipeline, including 60 on the Burgess Hill strategic site. Whilst there is no national policy imperative to maintain a 5 year supply of older person's housing as is the case with housing generally, this nonetheless signals a significant residual unmet need regardless of tenure. On the basis of the Appellants' higher provision rate it would be even greater at 552 units. Either way it would rely on the permitted units being built expeditiously. Using the tenure split favouring leasehold provision, the Council's assessment would be of a current need for 163 leasehold units whilst the Appellants' assessment would be for 368 leasehold units. The evidence indicates none in the pipeline supply.
92. Whilst there is no requirement in national policy or guidance to specifically allocate sites for specialist housing for older people, the *Planning Practice Guidance* does indicate that this may be appropriate where there is an unmet need. The response in Mid Sussex is to apply a flexible approach through policy

DP30 and the Council pointed out that the strategic allocations include provision for a range of housing, including for older people. Policy DP30 also indicates that further allocations may be made in the SA DPD if a shortfall is identified. Policy DP25 has a similar provision to meet local needs for community facilities, which include care homes and specialist housing. In the SA DPD there is a single residential allocation in East Grinstead that includes a "care community". There is though no detail as to the number or type of units and, in any event, the emerging status of the document means that very little weight can be given to it at the present time.

93. In the circumstances I consider that the evidence indicates a significant level of current unmet need, in particular for extra care leasehold housing, whichever provision rate is adopted. Furthermore, this will significantly increase over the local plan period. This situation has not been helped by the slow progress on the SA DPD and the failure to recognise an unmet need that is clearly evident. The Council's riposte that it is not being inundated by enquiries or applications for this type of development does not seem to me to be a very robust or objective yardstick on which to rely. For all of these reasons I consider that the provision of extra care units by the appeal development to be a matter of substantial weight.

Freeing up family sized homes

94. As has already been said, in Mid Sussex a large proportion of those people 65 years of age and above are owner occupiers. Furthermore, the evidence indicates that a considerable number of older householders under occupy their homes. Indeed, the MSDP indicates in the supporting text to policy DP30 that providing suitable and alternative housing for this cohort can free up houses that are under occupied. It also records that a significant proportion of future household growth will generate a need for family sized homes, including those with over 3 bedrooms. This is reflective of the national picture.
95. There is though insufficient evidence to determine the proportion of new occupiers that would necessarily derive from the local area. Whilst Retirement Villages' analysis indicates that a third of moves to its developments have been from a 5 miles radius it also indicates that about 40% come from further than 20 miles. There is therefore likely to be some benefit to the local housing market as well as a contribution made in terms of the national housing crisis. Overall, I give this benefit significant weight.

On site facilities for use by the public

96. The appeal development would include some facilities that would be available for use by those living outside the development. Albourne has no village shop and whilst the proposed unit would be relatively small with a limited range of goods it would stock day-to-day staples as I have already indicated. Residents in the village could walk or cycle to the shop and it would, in my opinion, provide a useful facility for those living nearby. I give this benefit significant weight.
97. The lockers would allow those living nearby a point from which to collect online deliveries. This would provide a convenient option if the person who ordered the goods was not going to be at home. However, many delivery companies offer specific time slots or the opportunity to nominate a safe place at home

where the package could be left. These options would clearly be more convenient and, although the availability of the lockers could be useful in some circumstances, I give the benefit limited weight.

98. The two workshops would be available for local artisans as well as residents. However, I am not convinced that there is evidence of a demand for such facilities. In the circumstances, I give this benefit limited weight.
99. Three rapid electric charging points would be available for use by the general public as well as by residents. I am not aware of any similar facilities for public use in the vicinity. This would therefore provide an opportunity to those who wish to take advantage of a fast charge, perhaps combining it with a visit to the shop. I therefore give this benefit significant weight.

Highway safety and traffic calming

100. There was local concern that the appeal proposal would be harmful to highway safety. I am satisfied from my observations that lines of sight and the geometry of the new access would be satisfactory to allow for safe entry and exit. West Sussex County Council has a statutory responsibility to ensure the safety of the local highway network. It has not raised objections to the scheme on these grounds and this is a matter of considerable importance. The forecast trip generation would be relatively small and there is no evidence that London Road would have insufficient capacity to accommodate the additional vehicles safely. The proposed parking provision would exceed the Council's minimum standards. There is therefore no reason why there should be any overspill parking onto London Road.
101. The application drawing no: 1701-56 SK08 Rev B shows a number of measures to improve road safety within the vicinity of the appeal site. These include gateway features with kerb build outs and pinch points and a new 30 mph speed restriction between a point south of the limit of the built development on the eastern side of London Road and a point between the junction with Church Lane and the junction with Albourne Road. In the vicinity of the site entrance the road width would be narrowed and to the south of this would be an uncontrolled crossing with a refuge island and dropped kerbs.
102. These measures would be controlled by a planning condition. For the reasons I have given I consider them necessary to encourage reduced traffic speeds and allow residents to cross safely from the bus stop on the eastern side of London Road. However, it also seems to me that there would be some wider benefit due to decreased traffic speeds in the vicinity of the Church Lane junction, which is one of the main entrances into the village. I note that the ANP includes an aim to develop a scheme to improve the safety of road users utilising the local stretches of London Road and Albourne Road. It seems to me that this proposal would play some part towards achieving this objective. This benefit is attributed significant weight.

Economic and social benefits

103. There would be employment benefits in terms of the provision of jobs during the construction phase and also longer term in connection with the operation of the site. There would also be some further spending within local shops and facilities by the new population.

104. There is evidence to indicate that elderly people who live in an extra care environment, with all that it offers, benefit in terms of health and wellbeing. The secure community environment and sense of independence can reduce social isolation and encourage greater fitness and healthy lifestyles. It is reasonable to surmise that these factors are likely to result in a lower number of visits to the GP, reduced hospital admissions and overall savings to the National Health Service. The social and economic benefits are matters to which I give significant weight.

OTHER MATTERS

Ashdown Forest

105. The appeal site is outside the 7km zone of influence of Ashdown Forest Special Protection Area and therefore the issue of potential recreational disturbance would not be of concern. It is though necessary to consider whether there would be any effect on the Ashdown Forest Special Area of Conservation as a result of increased nitrogen deposition from vehicle emissions. The Council's Screening Report indicated that the in-combination transport model that supported the District Plan showed no overall traffic impact in terms of its strategy for housing and employment growth. The County Council considered that there would be about 4.6 additional daily trips that would travel to or through the Forest. I am satisfied with the conclusion of the Council that this would not result in a significant in-combination effect.

Ecology

106. There have been a number of local representations relating to the ecological interest of the site. The Appellants' *Ecological Assessment* records the site as having relatively low value with much of its central area comprising managed semi-improved grassland. The most important areas for wildlife comprise the boundary trees and hedgerows, which are to be retained and protected during the construction period. The assessment includes a programme of mitigation prior to site clearance to take account of reptiles and in the unlikely event that Great Crested Newts are found to be present. These are protected species and it is an offence to undertake development that would cause them harm. Similarly, there is a requirement to protect birds during the nesting season.
107. There is no evidence that bats are using the bungalow as a roost. If that were found to be the case during demolition, work would have to cease to allow the proper licence protocols to be followed. Bats will use the site for commuting and foraging, especially along the retained hedgerow lines. A condition is therefore required to control the level and type of lighting to ensure habitats are not disturbed. Overall, I am satisfied that the development would not give rise to unacceptable harm to ecological interests.
108. There are also proposed enhancements to biodiversity including introducing species rich grassland, new hedgerows, a wild flower meadow and a new pond. Swift bricks and bat boxes would also be provided.

Local healthcare services

109. There was local concern that the local healthcare facilities would be inadequate to serve the new residents. It is appreciated that existing residents often have to wait a considerable time to get a doctor's appointment

but that unfortunately is a much wider issue and applies to many places. Inevitably new residents will need medical care from time to time. However, there have been no representations from the local NHS Foundation Trust or local doctors objecting to the scheme or indicating an issue with capacity.

Residential amenity

110. Objections have been raised that the proposed development would result in overlooking and loss of privacy, particularly to properties on the eastern side of London Road. However, the Parameters Plan indicates a 10m inset of new development from the boundary treeline. Furthermore, the outline form of the proposal means that matters such as window positions would be determined at a later stage. In the circumstances, I am satisfied that there would be no unacceptable harm to the living conditions of existing residential occupiers.

Other appeal decisions

111. My attention was drawn to a number of appeal decisions, including some relating to other Retirement Villages' developments. A number were cited in relation to the Use Class matter, which is no longer an issue in this appeal. Most concerned other local authority areas and turned on their own evidence.
112. The appeals relating to Bolney were the subject of a recent decision in Mid Sussex District. One appeal was for a care home and the other for a care home and 40 age-restricted dwellings. The latter were classed as a C3 use. The conclusions of my colleague on need seem to relate to the care home (Class C2) element of the scheme rather than the extra care dwellings. In any event, I do not know what evidence was presented in respect of that scheme or whether tenure was a particular issue. I have commented on my colleague's conclusion on accessibility above. Overall, I do not consider that this decision is of particular assistance or relevance to the present appeal.

PLANNING OBLIGATIONS

113. The S106 Agreement and UU were considered in detail at the inquiry. They were each engrossed on 20 August 2020. I have considered the various obligations with regards to the statutory requirements in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations and the policy tests in paragraph 56 of the Framework. It should be noted that the Deeds contain a "blue pencil" clause in the event I do not consider a particular obligation to be justified in these terms. In reaching my conclusions I have had regard to the supplementary planning document: *Development Infrastructure and Contributions Supplementary Planning Document* (2018) (the SPD) and development plan policies, including policy DP20 in the MSDP, which relates to securing infrastructure.

The S106 Agreement

114. This is made between the Council, West Sussex County Council, the Owner (Notcutts Ltd) and the Developer (Retirement Villages Developments Ltd). The library contribution is based on a formula set out in the SPD and a worked example is provided in the First Schedule. This cannot be definitive at this stage as the final housing mix is not yet determined. In addition, the cost multiplier will change annually. Although the clubhouse would include a library, no details have been provided. The one I saw at Charters was very

limited in terms of its size and breadth of reading material. I consider that residents of the development would be likely to use the public library in Hurstpierpoint. The County Council indicates that its facilities would require expanding to cope with the additional population. In the circumstances I consider that the library contribution would be justified.

115. The TRO Contribution would be used to promote and advertise a Traffic Regulation Order to reduce the speed limit from 40 mph to 30 mph in the vicinity of the site. This would be part of the traffic calming measures, which have been referred to above. I was told that £7,500 reflected the fixed cost to West Sussex County Council of consultation and review and it therefore seems reasonable and proportionate.
116. The dedicated minibus would be provided prior to the occupation of any dwelling and the covenant includes its use for residents and staff in accordance with the Travel Plan. This is necessary to enhance the accessibility of the development as I have explained above.
117. For all these reasons I am satisfied that all of the obligations are necessary, directly related to the development and fairly related in scale and kind. They comply with Regulation 122 of the CIL Regulations and paragraph 56 of the Framework. They can be taken into account in any grant of planning permission.

The UU

118. A primary resident is a person who is 65 years or older and is in need of at least 2 hours of personal care a week. The basic care package, which it is obligatory to take, is defined to include a range of services that are needed by reason of old age or disablement following a health assessment. The health assessment is to be undertaken by the partner domiciliary care agency who must be registered by the Care Quality Commission. There is also provision for a periodic review of the health assessment to establish whether a greater level of care has become necessary. The domiciliary care agency would also provide a 24-hour monitored emergency call system.
119. The Communal Facilities would be provided in the clubhouse on the northern part of the site. They would include a number of facilities such as a restaurant, bar, lounge, library, therapy and exercise room, hair salon, function room, shop and collection facility. The covenants also require construction of the clubhouse prior to the occupation of any dwelling and all residents and their guests would have access to it. The shop and collection facility would also be accessible to non-residents. Restrictions on the operation of the communal facilities may be imposed by the Management Company, including in respect of the hours of opening of the shop.
120. The scheme would include 2 workshops within the clubhouse with details to be approved at reserved matters stage. These would be made available for use before more than 50% of the dwellings are occupied. They would be made available for use by residents and local businesses and subject to restrictions by the Management Company, including hours of operation and the nature of the use.
121. The Management Company would be established prior to the occupation of

any dwelling as a non-profit making legal entity. It or the Owner would manage the sustainable drainage system (SuDS). It or the Owner would also operate the workshops, shop and collection facility. Any profit received by the Management Company from operating the Communal Facilities and workshops would be used to offset against the annual service charge payable by each homeowner. There is also a restriction on the disposal of the communal facilities or workshops.

122. The Covenants by the Owner to the Council are contained within the First Schedule to the Deed. They are required to ensure that the development would operate effectively as an extra care facility within Use Class C2, which formed the basis of the planning application and on which it has been assessed. They would ensure that the communal facilities are operated and managed for the long-term benefit of the residents living on the site and that the drainage system remains effective and fit for purpose during the lifetime of the development. I consider that all of the obligations are necessary, directly related to the development and fairly related in scale and kind. They comply with Regulation 122 of the CIL Regulations and paragraph 56 of the Framework. They can be taken into account in any grant of planning permission.

PLANNING CONDITIONS

123. A list of planning conditions was drawn up by the main parties and these were discussed at the inquiry. My consideration has taken account of paragraph 55 of the Framework and advice in the Planning Practice Guidance. In particular I have had regard to the Government's intention that planning conditions should be kept to a minimum and that pre-commencement conditions should be avoided unless there is clear justification. The Appellants have confirmed acceptance in writing of those pre-commencement conditions that have been imposed. I have changed the suggested wording in some cases to ensure that the conditions are precise, focused, comprehensible and enforceable.
124. The Appellants have agreed to a shorter implementation period in this case to reflect the case that it has put forward about the scale of the current unmet need. I was told that Retirement Villages will be developing the site itself and thereafter managing the development as part of its extra care portfolio. Much store was set on the high quality of the development and the way the proposed layout had been designed to respect the existing landscape and views. In order to ensure that this is carried forward into the scheme that eventually materialises it is necessary to require compliance with the Parameter Plan and Sketch Layout. For similar reasons and to ensure that the development fulfils its intended purpose, a condition limiting the number of dwellings to 84 is required.
125. A relatively recent *Ecological Impact Assessment* has already been submitted and so I consider it unnecessary to require further details to be submitted. A condition is though necessary to ensure that the mitigation and enhancement measures are implemented in order to protect ecological interests and improve biodiversity. The suggested condition on ecological management requires details that have already been submitted in the above assessment. I have therefore reworded the suggested condition accordingly. Although landscaping is a reserved matter, it is appropriate at this stage to ensure that

protective measures for retained trees and hedgerows are provided during construction in order to protect wildlife and visual amenity. I have reworded this to take account of arboricultural information that has already been submitted. For similar reasons a condition requiring the arrangements for the management and maintenance of the landscaped areas is required.

126. The landscaped grounds would be communal areas and individual dwellings would not have amenity space other than a small patio area for sitting out. The erection of individual private enclosures would not fit in with this ethos or the open character of the site. In the circumstances a condition is necessary to remove permitted development rights for the erection of such features and to retain the gardens as places for all residents to enjoy.
127. The construction period would inevitably cause some disturbance and inconvenience to those living and working in the area as well as to road users. A Demolition and Construction Management Plan is therefore required to help minimise adverse impacts. Separate conditions have been suggested to prevent the burning of waste material and restrict working hours. This is unnecessary as both of these matters would be covered by the provisions of the Plan.
128. A desk-based assessment submitted with the planning application concluded that the archaeological potential of the site was low. It recommends further investigation in the form of trial trenching. The County Archaeological Officer commented that there was nothing to indicate that remains were of a standard that would require preservation in situ. A condition is therefore appropriate to require a written scheme of investigation. There are significant gradient changes across the site. In order to ensure that the development would be visually acceptable, details of ground and floor levels are required.
129. The site has been previously used as a tree nursery with various buildings and glasshouses. The evidence suggests that contamination risks would be generally low. A precautionary but proportionate response is justified with a sequence of conditions that would require actions depending on whether contamination is found to be present.
130. Separate conditions are necessary for foul and surface water drainage. The *Flood Risk and Drainage Strategy* submitted with the application indicated that the site has a low flood risk and that surface water would be satisfactorily disposed by means of a sustainable drainage system (SuDS). In order to ensure this operates effectively in the longer terms it is necessary to require details of the management and maintenance of the system. The UU includes a covenant that the Owner or Management Company would be responsible for the SuDS, but it is not unreasonable to require that information be submitted of any adoption arrangements going forward. With these safeguards in place there is no evidence that there would be a flooding risk either on the site or elsewhere as a result of the appeal proposal.
131. A *Travel Plan* was submitted at application stage and its objectives include reducing the need for staff, residents and visitors to travel by car. It also contains targets to increase pedestrian, bus and cycle trips with milestones over a 5 year period. Various measures are included to encourage sustainable travel choices as already discussed above. A Final Travel Plan will be required

to be submitted based on the already submitted document before the site is first occupied.

132. In order to encourage sustainable solutions and comply with the Government's objective of moving towards zero emission road transport, the provision of electric charging points is necessary. These would include the three rapid active charging points in the communal parking area. Parking for residents is not assigned and it is understood that the use of the private parking spaces would be subject to a separate agreement. In such circumstances these spaces would be provided with passive provision, which can be activated by a socket as and when required.
133. Means of access is not a reserved matter and the details of this along with the new footway and traffic calming measures are shown on drawing no: 1701-56 SK08 Rev B. In order to ensure the safety of road users and pedestrians it is necessary to require the details to be implemented prior to the occupation of the development. I have reworded the condition to be comprehensive and concise. It is also important that before a dwelling is first occupied it is served by a pedestrian and vehicular access in order to ensure a safe and secure residential environment.
134. External lighting, especially along roadways and within public areas, can be intrusive and detrimental to ecological interests as well as the visual amenity of neighbouring residents. I have amended the wording to make the condition more concise bearing in mind that the approval of the relevant details is within the control of the Council. In order to meet the requirements of the Water Framework Directive and policy DP42 in the MSDP a condition is necessary to restrict water usage to that set out in the optional requirement in Part G of the Building Regulations.
135. Conditions relating to materials and landscaping are unnecessary as these will be considered at reserved matters stage.

PLANNING BALANCE AND OVERALL CONCLUSIONS

136. I consider that the development plan is up-to-date and that the basket of most important policies for determining this application are not out-of-date. The development would conflict with policies DP6, DP12, DP15 and DP34 in the MSDP and ALC1 and ALH1 in the ANP and in my judgement it would be contrary to the development plan when taken as a whole. The "tilted balance" and the presumption in favour of sustainable development in paragraph 11 of the Framework would therefore not apply.
137. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations determine otherwise. The MSDP was adopted relatively recently and the Framework makes clear that the planning system should be genuinely plan-led. Nevertheless, in this case there are a number of material considerations to be taken into account. The provision of extra care leasehold housing to meet a considerable level of unmet need is of particular importance, but there would also be various other benefits. I have explained why I consider them of pertinence and the reason for the varying degree of weight that I have attributed to them. Overall, I consider that the package of

benefits delivered by this appeal development is a matter of very substantial weight in the planning balance.

138. There would be harm to the landscape and the character and appearance of the area, including the village of Albourne. For the reasons I have given this would be relatively limited and localised.
139. There would be harm to the significance of designated and undesignated heritage assets by virtue of development proposed within their setting. In terms of the listed buildings the less than substantial harm identified in each case would be relatively low on the scale but nevertheless these are irreplaceable assets and the harm should be given considerable importance and weight. Nevertheless, in my judgement the harm would be outweighed by the very substantial public benefits I have identified. Spurk Barn is an undesignated heritage asset and the scale of harm relative to its significance would be low. The balance in that case is also that the benefits would outweigh the harm.
140. Drawing all of these matters together my overall conclusion is that this particular development would result in benefits of such importance that they would outweigh the harm that I have identified and the conflict with the development plan. In such circumstances, material considerations indicate that planning permission should be granted otherwise than in accordance with the development plan.
141. I have taken account of all other matters raised in the representations and in the oral evidence to the inquiry but have found nothing to alter my conclusion that, on the particular circumstances of this case, the appeal should succeed.

Christina Downes

INSPECTOR

ANNEX A: APPEARANCES

FOR THE APPELLANTS:

Mr Christopher Young	Of Queen's Counsel
Ms Leanne Buckley-Thomson	Of Counsel, both instructed by Ms L Wilford, Barton Willmore
<i>They called:</i>	
Mr G Flintoft BA(Hons) DipTP DipUD MRTPI	Planning Director of Retirement Villages Ltd
Mrs L Wilford BA(Hons) DipTP MRTPI	Planning Associate of Barton Willmore
Mr J Donagh BA(Hons) MCD MIED	Development Economics Director of Barton Willmore
Mr P Clark BA MALscArch CMLI	Landscape Associate of Barton Willmore
Mr J Darrell BSc(Hons) CMILT MCIHT	Associate Director of Transport Planning Associates
Richard Garside MRICS	Director and Head of Newsteer
Mr J Smith BA(Hons) MA PGCE DGDip MCIfA IHBC	Deputy Operational Director of Heritage at RPS
Mr T Kernon BSc(Hons) MRAC MRICS FBIAC	Director of Kernon Countryside Consultants Ltd
*Ms J Burgess LLB Law(Hons)	Solicitor with Aardvark Planning Law

*Participated in the Planning Obligations session

FOR THE LOCAL PLANNING AUTHORITY:

Mr Jack Parker	Of Counsel, instructed by Mr T Clark, Solicitor and Head of Regulatory Services, Mid Sussex District Council
<i>He called:</i>	
Mr D McCallum BA(Hons) MPhil MRTPI	Project Director of DPDS Ltd
Mr W Harley BSc(Hons) CMLI	Director of WH Landscape Consultancy Ltd
Mr C Tunnell BSc(Hons) MPhil FRTPI FAcSS FRSA	Director of Arup and Leader of the London Planning Group
Ms E Wade MA MSc	Conservation Officer at Mid Sussex District Council

FOR THE RULE 6 PARTY:

Ms N Ernest	Councillor of Albourne Parish Council
Mr G Stafford	Chair of Albourne Parish Council
Mr J Butler	Vice Chair of Albourne Parish Council
Mr J Drew	Councillor of Albourne Parish Council

INTERESTED PERSON:

Mr P Holding

Local resident of [REDACTED]

ANNEX B: DOCUMENTS AND PLANS

DOCUMENTS

- 1 Planning for Retirement, ARCO and CNN (June 2020), submitted by Mr Young
- 2 The health and social care cost-benefits of housing for older people, the Mears Group (June 2019), submitted by Mr Young
- 3 Inquiry Note submitted by the Appellants explaining the reason for submitting Documents 1 and 2
- 4 Specialist housing need, alternative assessments, prepared by Mr Donagh
- 5 Tables of supply of specialist housing for older people, prepared by Mr Donagh
- 6 Understanding local demand from older people for housing, care and support, submitted by Mr Young
- 7/1 Committee Report relating to development including an extra care facility at Sayers Common, submitted by Mr Parker
- 7/2 Location plan of the Sayers Common development site submitted by Mr Young
- 7/3 Policy C1 of the Mid Sussex Local Plan (2004), submitted by Mr Parker
- 8/1 Secretary of State's decision on development at Wheatley Campus, Oxford Brookes University (APP/Q3115/W/19/3230827) dated 23 April 2020, submitted by Mr Young
- 8/2 Inspector's Report on the above appeal, submitted by Mr Young
- 9 Correspondence with Housing LIN concerning the use of the SHOP@ tool, submitted by Mr Young
- 10 Planning Obligation by Agreement between Mid Sussex District Council, West Sussex County Council and Eldon Housing Association Ltd relating to redevelopment for an extra care housing scheme at Lingfield Lodge, East Grinstead
- 11 Decision by the High Court relating to a planning appeal for extra care housing at The Elms, Upper High Street, Thame (31 July 2020), submitted by Mr Young
- 12/1 Representations on behalf of the Appellants to the Council's Strategic Housing and Economic Land Availability Assessment, submitted by Mr Young
- 12/2 Correspondence between the Parish Council and the Appellants regarding when the above was submitted
- 13/1 Schedule of draft conditions
- 13/2 Agreement by the Appellants to the pre-commencement conditions
- 13/3 Appellants' suggested additional conditions regarding electric charging and water usage
- 13/4 Appellants' suggested additional condition regarding the communal gardens
- 14/1 Site visit itinerary and map

- 14/2 Suggested viewpoint and map from Wolstonbury Hill, submitted by the Parish Council
- 15 Amendments to Document 4 and the proof of evidence of Mr Donagh, submitted by Mr Young
- 16 Agreed position on the Mid Sussex extra care housing supply, submitted by Mr Young
- 17/1 Costs application by Mr Young on behalf of the Appellants
- 17/2 Costs response by Mr Parker on behalf of the Council
- 18 Correspondence by the Council and Appellants regarding the Use Class of the proposed development
- 19 Planning Obligation by Agreement
- 20 Planning Obligation by Unilateral Undertaking

PLANS

- A Application plans
- B Sketch Layout Plan

ANNEX C: SCHEDULE OF PLANNING CONDITIONS

1. Details of the appearance, layout, scale and landscaping of the site (hereinafter called the "reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and development shall be carried out as approved.
2. Application of the approval of reserved matters shall be made to the local planning authority before the expiration of 2 years from the date of this permission.
3. The development hereby permitted shall take place not later than one year from the date of approval of the last of the reserved matters.
4. Any reserved matter applications made pursuant to the development hereby permitted shall demonstrate compliance with the Parameter Plan (drawing no: and RETI150215 PP-01 rev G) and Sketch Layout (drawing no: RETI150215 SKL-04 rev J).
5. No more than 84 extra care dwelling units shall be built on the site.
6. No development shall take place, including any works of demolition, until a Demolition and Construction Management Plan (DCMP) has been submitted to and approved in writing by the local planning authority. The DCMP shall provide plans and details of the following:
 - a. Location of site offices
 - b. Demolition and construction traffic routeing
 - c. Location of plant and materials storage
 - d. The area within the site reserved for the loading, unloading and turning of HGVs delivering plant and materials
 - e. The area reserved within the site for parking for site staff and operatives
 - f. Wheel washing facilities

- g. A scheme to minimise dust emissions from the site
- h. Measures to control noise affecting nearby residents. This should be in accordance with *BS5228:2014 Code of practice for noise and vibration control on construction and open sites*, with particular regard to the noisiest activities such as piling, earthmoving, concreting, vibrational rollers and concrete breaking
- i. A scheme for recycling and disposal of waste resulting from the demolition and construction works
- j. Delivery, demolition and construction working hours
- k. Erection and maintenance of security hoarding, including decorative displays and facilities for public viewing where appropriate
- l. Site contact details

The approved DCMP shall be adhered to throughout the demolition and construction period for the development.

- 7. No development shall take place until an archaeological written scheme of investigation and programme of works has been submitted to and approved in writing by the local planning authority. The investigation and works shall be carried out as approved
- 8. The development shall be carried out in accordance with the mitigation and enhancement measures in the *Ecological Impact Assessment* by Lloyd Bore dated 7 March 2019.
- 9. No residential occupation shall take place until an Ecological Management Plan has been submitted to and approved in writing by the local planning authority. This shall include the arrangements for the maintenance and management of the biodiversity measures carried out in accordance with Condition 8. The development shall be carried out in accordance with approved Ecological Management Plan.
- 10. No development shall take place, including works of demolition, until an Arboricultural Method Statement has been submitted to and approved in writing by the local planning authority. This shall detail protective measures for trees and hedgerows to be retained in accordance with the principles outlined in the *Arboricultural Impact Assessment* and *Arboricultural Report*, both by Lloyd Bore Ltd (26 February 2019 Rev P05 and 22 November 2018 Rev P02, respectively).
- 11. Before the development is first occupied a Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the local planning authority. The Landscape Management Plan shall be carried out as approved.
- 12. The landscaped grounds of the development hereby permitted shall be provided and managed as communal shared spaces. Notwithstanding the *Town and Country Planning (General Permitted Development) Order 1995* (as amended) or any subsequent Order revoking or re-enacting that order, no fences, gates, walls or other means of enclosure shall be erected for the purpose of creating an enclosed garden or private space for the benefit of any extra care dwelling unit.

13. No development shall take place, other than works of demolition, until details of existing and proposed site levels and proposed ground floor slab levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
14. No development shall take place, including works of demolition, until an assessment of any risks posed by contamination has been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken to remediate the site and render it suitable for the development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and a verification report shall be submitted to and approved in writing by the local planning authority. The assessment and any necessary remediation measures and verification shall be undertaken in accordance with a timescale that has been first submitted to and approved in writing by the local planning authority.
15. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended on the site and additional measures for remediation shall be submitted to and approved in writing by the local planning authority. The remediation shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 14 days of the report being completed. It shall thereafter be approved in writing by the local planning authority and carried out as approved before any further work on the site recommences.
16. Before the development is first occupied details of the foul drainage system for the site shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
17. Before the development is first occupied details of the sustainable drainage system (SuDS) for the site, which shall be in general accordance with the *Flood Risk and Drainage Strategy* by Quad Consult dated May 2017, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
18. Before the development is first occupied details of the implementation of the SuDS approved under condition 17 shall be submitted to and approved in writing by the local planning authority. These details shall include:
 - a. A timetable for implementation;
 - b. A management and maintenance plan for the lifetime of the development;
 - c. Arrangements for adoption by any public body or statutory undertaker or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.

The sustainable drainage system shall be implemented and thereafter managed and maintained in accordance with the approved details.

19. Before the development is first occupied a Final Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Final Travel Plan shall be in accordance with the *Travel Plan* by TPA Consulting, dated March 2019. The development shall be carried out in accordance with the approved Final Travel Plan.
20. Before the development is first occupied, three rapid active electric charging points shall be provided in the communal parking area serving the shop for use by the general public and residents of the development. The electric charging points shall be retained for their intended purpose for the lifetime of the development.
21. No more than 75% of the extra care dwelling units shall be occupied until no less than 84 parking spaces have been equipped for passive vehicle charging, to allow for the integration of future charging points. Once the charging points have been provided, they shall be retained for their intended purpose for the lifetime of the development.
22. Before the development is first occupied:
 - a. The site vehicular access shall be constructed and open to traffic
 - b. The new section of footway along London Road shall be constructed and available for pedestrian use
 - c. The off-site traffic calming scheme shall be completedIn accordance with the general arrangement shown on drawing no: 1701-56 SK08 rev B.
23. Before a dwelling is first occupied the internal access roads and footways serving that dwelling shall have been laid out and constructed in accordance with details that have first been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
24. No above ground development shall take place until details of external lighting, including light intensity, spread and shielding, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
25. The extra care units shall include water efficiency measures in order to meet the optional requirement of Building Regulations part G to limit the water usage of each extra care dwelling unit to 110 litres of water per person per day.

End of conditions 1-25.

**Appendix 2: Agreed Statement on Mid Sussex
Extra Care Housing Supply**

	Year	Units	
A.	2014	210	[CD 7.03, page 2, Current Needs table]
	of which:	154 for affordable / social rent	
		56 leasehold	
B.	2020	142	[NA Report (appended to his Proof), page 80 and 83]
	of which:	86 for affordable / social rent	
		56 leasehold	
	Difference:	68	
	of which:	68 for affordable / social rent	
		0 leasehold	
	Reconciliation:		
		22 affordable / social rent units lost with closure (and subsequent demolition) of Dart Court, RH19 3HE (Clarton Housing).	
		21 affordable / social rent units lost with closure (and subsequent demolition) of Packer Close, RH19 3EE (Clarton Housing).	
		25 affordable / social rent units following confirmation (in May 2015) that Peabody's Prescott House, RH15 8HB, provided 25 units and not the 50 previously notified	
		68	
C.	Pipeline supply:	132	as detailed in NA Report (appended to his Proof), page 72, footnote 56
	of which:	132 for affordable / social rent	
		0 leasehold	(60 at Burgess Hill, 48 at East Grinstead, 24 at Horsted Keynes)
D.	Current (2020) supply plus pipeline supply (B + C):	274	
	of which:	218 for affordable / social rent	
		56 leasehold	

Impact of the agreed supply statement on the respective (1. Council and 2. Appellant) Extra Care Need Assessments in 2020 and 2030¹

1. SHOP @ [CD7.03] Estimated Future Need (page 3), supply adjusted ²			
Year	Need	Shortfall (need less B, 2020 supply)	
2020	393	251	
of which,	287 for rent	201 for rent	
and	106 leasehold	50 leasehold	
27%			
Year	Need	Shortfall (need less D, 2020 supply plus pipeline supply)	
2030	543	269	
of which,	396 for rent	178 for rent	
and	146 leasehold	90 leasehold	
27%			
2. Nigel Appleton Assessment [NA Report, page 71, Table 17 and page 72, Table 18] ³			
Year	Need	Shortfall (need less B, 2020 supply)	
2020	694	552	
of which,	231 for rent	145 for rent	
and	463 leasehold	407 leasehold	
67%			
Year	Need	Shortfall (need less D, 2020 supply plus pipeline supply)	
2030	939	665	
of which,	313 for rent	95 for rent	
and	626 leasehold	570 leasehold	
67%			
3. SHOP @ [CD7.03] Estimated Future Need (page 3), supply adjusted, tenure adjusted ⁴			
Year	Need	Shortfall (need less B, 2020 supply)	
2020	393	251	
of which,	131 for rent	45 for rent	
and	262 leasehold	206 leasehold	
67%			
Year	Need	Shortfall (need less D, 2020 supply plus pipeline supply)	
2030	543	269	
of which,	181 for rent	-37 for rent	
and	362 leasehold	306 leasehold	
67%			

¹ The respective assessments use different start and end dates, however assessment for 2020 and 2030 are common to both and have been used to provide a fair comparison.

² The need figures are as presented in the SHOP@ report. The shortfall for 2020 is calculated by subtracting supply in 2020 (B). Shortfall in 2030 is calculated by subtracting supply in 2020 plus pipeline supply (C).

³ Note that Mr Appleton's assessment, as presented at Table 17 and 18 of his report, is based on the current and pipeline supply identified at B, and C, above.

⁴ To illustrate the effect of the tenure split advocated by Mr Appleton (and referenced on page 7 of CD7.03) this assessment assumes one third for rent and two thirds leasehold extra care provision.

Appendix 3: HPC Care Home Need Assessment – Mid Sussex



HPC CARE HOME NEED ASSESSMENT

On behalf of Rainier Developments

Land adj. Turners Hill Road and Chapel Lane
Crawley Down
West Sussex
RH10 3EP

May 2021



[@healthcarepd](#)

enquiries@healthcarepd.co.uk

User Guide

Welcome to the HPC Care Home Need Assessment for land adj Turners Hill Road and Chapel Lane, Crawley Down, West Sussex RH10 3EP.

This interactive pdf allows you to easily access the information that you want, whether printing or going directly to another page, section or website.

The blue navbar located at the top of the page allows you to quickly access key sections of the document.

Use the document controls located on the bottom left to navigate through this report by sequential pages.



Contents

Return back to the contents at the beginning of the document



Navigation

Go to the preceding page or next page in the report

Contents

1. Introduction	
2. Executive Summary	
3. Age Profile	
4. Supply	
4.1 Existing Care Home Overview	
4.2 Planning Activity	
4.3 Market Movement	
5. Statistical Demand	
5.1 Total Elderly Care Demand – SHOP@	
5.2 Total Elderly Care Demand - LaingBuisson	
5.3 Dementia Specific Care Demand	
6. Supply / Demand Dynamics	
6.1 Total Elderly Care Dynamics	
6.2 Supply / Demand Dynamic Overview	
6.3 Delayed Transfers of Care	
7. The Local Authority Perspective	
8. COVID-19 Implications	
8.1 Relevant Research	
8.2 Impact upon Design	
8.3 Impact upon Population	
8.4 Impact upon Planning	
APPENDICES	
I Mid Sussex Supply in Detail	
II The Care Home Environment	
III Industry Comment	
IV Data Source, Assumptions and Reservations	
V Author Overview	

Instruction

This report has been carried out on behalf of Rainier Developments Ltd (The Client). Instruction was confirmed by email correspondence from Mr G Stevenson, Planning Director, Rainier Developments Ltd, on 14th April 2021.

Background

The purpose of this report is to provide an indication as to the need for the provision of registered care accommodation for the elderly in the area around Turners Hill Road and Chapel Lane, Crawley Down, West Sussex, RH10 3EP (The Site). The document is intended to support the current planning application (ref DM/20/3081) and The Client’s representations to the Examination of the Part 2 Local Plan.

The proposed development will be registered with the Care Quality Commission (CQC) and incorporate 64 ensuite bedrooms for the provision of care to the elderly, with a specific focus upon dementia care. This document therefore focuses upon dynamics relating to registered care home provision rather than the wider spectrum of specialist housing meeting differing levels of care need.

Geography

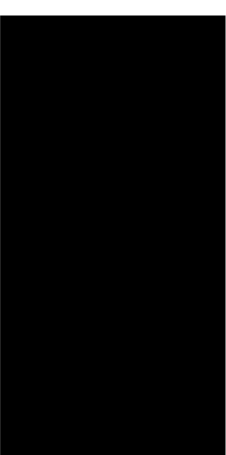
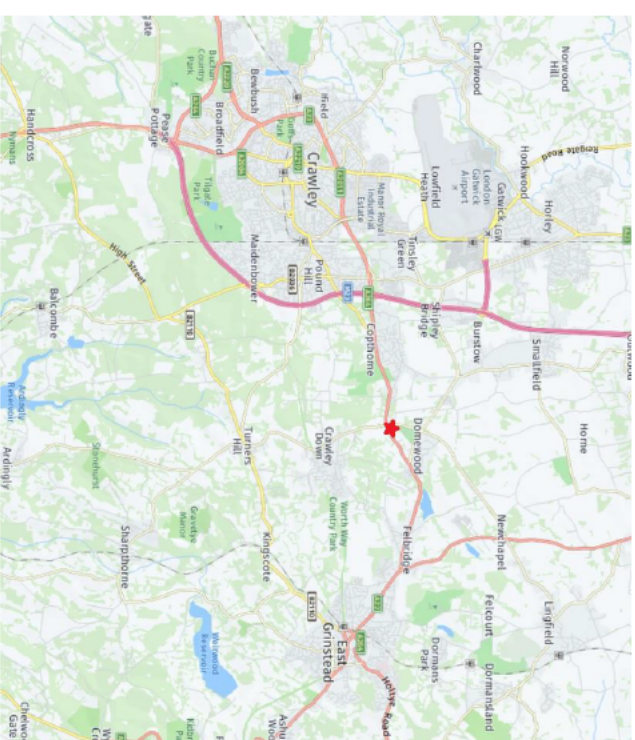
Accompanying the aforementioned planning application is a Comprehensive Planning Need Assessment dated April 2020 carried out by Carterwood chartered surveyors. The analysis focusses upon a 6 mile radius of The Site and identifies a significant local shortfall in appropriate accommodation. The methodology utilised is well established within the sector and our own investigations support their findings.

In carrying out our research we have, in agreement with The Client, focused upon the District of Mid Sussex in its entirety. Having perused council documentation, it has become clear that a preference exists to consider the wider market. This document therefore enables direct comparison of findings with the local authority, aligning with the 2016 Housing & Economic Development Needs Assessment Addendum in terms of scope and reference.

Content

This report has been designed so as to provide a firm base on which the dynamics of the area can be considered without being verbally exhaustive. The Site has not been inspected in relation to this report and comment is based upon data from a number of sources, each of which are detailed within Appendix IV to this report. The report focusses upon current supply levels (in terms of care beds) before estimating statistical demand and considering the supply / demand dynamics for the District.

This report has been prepared by Nigel Newton Taylor, a Director of HPC and Chartered Surveyor with 35 years experience providing commercial property advice in both the public and private sectors. Specialising in care based property for the past 19 years, he has provided a mix of consultancy, valuation and transactional advice to a wide range of clients including Local Authorities, Lending Institutions, Not for Profit Organisations and Corporate Healthcare Operators.



Nigel Newton Taylor BSc (Hons) MRICS
 Healthcare Property Consultants Ltd
 Commer House
 Tadcaster Enterprise Park
 Station Road
 Tadcaster
 LS24 9JF
 12/05/2021



Executive Summary

Conclusion

On 26th June 2019 the Ministry of Housing, Communities & Local Government published planning guidance entitled ‘Housing for Older and Disabled People’. The document included the provision of registered care home accommodation and the opening words set the tone:

‘The need to provide housing for older people is critical. People are living longer lives and the proportion of older people in the population is increasing.’

The Mid Sussex population is comparatively old. Indeed, the proportion of persons over the age of 85 is 24% higher than the national profile and set to increase by 62% by 2035 – a rate of growth exceeding national expectations. If central government deems the need to provide appropriate accommodation for older people as critical nationwide, the argument exists that it is more than critical in this particular instance.

However it is not merely numeric need that falls to be considered but also qualitative need. Appendix II to this document details the nature of accommodation expected by the Department of Health almost two decades ago. Although the standards are no longer in place, they served to set a benchmark in terms of environmental quality, detailing a requirement for newly registered facilities to restrict bedroom occupation to single occupancy and for all bedrooms to incorporate an en-suite facility. In our experience a single occupancy en-suite bedroom is now considered the appropriate standard throughout the country by providers and commissioners alike.

Whilst it is always appropriate to provide suitable accommodation for the elderly, the ongoing COVID-19 pandemic has highlighted the importance of environmental configuration – a subject explored in Section 8 to this report. There have (to date) been 664 fatalities within West Sussex care homes where death has been attributed to COVID-19. Converted and dated homes not only lack the ability to lockdown ‘mini units’ but facilitate cross infection through use of communal bathing facilities. As lessons are being learned, so architects now have the opportunity to limit viral risk through the improved design of new purpose built homes – as shown in plans accompanying this planning application.

The District care home estate incorporates a variety of environment including converted former dwellings and purpose built facilities. Crucially, however, only five (of 36) homes have been purpose built in their entirety since the turn of the Millennium. Modern design benefits are therefore limited whether that be increased room sizes, ensuite wetrooms or even incorporation of stretcher lifts as the age (and care needs) of clients continues to increase.

Mid Sussex is currently served by 36 registered care homes for the elderly – offering a mix of residential and nursing care (including care to clients with dementia). There are currently 1,410 registered beds in the Target Area serving the elderly population in total although this accommodation includes just 1,040 en suite bedrooms. As identified in the table alongside a significant statistical shortfall in appropriate accommodation exists.

This shortfall is, without significant new development, set to increase rapidly. Not only is numeric growth across the elderly population substantial, but so too is the attrition rate across a District estate heavily reliant upon converted environment. Since January 2015, far more beds have been lost through closure (257) than gained through development (90) and we would expect the level of attrition to continue. Mapped planning activity (Section 4.2) further confirms a lack of local proposals in the locality.

The local authority’s own forecasting (Section 7) acknowledges the need (and regulatory requirement) ‘to facilitate the extra provision of specialist accommodation or care in Mid Sussex falling within Use Class C2 over the plan period to 2031’ (HEDNA Addendum Para. 2.21). Our own findings confirm this to be the case – whatever the methodology used.

The Benefits

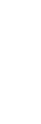
It is anticipated that the proposed development will:

- 1) Assist in offsetting the significant statistical undersupply of appropriate accommodation across the District – as identified within the Mid Sussex HEDNA.
- 2) Assist in offsetting the significant statistical shortfall across the surrounding locality – as identified within the Carterwood Comprehensive Planning Need Assessment.
- 3) Help to address the trend of net bed loss seen across the District over recent years due to high attrition.
- 4) Improve the overall environmental quality of the care home estate through development of modern accommodation designed for purpose.
- 5) Reduce the impact risks of future pandemics through provision of environment specifically designed for purpose.
- 6) Assist in reducing the comparatively high number of Delayed Transfer of Care Days across the county – benefiting both the NHS purse and patient wellbeing.

Supply / Demand Dynamics

	Current	2025
Statistical Demand (elderly care beds)	1,752	2,026
Current supply of Ensuite Bedrooms	1,040	1,040
Under Supply	712	986

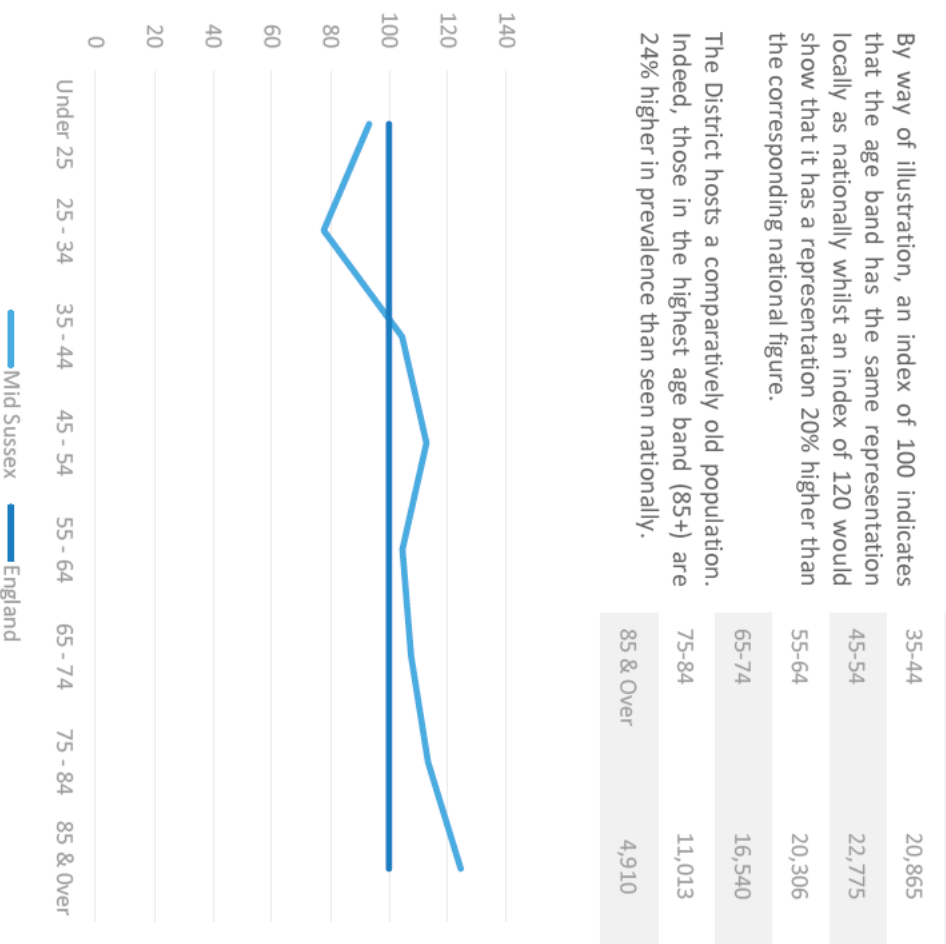
* The above Demand level is calculated adopting the SHOP@ methodology utilised within the MSPC HEDNA.





Age Profile

The raw data might best be considered graphically. The chart below represents the Index value in order to indicate over or under representation of population band within the District in comparison to national data.



By way of illustration, an index of 100 indicates that the age band has the same representation locally as nationally whilst an index of 120 would show that it has a representation 20% higher than the corresponding national figure.

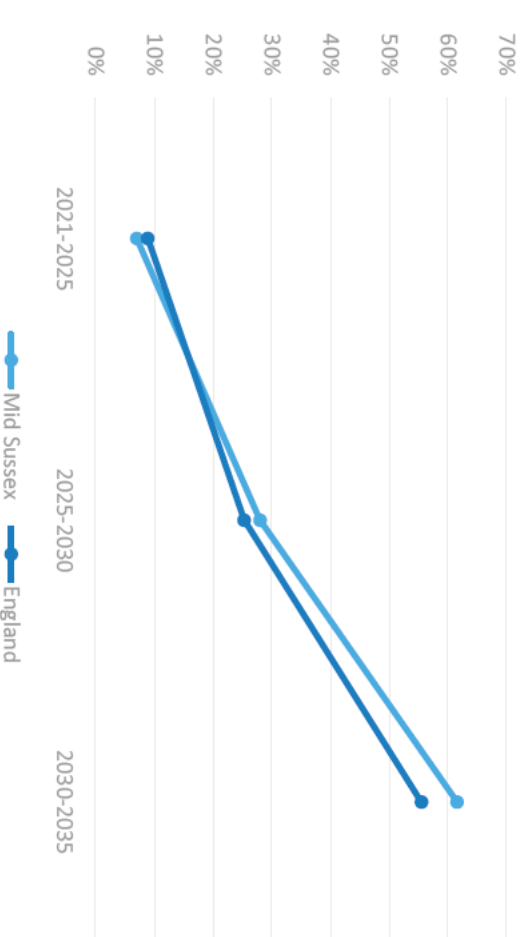
35-44	20,865
45-54	22,775
55-64	20,306
65-74	16,540
75-84	11,013
85 & Over	4,910

The following table details the projected population change in individuals over the age of 85 between 2021 and 2035:

	2021	2025	2030	2035
Projection	4,910	5,259	6,306	7,933

In terms of 5 yearly growth, the following chart identifies projected growth within Mid Sussex, plotted against the national projections. The identified growth rate is cumulative over the period, measured against the base year of 2021.

The number of people across the District over the age of 85 is forecast to rise by 62% by 2035.





Supply

4.1 Existing Care Home Overview

Homes	Registered Beds	Dementia Beds	Total Rooms	Ensuite Rooms	
Residential Care	16	524	219	511	450
Nursing Care	20	886	620	848	590
Total	36	1,410	839	1,359	1,040

A more detailed schedule of existing homes is provided within Appendix I to this report, along with a map of the District identifying the individual locations.

The existing care home estate offers a complete mix in terms of environment, ranging from converted period dwellings through to modern homes, specifically designed and built for purpose over recent decades. Overall, there is a distinct bias towards converted environment with 27 (of 36) homes incorporating converted accommodation to varying degree and only 3 facilities having been developed over the past decade.

	Target Area	UK
Single Rooms as a % of all bed spaces	93%	95%
% of all bed spaces with en suite wc	77%	72%
Average size of Nursing Home	44	53
Average size of Residential Home	33	31

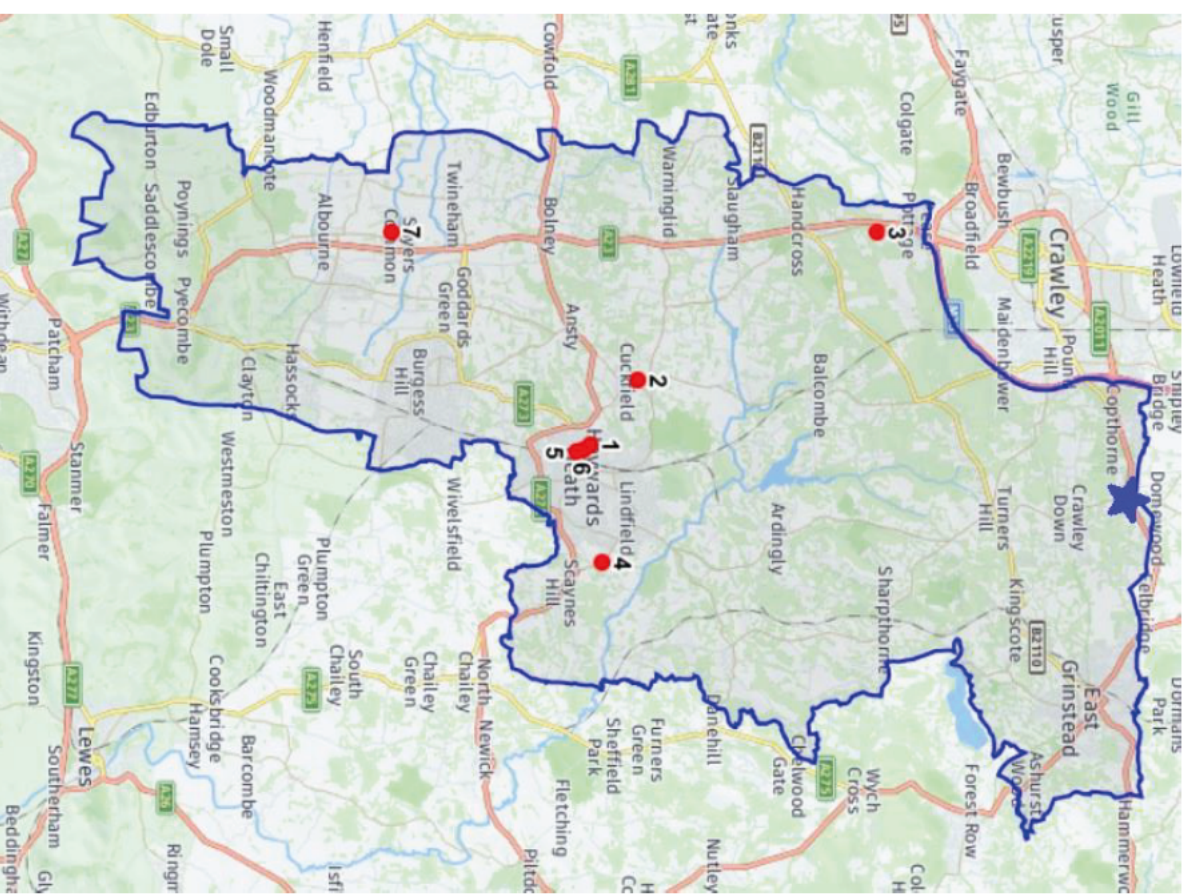
4.2 Planning Activity

We have, in researching for this report, had regard to ongoing and recent planning activity across the District. This has been carried out through utilisation of both Barbour ABI and Egi planning directories. The search has encompassed planning applications relating to registered care home provision for the elderly lodged over the past 3 years where the outcome has been positive or, alternatively, a decision remains pending.

	Net New Ens. Beds
Consented New Homes	72
New Home Applications Pending Decision	207
Extensions to Existing Homes	40
Total Proposed Net Beds	319

(Undeveloped) planning activity meeting the above criteria appears to be restricted to the following:

1. Former Beech Hurst N.H., Butlers Green, Haywards Heath RH16 4DA. Detailed planning consent granted 30th October 2018 (Ref: DM/18/0582). Replacement 72 bed care home. Development ongoing – Martlett Manor set to open in 2021.
2. Pelham House, London Road, Cuckfield RH17 5EU. Detailed planning consent granted 28th September 2018 (Ref: DM/18/3008). 4 bed extension.
3. Tilgate Forest Lodge, Brighton Road, Pease RH11 9AF. Detailed planning refused 7th November 2019 (Ref: DM/19/2765); Appeal ongoing. 70 Bed Care Home.
4. Walstead Place, Scaynes Hill Road, Lindfield RH16 2QG. Detailed planning granted 9th September 2019 (Ref: DM/19/2834). 9 bed extension.
5. Oakwood, Amberley Close, Haywards Heath RH16 4BZ. Detailed planning granted 12th March 2021 (Ref: DM/20/1503). 31 bed extension resulting in net 27 bedroom increase in accommodation post demolition works.
6. 23-25 Bolnore Road, Haywards Heath RH16 4AB. Detailed planning application dated 25th September 2020 awaiting decision (Ref: DM/20/3310). 67 Bed Care Home.
7. Kingsland Laines, Sayers Common, Hassocks BN6 9JG. Reserved Matters application dated 15th March 2021 awaiting decision (Ref: DM/21/1062). 70 Bed Care Home.



4.3 Market Movement

Whilst the Care Quality Commission data contained in Section 4.1 provides a snapshot in time, it is also useful to look at the pattern of provision over recent years in terms of new facilities and closures. The two tables below identify such activity across the District over the period from January 2015 to date.

Home Closures		New Developments	
Goffs Park	37	Bletchingley	26
Royston	17	Goldbridge	64
Rowfant	20	Total Registered Beds	90
Balcombe Place	20		
Downlands Park	40		
Horncastle House	43		
Beech Hurst	60		
Total Registered Beds	257		

It would appear that, over the six year period, the impact of new care home development has been more than offset through attrition. Indeed, despite the rate of growth (previously detailed) across the elderly population, the District has seen a net registered bed loss of 167.

As a company, HPC monitor care home market movement nationwide. Amongst the key reasons behind home closures are a lack of economy of scale (limited registration) and environmental provision no longer deemed fit for purpose.

This is illustrated locally through the activity of BUPA and Care UK. The former took the decision to close the converted period dwelling Downlands Park and relocate next door to the newly developed Goldbridge. Similarly, Care UK deemed their 1990's built Beech Hurst no longer fit for future care provision and have demolished the facility, with development of Martlett Manor ongoing on the site.

In order to secure economy of scale, the average size of newly registered care home across the country (over the past 5 years) is 62 beds. This contrasts with the average size of care home closing – 29 beds. Of concern is the fact that, across the District, 11 of the 36 homes have a registration of 28 or fewer beds.

In terms of environmental provision deemed fit for the future, an ensuite bedroom would be considered by most clients a reasonable expectation. As previously identified, the relevant care directories point towards only 77% of bedrooms across the District being able to offer an ensuite WC or better.

We would anticipate continued attrition across the District over the short/medium term with the level of development therefore required not only to accommodate the increasing elderly population but to offset accommodation lost through closure.



Statistical Demand

5.1 Total Elderly Care Demand – SHOP@

The Strategic Housing for Older People analysis tool is a long standing resource formulated by Housing LIN. Endorsed by the Department of Health, it seeks to forecast demand for specialist housing for older people across England and Wales and is specifically advocated as an appropriate methodology by the Ministry of Housing, Communities and Local Government within the planning guidance (26th June 2019) entitled Housing for Older and Disabled People.

SHOP@ is, we note, the methodology referenced by Mid Sussex District Council in the Housing and Economic Development Needs Assessment Addendum (August 2016) addressing ‘Housing for Older People – Provision of Specialist Accommodation or Care’. The methodology is population prevalence based, detailing a demand level for 110 care home beds per 1,000 population over the age of 75.

Future forecasts have been calculated having regard to population movement forecasts (across relevant age bands) coupled with the above prevalence of care home occupancy across the elderly population. There is, of course, a level of uncertainty attached to such forecasting. In a drive to retain an individual’s independence, the Assisted Living concept has become a popular alternative to the provision of low need residential care to the frail elderly. The potential for this occurrence is likely to increase. Conversely, as the incidence of dementia rises across the elderly population, so total independence may become inappropriate for many of our population and the need for a care home environment will be the natural choice.

This methodology confirms a total requirement for 1,752 elderly care beds. This level of demand rises to 2,026 by 2025 and 2,218 by 2030. By way of cross reference, the HEDNA Addendum forecast demand for 2031 stands at 2,442.

5.2 Total Elderly Care Demand - LaindBuisson

In our experience, as a social care property consultancy, the most frequent demand methodology utilised within the sector is based upon care home occupancy age based prevalence rates researched by sector specialists LaindBuisson. The data is updated every 12 – 18 months and the current rates confirm the following proportions of UK population living in a care home or long stay hospital setting as at 2020 pre COVID levels:

- 65 – 74 years: 0.54%
- 75 – 84 years: 3.3%
- 85 and over: 13.4%

Future forecasts have, once again, been calculated having regard to population movement forecasts (across relevant age bands) coupled with the above breakdown of care home occupancy across the elderly population.

This methodology confirms a total requirement for 1,111 elderly care beds. This level of demand rises to 1,227 by 2025 and 1,401 by 2030.

5.3 Dementia Specific Care Demand

With over 900,000 elderly people in the UK with dementia it is essential that the demand for dementia care is recognised with appropriate provision within the Social Care sector. In November 2019 the Alzheimer's Society funded a study carried out by the Care Policy and Evaluation Centre (CPEC) at the London School of Economics. Entitled 'Projections of older people with dementia and costs of dementia care in the United Kingdom, 2019-2040', the report seeks to assess the medium term impact of dementia upon society in terms of both cost and care requirements.

The projections were produced using an updated version of a model developed by the CPEC for the Modelling Outcome and Cost Impacts of Interventions for Dementia (MODEM) study. The model produces projections of dementia care in England using the best available current data on dementia prevalence. Utilising population forecasts published by the ONS, assumptions include (crucially) the fact that a disease modifying treatment for dementia will not become available over the projection period.

With a base year of 2019, researchers estimated 885,000 older people within the UK to have dementia – a prevalence rate among older people of circa 7.1%. In terms of severity, the figure is further split as follows:

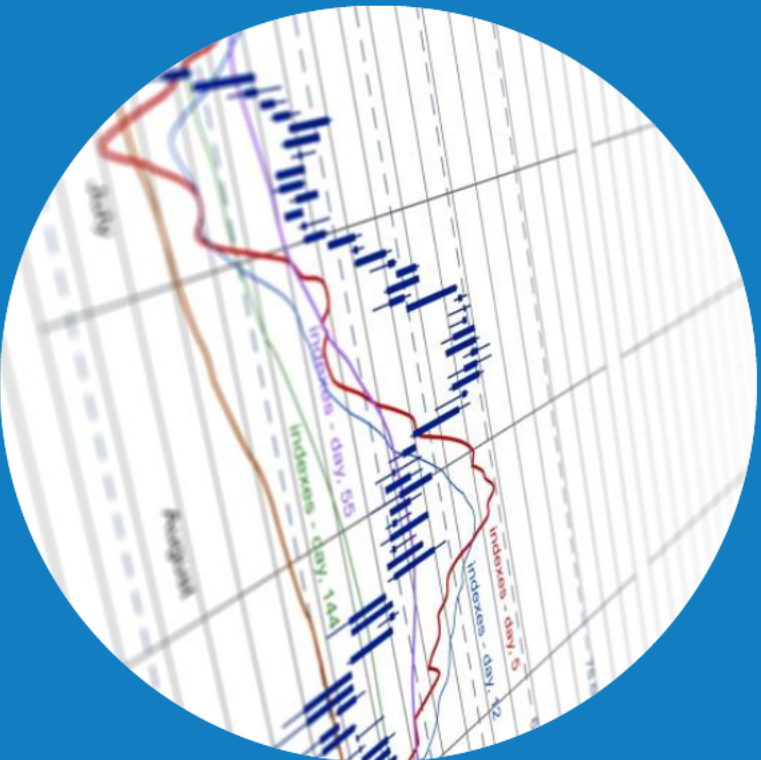
- Mild dementia 127,000
- Moderate dementia 246,000
- Severe dementia 511,000

The projected number of older people with dementia is forecast to increase by 80% to 1.59 million by 2040 although it is the specific breakdown of dementia growth that is of particular interest to care home provision. The projected increase in the number of people with severe dementia (2019-2040) is 109% in comparison to the projected increase in those with mild and moderate diagnosis (55% and 33% respectively).

The prevalence rate of dementia in the UK is projected to reach 8.8% (from the current 7.1%) by 2040. This increase in prevalence (and the number of people with dementia) is driven by continued population ageing in the UK, characterised by a rising proportion of people in advanced old age. Indeed, according to the ONS population projections, while the number of older people age 65 to 74 in the UK will increase by 20% between 2019 and 2040, the number of older people aged 85 and over will more than double. Concluding comment from the research document is clear in terms of impact upon future demand for dementia care provision:

'...the proportion of older people who have severe dementia is projected to rise in the next decades...the likelihood of living in a care home increases with severity of dementia, which means that in future a higher proportion of people with dementia will live in care homes rather than receive care in the community.'





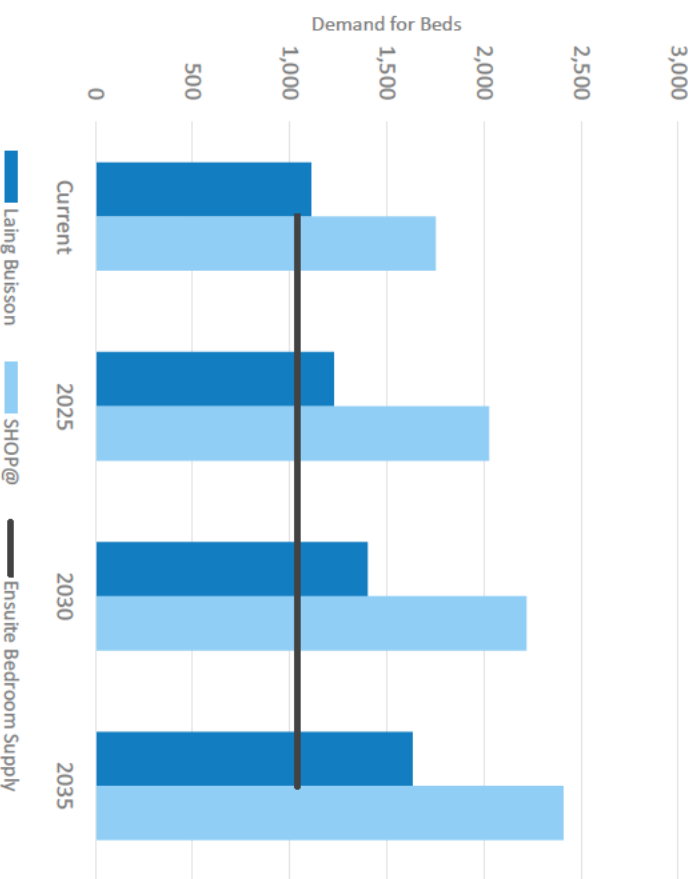
Supply / Demand Dynamics

6.1 Total Elderly Care Dynamics

The chart alongside details the total statistical bed requirement (current and forecast) within the Target Area as calculated in Section 5. In terms of supply, there are currently 1,040 en suite bedrooms in the Target Area (Section 4). This level is detailed in the chart by the horizontal black line.

As identified on the chart, a comfortable undersupply exists whichever methodology is utilised and, with elderly population growth, is set to increase rapidly over forthcoming years.

The supply line is for indicative purposes and is neutral in terms of both attrition and development – neither of which can be predicted with total certainty.



6.2 Supply / Demand Dynamic Overview

	LaingBuisson	SHOP@
Demand		
Statistical demand (incl. forecasts)	1,111	1,752
Supply		
Current supply of registered bed spaces	1,410	1,410
Current supply of en suite bedrooms	1,040	1,040
Dynamics		
Under or (over) supply in terms of registered beds	(299)	342
Under supply in terms of en suite bedrooms	71	712
Potential Supply Pipeline		
Undeveloped consented ensuite beds (net)	112	112
Undeveloped ensuite beds (net) awaiting decision	207	207

Attrition across existing bedstock in the short and medium term cannot be predicted with certainty. For this reason, we have assumed nil attrition. A key factor in respect of attrition potential includes environmental nature/configuration within existing facilities. We would refer back, at this point, to Section 4.3 to this report which details concerns in respect of care home size and environmental nature across the District. With that in mind we are of the opinion that the rate of care home closure across Mid Sussex is likely to be significant moving forward, in line with the pattern established over recent years.

The table alongside confirms both methodologies to point towards a statistical undersupply in terms of appropriate accommodation (ensuite single occupancy bedrooms). This shortfall is set to increase alongside growth in the elderly population over forthcoming years.

Detailed at the base of the table is the potential impact of further beds already in development or in the planning process at the time of reporting. What we are unable to predict is the potential level of further development yet to enter the planning process.

6.3 Delayed Transfers of Care

Commonly referred to as “bed blocking”, delayed transfers of care occur when a patient is ready to depart from hospital care and is still occupying a bed. NHS England monitor delayed transfers, defining a patient ready for transfer as being when:

- a) A clinical decision has been made that the patient is ready for transfer and
- b) A multi-disciplinary team decision has been made that the patient is ready for transfer, and
- c) The patient is safe to discharge/transfer

The trend in respect of transfer delays has varied significantly over the past decade. The prevalence rose over the early part of the decade, peaking in 2016. Attracting significant media coverage at that point, pressure rose upon relevant public bodies to reduce delays (and associated costs). As a direct result, the country as a whole has experienced a quite significant drop in transfer delay towards the latter part of the decade.

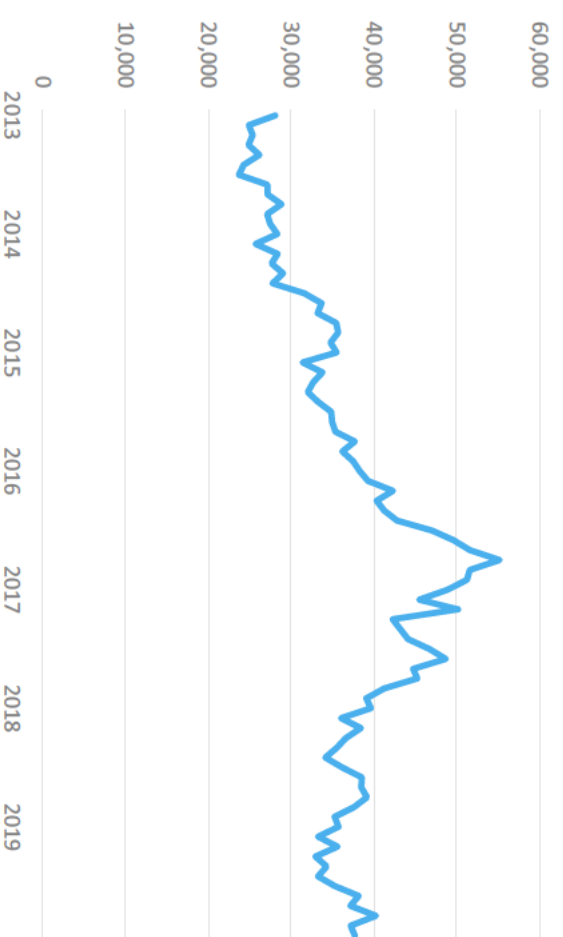
Quite apart from the significant financial implications, there are also potential effects upon the patient. A longer stay in hospital is associated with increased risk of infection, low mood and reduced motivation, which can effect a patient’s health after they have been discharged and increase their odds of readmission.

There are multiple reasons as to why delays can occur including funding, housing issues, family disputes and waiting for appropriate equipment to be installed in the community. However, delayed transfers are significant in that they can be indicative of bed availability throughout the surrounding care home estate. For the purposes of this report we have focused upon the key category of delay (D) involving care home provision defined by NHS England as follows:

Delay awaiting residential / nursing home placement / availability

“This includes all patients whose assessment is complete but transfer is delayed due to awaiting nursing/residential home placement because of lack of availability of a suitable place to meet their assessed care needs. This does not include patients where local authority funding has been agreed, but they or their family are exercising their right to choose a home under the Choice of Accommodation Regulations and Guidance.”

The graph below illustrates the national pattern in respect of delayed transfer days attributable to category D over recent years. Levels are represented on a month by month basis.



One of the side effects of the recent pandemic has been that NHS England has ceased publication of data relating to delayed transfers of care – resources being deployed elsewhere. The most recent full calendar year data available therefore relates to 2019.

The total number of delayed transfer days across the country for the calendar year 2019 within the above category is 10,794 (12.4 days/1,000 persons local population). The corresponding national figure was 430,967 (7.5 days/1,000 persons).

The NHS England data therefore points towards West Sussex having a comfortably higher level of delayed transfer due to care home associated availability than would normally be expected. The level of delay impacts negatively on not only the public purse but, more importantly, patient wellbeing.



The Local Authority Perspective

In August 2016 Mid Sussex District Council (MSDC) published an Addendum to the Housing and Economic Development Needs Assessment (HEDNA) incorporating a specific focus upon Housing for Older People – Provision of Specialist Accommodation or Care. The document seeks to set out potential demand for all types of older persons specialist accommodation or care across the District through to 2031 whilst suggesting a suitable policy response to best meet such demand.

In a not dissimilar way to this HPC Care Home Need Assessment, the HEDNA Addendum ‘sets the scene’ by highlighting concerns over impact resulting from population growth:

‘There are significant variations of change within certain cohorts, with those nearing or of retirement age 60-74 years and above showing large increases of up to 36.5%; the groups aged 75 years and over indicating very significant increases of up to 74%; and the very old (90 years and over) cohort more than doubling in size’.

MSDC provides within the HEDNA Addendum a clear and comprehensive assessment of need across the District both at the point of data collation (2014) and end of plan life (2031). Demand data is supplied by West Sussex County Council Public Health Research Unit and, crucially, specifically identifies demand levels within the differing categories of accommodation rather than providing a cumulative Use Class figure to be arbitrarily split. The importance of this approach was highlighted recently in the planning appeal at Hazeldene Nursery, London Road, Albourne, West Sussex (Appeal Ref APP/D3830/W/19/3241644). Allowing the appeal against the MSDC decision, the Inspector confirmed that C2 Use Class supply / demand dynamics should not be considered in their entirety but that it was appropriate to consider components individually – in this case, leasehold extra care. We believe that the principle stands in respect of nature of accommodation, with dynamics for registered care homes being completely separate to other Housing with Care incorporated within the C2 Use Class.

The data is derived using the Housing LIN SHOP@ analysis tool as previously outlined in Section 5.1 to this document. The need to consider each form of accommodation independently is specifically highlighted in Paragraph 2.5 of the HEDNA Addendum as follows:

‘In terms of specialist accommodation or care, NPPG sets out that the future need for specialist accommodation for older people should be broken down by tenure and type such as sheltered, enhanced sheltered, extra care and registered care housing....’

The data relating to Registered Care is provided in the table below:

	2014 Supply	2014 Demand	2014 Need	2031 Demand	2031 Need
Residential Care	471	858	387	1,443	972
Nursing Care	594	1,209	-615	999	-210
Total Registered Care	1,680	1,452	-228	2,442	762

In terms of total care home accommodation provision, the West Sussex CC Public Health Research Unit identified an oversupply of registered beds in 2014 but forecasts (in the absence of further development) a quite considerable shortfall by 2031. It should, of course, be highlighted that the above supply figures detail registered beds in their entirety rather than what might be considered appropriate accommodation – single occupancy ensuite bedrooms.

The HEDNA Addendum highlights the requirement of the Care Act 2014 for local authorities ‘to ensure sufficient provision in the care market in terms of both capacity and capability’. Noting that the market in the north of West Sussex faces particular pressure, exacerbated by scheme closures, MSDC acknowledges there to be ‘the need for a policy intervention to protect existing stock and to facilitate the extra provision of specialist accommodation or care in Mid Sussex falling within Use Class C2 over the plan period to 2031’.



COVID-19 Implications

8.1 Relevant Research

Given the fact that this comprises a recent (and ongoing) pandemic, meaningful research into the impact on registered care communities is limited. Indeed, we are aware of a single piece of comprehensive work only.

The Association between Nursing Home Crowding and Covid-19 Infection and Mortality in Ontario, Canada comprises a substantial piece of research published online by the Journal of the American Medical Association on 9th November 2020. The research is authored by Kevin Brown PhD, Aaron Jones MSc, Nick Daneman MD, MSc et al. Author affiliations include Public Health Ontario, the Dalla Lana School of Public Health (University of Toronto), the Department of Health Research Methods, Evidence, and Impact (McMaster University, Hamilton), Sunnybrook Research Institute (Division of Infectious Diseases, Toronto) and the Department of Medicine (University of Toronto).

The research sought to ascertain whether a correlation exists between Covid-19 infection and mortality prevalence and environmental configuration within registered care facilities. The authors obtained complete information in respect of 618 of the 623 Ontario nursing homes, encompassing 78,607 residents. As a guide to sample size, this is sizeable - equating to almost 20% of UK registered beds for the elderly. The research was conducted between March 29th and May 20th 2020.

Methodology

A nursing home crowding index was utilised which was defined as the mean number of occupants per room and bathroom across an entire home. Weighting was attributed to each bedroom dependent upon two key factors – number of occupants and availability of private bathing facility. A single occupancy room with private bathroom was ascribed the lowest weight (1) whilst the largest bedrooms, occupying 4 persons, were ascribed a weight of 4.

Across the province only single, double and quadruple bedded rooms are utilised – accommodating 36.9%, 37.3% and 25.8% of residents respectively. Analysis was restricted to elderly persons only of whom 54.6% were aged 85 or over and 69.8% were dementia diagnosed. All homes were then split into two categories as follows:

- High Crowding Index Homes: an average weighting of 2 or greater (the median)
- Low Crowding Index Homes: an average weighting below 2

Results

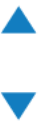
Unfortunately, of the 78,607 residents, 5,218 (6.6%) developed Covid-19 infection, and 1,452 (1.8%) died of Covid-19 infection as of May 20th 2020. This case fatality rate was 27.8%.

The research identified a clear correlation between Covid-19 incidences in high crowding index homes (9.7%) compared to low crowding index homes (4.5%). A key part of the research was to investigate the outcome impact had all homes been restricted to single occupancy rather than there being a level of shared accommodation. The following comprises a direct quote from the research:

'In the simulation in which all multiple-occupancy rooms were converted to single-occupancy rooms, we estimated that 1,641 infections (31.4%) and 437 deaths (30.1%) may have been prevented. In this scenario, an additional 29 871 new single-occupancy rooms would have been required, assuming current 4-bed and 2-bed rooms had been capped at single occupancy.'

Key Points (quoted verbatim and in full from the research) comprise:

- **Question** – What is the association of crowding in nursing homes, defined as the mean number of residents per bedroom and bathroom, with nursing home coronavirus disease 2019 (COVID-19) mortality?
- **Findings** - In this cohort study that included more than 78, 000 residents of 618 nursing homes in Ontario, Canada, COVID-19 mortality in homes with low crowding was less than half (578 of 46, 028 residents [1.3%]) than that of homes with high crowding (874 of 32, 579 residents [2.7%]).
- **Meaning** - Shared bedrooms and bathrooms in nursing homes are associated with larger and deadlier COVID-19 outbreaks.



8.2 Impact upon Design

Whilst the annual care home death rate results from a number of causes, the pandemic has illustrated the fact that a large proportion of the existing national care home estate does not incorporate appropriate design requirements for such a previously unforeseen outbreak. Moving forward, it is likely that the following will comprise key design considerations:

1. Converted facilities and those purpose built but pre dating the millennium frequently incorporate shared bedrooms. The experience of COVID-19 is likely to result in a long overdue re-consideration as to whether twin bedrooms are appropriate not only for privacy reasons but also, now, viral control.
2. Converted facilities and those purpose built but pre dating the millennium rarely incorporate full ensuite bathing facilities, necessitating communal bathrooms & shower rooms. This is a cross-infection nightmare. Conversely, it is extremely rare for new developments to lack ensuite wetrooms. The experience of COVID-19 is likely to result in a long overdue re-consideration as to whether bedrooms reliant upon communal bathing facilities should retain registration.
3. Care home operators have also been highlighting the impact of bedroom size upon mental wellbeing as residents have been in lockdown. Whilst the aforementioned National Minimum Standards brought in a minimum new registrable bedroom size of 12m², many rooms pre-dating the regulations fall (well) below this level. COVID-19 experience, with residents self-isolating in bedrooms, has highlighted the need for a larger bedroom footprint.
4. The COVID-19 experience has further highlighted to the sector the importance of incorporating, within design, the ability to isolate sections of a home. Future design of care homes is likely to incorporate individual units capable of being operated in isolation with unit specific day space, dining facilities and staff group in order to limit the potential for cross infection throughout the entire home.

The proposed facility will offer single occupancy bedrooms throughout, of excellent size and each served by an ensuite wetroom.

The building has been designed to ensure four separate and isolatable care groups. Two groups would be located on the ground floor, with two further groups mirrored above on the first floor. These groups are operated independently to avoid the risk of contamination between care groups (either between residents or staff). Each care group would have its own day space, dining room, assisted bathroom, nurse station and access to separate outside amenity space. Staff will be assigned to a care group and could, if required, provide their relevant services to their designated group without passing through spaces where other care groups are located.

A separate entrance has been provided which acts as a staff and servicing entrance only. This leads to a lobby accessing a separate room which can be used as an 'air-lock' where staff can decontaminate and change into work clothing before entering the body of the building. The 'air-lock' room ensures that no part of the building is crossed over during this process so that the risk of contamination entering the home is reduced. The same applies for deliveries. The 'air-lock' room can be used to bring deliveries into the building, decontaminate them before allowing them further into the building. In the aforementioned scenarios the door between the corridor and the lobby on the ground floor would be sealed and / or closed off and used for egress only.

As can be seen from the revised suite of plans a space demarked "Interactive Lounge" has been set aside which could easily be converted into a separate family / guest room to be accessed from the lobby and from the main body of the circulation space ensuring that there is no crossover between the guest and residents. It is envisaged that guests would come into the room directly from the lobby and leave via the same route, whilst residents would enter via another door near the reception desk. The second set of doors from the lobby into the reception would not be used other than for emergency egress.

The revised suite of plans that have been prepared include the relocation of the back of house functions into a more central location along with the staff and service access. This provides the ability to distribute meals and laundry from a centralised point allowing such services to operate without having to travel through other parts of the building / care groups. This will support a more efficient approach to operations but also decrease the risk of transmission between residents.

8.3 Impact upon Population

The entire planet has been impacted by COVID 19 in one way or another and West Sussex has not been left unaffected. The following comprises a summary of relevant data:

Population in General

- By 5th May 2021 there had been 1,809 deaths across West Sussex (359 being within Mid Sussex) in which the death certificate had identified COVID 19 as being a cause.
- Meanwhile, 41,971 county inhabitants tested positive to COVID 19 (6,848 being within Mid Sussex).

Care Home Population

- Between 10th April 2020 and 30th April 2021 there were 664 deaths in West Sussex care homes involving COVID 19, peaking at 20 in one day during April of last year.
- The number of COVID 19 related deaths throughout England care homes over the same period was 29,110.

8.4 Impact upon Planning

It is widely accepted within the sector that Covid has negatively impacted on general occupancy levels for a variety of reasons:

- Mortalities amongst care home residents as identified in Section 8.3.
- Reticence amongst families to place within care homes during the epidemic.
- Inability of care homes at various points to admit new residents due to isolation guidelines.

As the vaccine rollout continues, it is widely anticipated that occupancy levels will return to pre Covid levels. Understandably, however, the matter has been considered during a number of planning processes, including appeals. Indeed, the matter was specifically addressed in the 2020 appeal relating to care home development at 51-53 Handforth Road, Wilmslow, Cheshire (Appeal Ref: APP/R0660/W/20/3249224). Paragraph 22 of the decision clarifies the Inspectors opinion as follows:

‘The impact of the current Covid-19 pandemic on the need for the proposed care home has been raised by a number of parties. The effects of the pandemic on the care sector are likely to be wide ranging and complex, and it will take time for the impacts to be fully understood. However, the need to provide high quality facilities to care for the ageing population will remain, and there is nothing to suggest that the need for the proposal would be in any way diminished as a result of the pandemic.’



Appendices

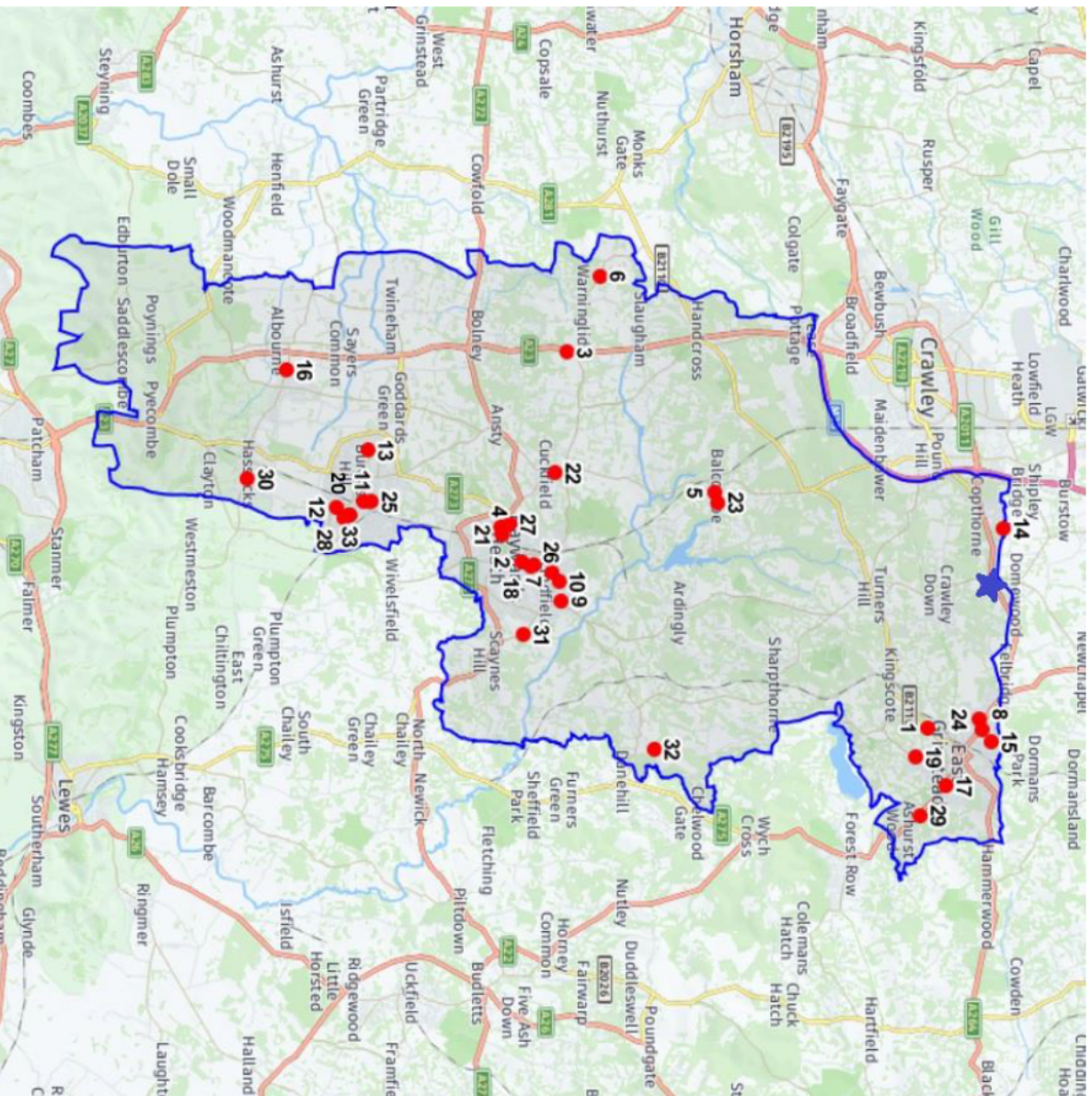
Appendix I – Mid Sussex Supply in Detail

Map Ref	Nursing / Residential	Name	Registration	Dementia	Provider
1	Nursing	Accorn Lodge	40	40	Accorn Health Care Limited
2	Nursing	Adelaide House	40	0	Adelaide Healthcare Limited
3	Nursing	Aniska Lodge	49	49	Excel Care Homes Limited
4	Nursing	Ashton House	100	100	Ashton Care Homes Limited
5	Residential	Avon House	19	0	Avon House (Balcombe) Limited
6	Nursing	Belle Vue Country House	41	41	Newcare Homes Limited
7	Nursing	Birchwood Grove	27	27	Archmore Care Services Ltd
2	Nursing	Bletchingley	26	26	Adelaide Healthcare Limited
8	Nursing	Brendoncare Stildon	32	0	Brendoncare Foundation(The)
9	Nursing	Compton House	27	0	Lindfield Christian Care Home
10	Residential	Crossways Healthcare Limited	25	0	Crossways Healthcare Limited
11	Residential	Edward House	22	22	Nicholas James Care Homes Ltd
12	Nursing	Firgrove	35	0	Firgrove Care Home Limited
13	Residential	Forest View	60	60	Shaw Healthcare Limited
14	Nursing	Francis Court	87	87	Care UK Comm. Partnerships Ltd
12	Residential	Hilgay	35	0	Hilgay Ltd
15	Nursing	Knowle House	35	0	RVJ Healthcare Ltd
16	Nursing	Ladymead	27	0	Ladymead Care Home Limited

Appendix I – Mid Sussex Supply in Detail

Map Ref	Nursing / Residential	Name	Registration	Dementia	Provider
17	Residential	Littlefair	41	0	Littlefair Care Home Limited
18	Nursing	Maplehurst	38	38	Woodcote Care Ltd
19	Nursing	Mill View	70	70	Care UK Comm. Partnerships Ltd
20	Nursing	Oaklodge	31	0	Dr Dhananjay Dalmond
21	Residential	Oakwood Court	35	0	Sussex Housing and Care
22	Residential	Pelham House	30	0	Cedarcare (SE) Ltd
20	Residential	Rookwood	25	0	South Coast Nursing Homes Limited
23	Nursing	Russetings	45	45	Russetings Care Limited
24	Residential	Silver Court	42	42	Anchor Hanover Group
25	Residential	St Annes	19	0	Franciscan Missionary Sisters
26	Residential	Summerlands	31	0	Summerlands Care Limited
27	Nursing	The Goldbridge	64	64	Bupa Care Homes (ANS) Limited
28	Residential	Tripletrees	28	28	Follett Care Limited
29	Nursing	Truscott Manor	39	0	Frannan International Limited
30	Residential	Villa Adastra	40	40	Salvation Army Social Work Trust
31	Residential	Walstead Place	45	0	Caring Homes Healthcare Group
32	Residential	Westall House	27	27	Abbeyfield Society (The)
33	Nursing	Woodlands	33	33	Kenley Care Ltd
36	Total	1,410	839		

Appendix I – Mid Sussex Supply in Detail



The map alongside details the Site and existing homes – the former appearing as a blue star on the northern boundary and the latter detailed as red circles.



Source: Crown Copyright Reserved.
Copyright Experian.

Appendix II The Care Home Environment

National Minimum Standards for Care Homes for Older People

In line with the Care Standards Act 2000, national minimum standards were published by the Department of Health in 2002. The minimum standards were to be used by the National Care Standards Commission inspectors when carrying out inspections of care homes.

Included within the standards were environmental requirements including:

- A minimum communal space provision of 4.1m² per resident
- An ensuite facility for each bedroom (W/C and wash hand basin as a minimum)
- Single occupancy room provision only
- Each bedroom to measure, as a minimum, 12m² (net of ensuite facility)

Private providers argued that the cost of meeting such standards would force many to close and, after widespread opposition, the original document was redrafted and published in February 2003. The redrafted document limited the impact of the aforementioned environmental requirements to new accommodation developed post 2002.

Whilst the original requirements were watered down and the standards are no longer in use, their publication served as a huge statement by the Department of Health. It is fair to say that, since that point in time, the market has seen the provision of ensuite single bedroom accommodation with increased footprint as the appropriate market offering.

Appendix III Industry Comment

Elderly Care Home Market Overview

There are currently approximately 463,000 beds in registered care homes across the UK registered for elderly care provision with ownership shared between private operators, Not for Profit providers and, to decreasing extent, public bodies (local authority and NHS). With an increasing number of older people now living longer and, as a direct result, often attracting more significant care need, the profile of this sector has never been higher.

The care home sector has varied greatly in size over recent decades. Whilst initial provision had principally been provided by local authorities through, typically, purpose built facilities developed during the 1960's and 70's, the private sector grew significantly during the 1980's - attracted by the relative ease at which converted accommodation might be registered, coupled with the willingness of local authorities to fund placements at attractive financial levels. The late 1990's saw a tightening of budgets and eligibility criteria, leading to reduced growth in the market before the current period of net bed loss resulting, in part, from the financial turmoil/funding pressure.

Care homes are a regulated business and require registration –for either the provision of residential care or nursing care. The original registration process was overseen by the relevant local authorities in which care homes were located. In an effort to create a level of regulatory uniformity, the Royal Commission on Long Term Care recommended, in 1999, a national regulatory body. As a direct result, following a series of national bodies, the Care Quality Commission took responsibility in March 2009. CQC remain responsible for the registration and regulation of care homes for the elderly. Whilst CQC is responsible for care home registration across England, the corresponding bodies in Wales and Scotland are known as Care Inspectorates.

At the turn of this millennium, in a further effort to secure uniformity in quality, the Department of Health (under the Care Standards Act 2002) published the document “Care Homes For Older People – National Minimum Standards”. This document, quite rightly, set out a high level of aspiration for care homes – specifically environmental expectations. Unfortunately, amidst significant concerns that enforcement of the standards would lead to wholesale home closures, the standards were watered down rapidly before being re-published in April 2003.

Care home operators can reasonably be categorised under the categories Private Groups, Small Independent Operators, Local Authorities and Not for Profit providers. The 1980's and 1990's saw a significant growth in the number of family businesses operating a single care home – frequently a converted and extended dwelling. The proportion of accommodation in the hands of small independent operators continues to fall with such accommodation typically unfit for purpose in this day and age and the regulatory pressures ever increasing.

Whilst many local authorities throughout the country have maintained a foothold in elderly care provision, the extent of care home operation is generally restricted to one or two homes per council. Although there are, admittedly, notable exceptions, local authorities appear to be increasingly comfortably in outsourcing long-term care provision whilst restricting in-house care to post hospitalisation reablement/rehabilitation. Current economic conditions ensure that this level will reduce further over forthcoming years.

Despite the reducing local authority presence in the market, the sector remains comparatively fragmented in comparison to other British service industries. Whilst the industry had experienced continued consolidation from the early 1990's, this trend plateaued before effectively going into reverse at the turn of this decade. Indeed, the market share of the 10 largest private groups (21.3% of registered beds) has fallen from its peak of 28.7%. This is, in part, due to the break up of Southern Cross Healthcare in 2011/12 (formerly the largest UK provider) and also a refocus by corporate operators upon the development of new high quality facilities rather than “bulk acquisition” of smaller groups with questionable environmental quality.

Responsibility for the payment of fees would generally fall upon the individual service user although, subject to means test, a proportion of care home residents can be funded by the local authority or (dependent upon care need) the NHS. The current approximate breakdown in terms of the funding of service users is as follows:

- Local Authority – 33%
- Local Authority (with third party top-up) – 14%
- NHS – 10%
- Self-fund – 43%

Appendix III Industry Comment

Elderly Care Home Market Overview

National austerity over the past decade has seen restricted uplift in terms of fees being paid nationwide by local authorities. As a direct consequence, many care homes are now reliant upon self-funding service users to “subsidise” those benefiting from local authority funding.

The focus of care homes has changed significantly since the 1960’s/70’s local authority development boom. Whilst categorisation of care homes for the elderly remains somewhat antiquated (people over the age of 65), current expectations are for services users to be significantly older. Indeed, the majority of care home residents are now over the age of 80 with younger individuals with no or limited nursing need encouraged to remain independent either within their own home or within specialist housing for the elderly (with or without care). Whereas, in decades gone by, care home residents frequently spent several years in institutional care, the average length of stay has fallen dramatically – largely as a direct result of local authorities refusing funding/placement until care need is substantial. The average length of occupancy for a care home resident is currently in the region of 24 months.

Dementia Specialism

Dementia specific research published in 2015 by the World Health Organisation and Alzheimer’s Disease International identified there to be 47½ million people estimated to be living with dementia worldwide. Indeed, with 7.7 million new cases of dementia each year this implies a new case of dementia somewhere in the world occurring very four seconds. The prevalence and incidence projections indicate that the number of people living with dementia will continue to grow, particularly amongst the oldest old.

As previously detailed, the prevalence of dementia across the elderly population is projected to increase over forthcoming years. Costs are already significant with total costs of dementia in the UK (2019) amounting to £34.7 billion according to the Care Policy and Evaluation Centre (CPEC) at the London School of Economics and Political Science. Those costs include all associated with supporting older people with dementia rather than the extra costs attributable specifically to dementia itself.

In terms of apportionment, approximately 45% of those aforementioned costs are attributed to social care with the remainder accounted for by unpaid care (40%) and health care (14%). With the number of individuals requiring dementia care forecast to increase significantly, this results in a significant projected cost increase from £34.7 billion (2019) to £94.1 billion in 2040 (at constant prices). It is social care that will bear the brunt of the cost due to the disproportionate increase in individuals with severe dementia necessitating care home provision rather than care in the community.

Care home operators seeking to provide dementia care require appropriate registration with the relevant regulatory body (CQC or Care Inspectorate). For some time now operators have identified the increasing need for dementia care provision and, more often than not, care homes registered to provide care to the elderly now also incorporate dementia care registration. New developments over the past decade also have increasingly incorporated environmental design criteria based upon ongoing research. Although frequently advertising specialist dementia care, it remains comparatively rare within the UK for care homes to have absolute specialisation and sole focus on dementia clients. It is usually the case that a care home will accept both frail elderly service users and individuals in need of dementia care – frequently the latter in a separate unit. Other European countries appear somewhat more advanced in the provision of dementia care. The Netherlands is a prime example of this point, hosting concepts such as the revolutionary De Hogeweyk Dementia Village and Martha Flora specialist boutique care homes.

Appendix III Industry Comment

Nature of Care

For more than a decade now we have seen both central and local government spokespersons extolling the virtue of keeping individuals in their home environment for the maximum period. This has been extremely popular with the general public but is only practical to a degree. Whilst there is an undoubted case for frail elderly individuals of sound mind and with limited (if any) nursing need to maintain a non institutional lifestyle, there will always be the need for the care home environment as the level of need increases. What the market therefore continues to see is a movement away from the historic residential care provision for people aged over 65 towards more intense nursing based care for increasingly aged service users with higher level medical needs. Such needs are not only physical but, increasingly, mental with dementia care being in high demand.

Existing Care Provision

The aforementioned pattern of growth within the care industry has left the sector with a potentially massive dilemma as we move forward. The vast majority of current facilities were either converted from former dwellings or comprise the first generation of purpose built bed-stock constructed during the 1960's and 1970's. Those homes were built (and properties converted) at a time when environmental expectations fall significantly below those of modern society. It is no longer acceptable for service users to share bedroom accommodation and it is a reasonable expectation that an en-suite facility should be made available. There is a strong likelihood that, over the next decade, the UK will see significant attrition across the care home estate as properties are deemed unfit for the future. This will coincide with the huge population growth in the elderly age bracket. Without significant development of appropriate care facilities there is a distinct risk of forthcoming bed shortages.

Development

The care home market, in comparison to other property based markets such as retail and industry, has historically been extremely naive in development. For decades the retail industry has analysed demographic breakdown to the nth degree prior to investing in new stores. Conversely, there has been a significant historic tendency for care home developers to develop facilities on a random basis based on 'gut feel' and (as importantly) the availability of cheap land. It is only in recent years, as funding constraints have hit and occupancy levels fallen, that care home developers (and associated operators) have begun to appropriately consider site selection.

Recent years have seen a strengthening of the economy and an increase in the appetite of residential developers throughout the UK. This has directly impacted upon the ability of care home operators/developers to secure appropriate sites - increasingly being outbid by the housing sector. This is having the affect of limiting growth in the social care sector.

Appendix III Industry Comment

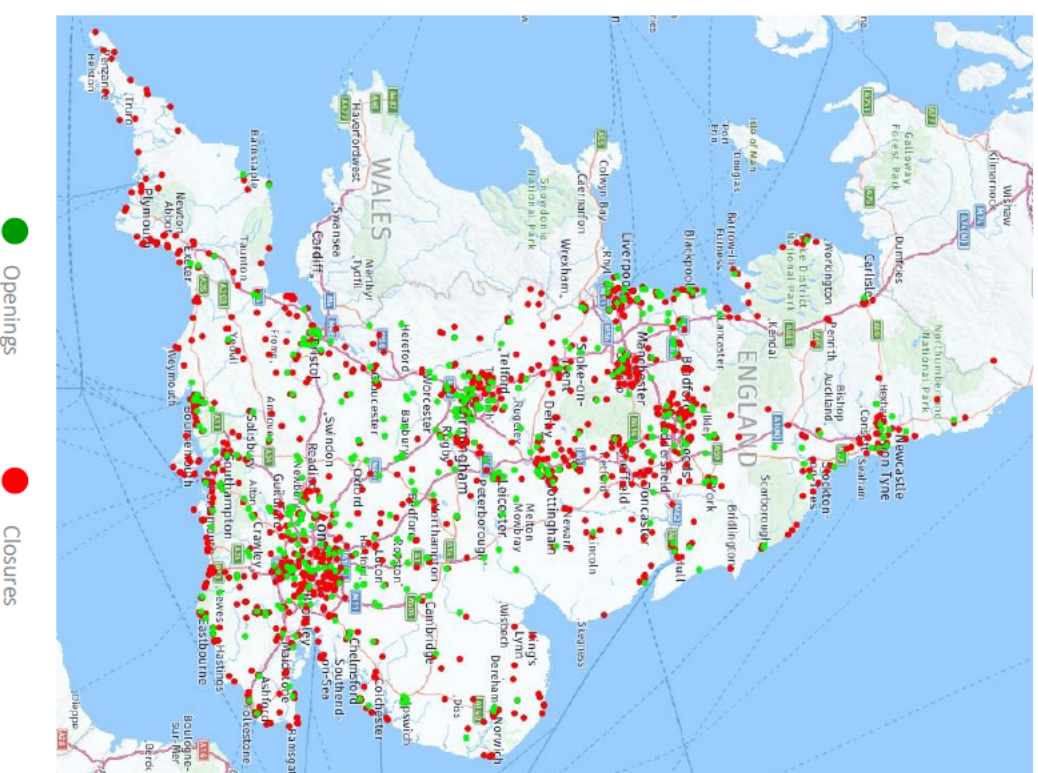
Market Movement - The National Picture

Over the past nine years HPC has carried out analysis of elderly care registration data supplied direct by the Care Quality Commission. The net loss/gain has fluctuated over the period with the cumulative outcome being a quite substantial net bed loss (exceeding, 8,500 beds). The data below reflects opening / closures and excludes extensions and registration reductions.



In terms of home (rather than bed) numbers, the annual number of newly opened homes is marginally below 100 with the corresponding closure figures exceeding 200. The average size of a new care home development over the past nine year period is 61 – contrasting with a mere 29 registered beds within homes closing.

The map alongside identifies market activity over the most recent 5 full calendar years. With the exception of the extreme South West and North West, the geographic spread of homes opening is relatively even throughout the country. With viability a key issue, we have seen a high proportion of closures in more rural areas and also coastal localities. In contrast, the focus of new development has tended towards the more sizeable urban areas or affluent smaller towns.



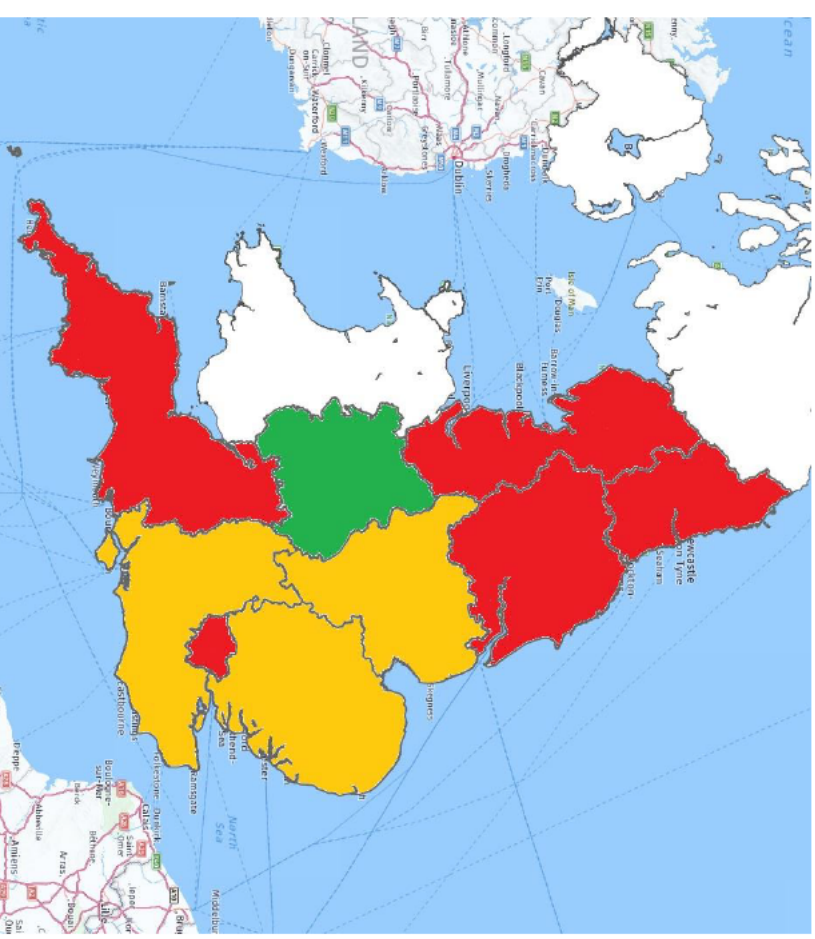
Appendix III Industry Comment

Market Movement - The Regional View

The map alongside identifies the net results (in terms of bed numbers) from care home development and closure on a regional basis over the 5 year period ending December 2020. Regions shown red have been subject to net bed loss, those in green a net bed gain with those identified as amber maintaining virtual parity.

Analysis of the data basis indicates a North/South divide, although this is no longer as clear cut as the early part of the 2010/20 decade. During 2010 to 2015 we saw significant geographic focus on the more affluent regions with the South East development comfortably exceeding attrition. This has changed over the more recent years and the West Midlands now comprises the sole region in which development comfortably exceeds closure.

In terms of level of development / closure disparity, the South West and Yorkshire/Humber regions continue to experience the most significant differential in market shift.



Appendix IV Data Source, Assumptions & Reservations

3 Age Group Distribution and Growth

All population age profiling data has been provided by Experian – one of only six suppliers approved by the Office of National Statistics (ONS) following Census release. The population figures provided are 2021 mid-year estimates OA level.

4 & Appendix I Supply

In order to ensure that the schedule of competing homes is as current as possible, the majority of information is drawn from the live web database of the Care Quality Commission. Supporting information in respect of room configuration is provided by the website www.carehome.co.uk and relevant websites of operating care homes.

4 Planning Activity

The suppliers of historic planning data from which we have extracted the enclosed information are both Barbour ABI and Egi. Enquiries have been limited to activity over the 3 year period pre-ceding the date of this report (unless otherwise stated). Should development of the Site be considered further, formal enquiries of the local authority should be undertaken.

5 Statistical Demand—Total Elderly Care

We have had regard to prevalence rates detailed within the SHOP@ methodology published by HousingLIN and further relied upon LalingBuisson's Care of Older People UK Market Report (31st Edition) in providing figures for bed requirements among the elderly in total.

5 Statistical Demand—Dementia Specific Care

Projections of older people with dementia and costs of dementia care in the United Kingdom, 2019 – 2040; Care Policy & Evaluation Centre, The London School of Economics and Political Science, November 2019

6 Supply / Demand Dynamics - Delayed Transfers of Care

Data supplied monthly on line by NHS England.

7 The Local Authority Perspective

Provided direct by the relevant Local Authority to HPC or publicly available on the internet

8 COVID 19 Implications

All information in respect of UK cases and deaths has been sourced during report compilation from the following websites:

www.ons.gov.uk

www.coronavirus.data.gov.uk

Data on the sites was originally sourced from the Care Quality Commission and Office for National Statistics.

The research detailed was published online on 9th November 2020 by the Journal of the American Medical Association:

www.jamanetwork.com

Tenure and Reports on Title

Unless otherwise stated, HPC have not inspected the title deeds, leases and related legal documents and, unless otherwise disclosed to us, we have assumed that there are no onerous or restrictive covenants in the titles or leases likely to impact upon our findings.

Condition and Repair

HPC have not carried out a building survey in respect of The Site nor any competing facility referred to in this report. Indeed, we have not inspected woodwork or any other part of the structure whether covered or exposed, accessible or inaccessible. We are therefore unable to confirm whether any facilities are defect free. None of the services, drainage or service installations were tested and we are, therefore, unable to report upon their condition.

Environmental

HPC have not carried out soil, geological or any other tests or surveys in order to ascertain site conditions or environmental condition of The Site (or competing facilities). The report assumes that there are no unusual ground conditions, contamination etc. which would impact detrimentally on the operation of a development.

Local Authorities, Statutory Undertakings and Legal Searches

HPC have not made any formal searches or enquiries in respect of The Site and are therefore unable to accept any responsibility in this connection. We have assumed that all necessary consents, licences and permissions enabling The Site to be put to the proposed use will be obtained with no outstanding works or conditions required by statutory, local or other competent authorities.

We would specifically confirm that HPC have not contacted the Care Quality Commission in respect of the proposed development.

Business Performance

In instances where reliance has been placed on information supplied to us by the client, HPC accept no liability should such information subsequently prove to be inaccurate or unreliable.

Third Party Data Provision

As previously stated throughout this report, HPC have relied upon information sourced from third party data providers. HPC have made every effort to ensure the reliability of each provider but take no responsibility for omissions or erroneous data sourced.

Time Limitation

The potential of The Site is impacted by market movement outside of the control of HPC. For this reason, it is necessary to limit the period of time for which this report remains valid to four months from report date.

Instructing Party

The instructing source is detailed within Section 1 to this report. Reports have been provided for the use of the party to whom they are addressed. Whilst they may be disclosed to other professional advisors as part of the process, no responsibility is accepted to any third party for either the whole or any part of the content.

Liability Cap

HPC confirm that the extent of our liability in respect of this report is limited to a maximum sum of £5,000,000.



Appendix V Author Overview

Nigel Newton Taylor is a Chartered Surveyor with over 30 years experience providing commercial property advice in both the public and private sectors. Specialising in care, he has provided a mix of consultancy, valuation and transactional advice to a wide range of clients including local authorities, lending institutions, not for profit organisations and corporate healthcare operators.

Relevant Qualifications:

- 1988 Bachelor of Science (with Honours) in Urban Estate Surveying
- 1990 Professional Associate of Royal Institution of Chartered Surveyors

Healthcare Property Consultants Ltd – 2008 to Date

Director

- Co-founder of business specialising solely in healthcare agency, valuation, consultancy and research
- Provision of consultancy advice in respect of development site selection to regional and national corporate operators
- Provision of consultancy advice alongside EY and PwC during 'Fair Price for Care' exercises
- Sale of registered care homes and independent hospitals on behalf of national corporate operators
- Feasibility provision to charitable organisations in respect of estate restructuring (YMCA, CLS Care Services)
- Expert Witness advice to legal and planning processes
- Rent review negotiations on behalf of UK's former largest corporate care home operator (Southern Cross)
- Consultancy advice provided to private operators and corporate providers including Care UK, BUPA, Maria Mallaband Care Group, Healthcare Homes, Avery Health and Bondcare.

GILP Taylors – 2005 to 2008

Director

- Managing Director of healthcare department
- Provision of consultancy advice and agency services to local authorities throughout care home externalisation processes (Essex County Council, London Borough of Havering)
- Provision of consultancy advice alongside PwC during 'Fair Price for Care' exercises across seven local authority areas

Christie & Co – 1997 to 2005

Director

- Manager of Leeds office
- Valuation and agency experience, specialising in healthcare, based (at various times) in Nottingham, Manchester and Leeds

Valuation Office Agency – 1988 to 1994

Senior Valuer

- Miscellaneous commercial, residential and agricultural valuation experience
- Training and supervision of graduate colleagues through RICS qualification



Nigel Newton Taylor BSc (Hons) MRICS

Director

RICS Registered Valuer

Healthcare Property Consultants Limited

Tel: 01937 222107

DDI: 01937 222159

Mob: 07733 884436

E: nnt@healthcarepc.co.uk

**Appendix 4: ED166 Interim Findings, 29 August
2018**

Vale of Aylesbury Local Plan 2013-2033 examination

Interim findings 29 August 2018

- 1) At the end of the hearing sessions which concluded just over a month ago, I undertook to write to the Council by the end of the first week in September with my interim findings. This document fulfils that undertaking. It is not a discussion document. It sets out what I think the Council needs to do to make the plan sound in addition to the modifications to which the Council has already agreed in its responses to my questions. I do not repeat all of those in this document. This document does not provide a definitive list of all the modifications which I think are needed to make the plan sound but it identifies broad areas where further work is necessary to arrive at those modifications.
- 2) There is much that is sound in VALP. Although the settlement strategy needs some detailed adjustment, the general approach based on an understanding of capacity rather than an arbitrary imposition of a percentage of growth on all settlements has been welcomed by all participants in the examination and I endorse that approach. I consider that the Sustainability Appraisal has been adequate so far, although further appraisal work may be needed consequent on the recommendations I make.
- 3) Likewise, it is clear that the Duty to Cooperate has been addressed satisfactorily since the withdrawal of the earlier version of the plan in 2014. Although some participants in the examination remain dissatisfied with the outcomes in some instances, I have no doubts about the adequacy of the process followed. Furthermore, it is clear that attention has been paid to comments made by the Inspector considering the withdrawn Core Strategy in 2010, concerning the approach to the distribution of development in and around Aylesbury town.
- 4) Nevertheless, I have sufficient concerns to advise you that VALP requires some further work before it can be found sound.

Early review

- 5) Firstly, I am severely troubled by an approach which envisages that the plan will need to be reviewed soon after adoption. Whilst Inspectors are generally willing to find a plan sound where one or two finite issues remain unresolved and are relatively peripheral to the main thrust of the plan, it appears that the consequences of an impending government decision on the route of the Oxford-

Cambridge expressway are expected to lead to a fundamental review of the plan's development strategy.

- 6) To be sound a plan must be positively prepared. A particularly encouraging element of the plan is the way it proposes to deal with the impending closure of RAF Halton. During the examination, the Council defended its approach by writing; "While there may be some uncertainty over the exact process for closure and all parties still await further detail, we cannot afford to ignore Government announcements and any development potential that results from them. It is after all better to plan positively for change rather than suffering the effects of an ad-hoc approach to the probable redevelopment of the camp." The same sentiments apply with equal force to the announcements about the Cam-MK-Ox growth arc.
- 7) Predictable events should be planned for. Both Heathrow expansion and the Oxford-Cambridge expressway are predictable, known, events. Only the route of the latter is not yet fixed. To be sound, VALP should make contingency plans to accommodate them, not simply abandon its function to a future review of uncertain timescale.
- 8) About half of the growth expected to result from the implementation of the Cam-MK-Ox growth arc is expected to take place in existing settlements. Their location is, by definition, existing, and therefore, known. In my consideration of housing numbers I make recommendations for the plan to take account of that now, as it does already in respect of employment land.
- 9) For the known unknown of the route of the Oxford-Cambridge expressway, it would be surprising if the Council did not already have contingency plans for whichever route is chosen. Those contingency plans should be included in VALP as contingencies. If a decision is announced on the route while the Council is preparing its Modifications to the plan then a firmer view can be taken. That should make the plan more robust, less dependent on an early review, and hence sound.

The housing requirement

- 10) Whilst I have no doubt that the identification of the Central Buckinghamshire HMA as the "best fit" for the collection and analysis of data is the most pragmatic administrative arrangement, it is necessary not to lose sight of three facts;
 - Actual housing markets continue to function irrespective of whatever surrogate HMA is chosen for the basis of data collection and analysis.
 - Approximately one-fifth (in terms of population) and about one-third (in terms of area) of Aylesbury Vale District falls outside the "best fit" HMA and so is likely to experience the

market forces of a different HMA to that analysed in the evidence base.

- The identification of self-contained travel to work areas using 2011 census data showed that the majority of Buckinghamshire (and Aylesbury Vale) outside the influence of Milton Keynes forms part of a London travel to work area and that the influence of London had to be excluded in order to define the local housing market areas outside its influence. Nevertheless, in practice that influence will remain.
- 11) For these three reasons I would have expected specific checks and adjustments to be made to the calculations based on the "best fit" HMA analysis to reflect the influence of the London Housing Market area on the part of Aylesbury Vale so affected and also to reflect the different characteristics of the Milton Keynes HMA in the part of Aylesbury Vale which falls outside the Central Bucks (and London) Housing Market Areas and within the Milton Keynes HMA. Other than a general exhortation of the need for Aylesbury Vale District Council to maintain dialogue with Milton Keynes, Oxford and areas to the north of London as well as the Mayor of London through the Greater London Authority, these checks and adjustments do not appear to have been made.
 - 12) Although I am convinced by the Council's explanations of its adjustments to the population estimates at the start of the projections I am not fully convinced by the Council's population projection figures in every respect.
 - 13) In contrast to official projections which are based on recent (five-year) migration trends, the Council's projections are a range based on two ten-year trends, one more robustly founded on census data 2001-2011, the other based on more recent data 2005-2015. The Council adopts the higher of the two as the basis of its housing need for the plan period.
 - 14) The Council bases its calculations on a ten-year migration trend because that is considered to iron out short term fluctuations to produce projections which are more stable. Be that as it may, the particular ten-year period used, whether 2001-2011 or 2005-2015, includes the years following the financial crisis of 2008 which are commonly recognised to be, not a short-term fluctuation, but a major interruption to long-term trends which will have depressed the average migration rate for whatever period includes the fall-out of that event. I am therefore not convinced that sufficient migration has been accommodated within the Council's forecasts for the Central Buckinghamshire Housing Market Area but there is little objective evidence submitted to the examination on which to base a precise alternative figure.
 - 15) To some extent, migration is a self-fulfilling prophecy, in that the supply of housing can induce migration within a given travel to work area just as it can affect household formation rates. Given the identified relationship between the Central Buckinghamshire Housing Market Area as defined, the wider London Housing Market

Area with which it overlaps and the Milton Keynes Housing Market Area which prevails in the northern part of Aylesbury Vale district, this consideration is likely to be relevant to Aylesbury Vale.

- 16) Therefore, rather than requiring the Council to re-run its population and household projections for the whole of the Housing Market Area on different migration presumptions I prefer to “wrap up” the effects of this consideration when taking into account the effects of other uplifts in the calculation of housing requirements for Aylesbury Vale, so that, in effect, additional migration figures become more of an output from the process than an input to it.
- 17) At the time the evidence base was prepared there was no definitive guidance on what level of uplift for affordability is appropriate. Reference is made to professional judgments made by other examining Inspectors such as at Eastleigh and comparisons made between affordability in Eastleigh and affordability in the Central Buckinghamshire Housing Market Area to arrive at a recommendation for the Central Buckinghamshire HMA. Comparisons are also made within the Buckinghamshire HMA to arrive at different recommendations for Aylesbury Vale and for the rest of the HMA.
- 18) But, if these recommendations are tabulated, it becomes clear that the uplift recommended for VALP in comparison with Eastleigh is too low:

Location	Affordability ratio	National comparison	Uplift recommended
England	7x		
Eastleigh	8.6x	20% higher	10%
Aylesbury Vale	10.4x	50% higher	10%
Bucks HMA	12.1x	75% higher	15%
Rest of HMA	13.9x	100% higher	20%

- 19) The disconnect between the affordability ratio, the national comparison and the uplift recommended for Aylesbury Vale is obvious. An affordability ratio for Eastleigh 20% higher than the national average leads to a recommendation for a 10% uplift. An affordability ratio for Aylesbury Vale 30% higher still leads to no further recommended uplift yet an affordability ratio for the Buckinghamshire HMA only 25% higher leads to an uplift 5% higher as does the increase in the affordability ratio for the rest of the HMA excluding Aylesbury Vale. Even if the 20% uplift for the rest of the HMA is correct, the uplift for VALP should be 15% to be in proportion with that recommended for Eastleigh and that for the whole HMA should be about 17-18%. Moreover, more recent evidence shows the differences between Aylesbury Vale and the rest of the Housing Market Area decreasing which suggests that the uplift for VALP should more likely be 20% than 15%.

- 20) Subsequent to the preparation of the HEDNA, a report from LPEG to the Communities Secretary and to the Minister of Housing and Planning March 2016 offers recommended systematic adjustments for market signals to replace the system of professional judgement used at Eastleigh and other local plan examinations thitherto. Application of this methodology would set a 25% uplift for market signals in Aylesbury Vale.
- 21) In contrast to its provisions for the supply and retention of employment land, VALP makes no allowance for the effects of the Cambridge – Milton Keynes – Oxford (Cam-MK-Ox) growth Arc. The National Infrastructure Commission’s report Partnering for Prosperity: a new deal for the Cambridge-Milton Keynes-Oxford Arc is not included in VALP’s evidence base but it is referenced in government policy both in the Autumn Budget November 2017 and in a policy paper, Helping the Cambridge-Milton Keynes-Oxford corridor reach its potential also published in November 2017.
- 22) This last records that the government’s vision for the corridor is to stimulate economic growth in the national interest. It notes estimates by the NIC that, with the right interventions, annual output of the corridor in 2050 could be approximately double the growth expected without intervention. Although 2050 is well beyond the end date of VALP the effects of the growth corridor can be expected to start to be experienced before then and so, as VALP does with Employment Land it is justified for VALP to take it into account. But it is inconsistent and therefore unsound, to take it into account selectively for part of VALP dealing with employment land but not for the part of VALP dealing with housing land.
- 23) It is fair for the Council to point out, as it does, that the government’s full response to the NIC report has yet to be published and that the selection of the broad corridor for the east-west expressway is not due to be made until later in the year and the precise route not until after that. But, the government’s general response to the NIC report was made in the Autumn Budget statement 2017 and, whichever route is eventually chosen for the east-west expressway will not alter the NIC’s central finding that rates of house building will need to double if the arc is to achieve its economic potential.
- 24) The government’s policy paper invites local partners within the corridor to work with it on agreeing a more detailed, ambitious corridor-wide vision in 2018. VALP will not have been positively prepared if it does not encompass the Council’s contribution to that work, not just in the realm of employment land but also in the realm of housing development.
- 25) The emphasis of the NIC’s report is on new settlements. I accept that the Council may not yet be in a position to respond definitively to this aspect of the NIC’s report but it should have contingency plans in place. In any event, the NIC report also points out that new settlements will not, on their own, be sufficient to meet future housing needs. They would account for less than half

of the homes required to support the arc's future workforce. Greater levels of development will be required within and around the arc's existing towns and cities. These locations are already known. As that work should already be in hand, there does not appear to be any good reason why it should not be included in VALP now, rather than wait any number of years for a future review of the plan to include what would, by then, be a decision taken in the past.

- 26) For all the above reasons I conclude that there needs to be a higher uplift to the baseline housing need so as to arrive at the full objectively assessed need for Aylesbury Vale. Taking account of my observations on migration rates, response to market signals and allowance for the early effects of the Cambridge – Milton Keynes – Oxford growth arc, I conclude that this should be at least 20% and probably 25%. It would follow that the OAN for Aylesbury Vale (before considerations of unmet need from other local authorities is taken into account) would be (rounded) at least 21,100, probably 22,000.
- 27) Examination does not lead me to conclude that the plan as a whole, or the housing numbers proposed within it, would be undeliverable. In consequence, that does not lead me to conclude that the plan would be unsound because of an inability to deliver the housing proposed. The plan includes a buffer of 5.2% to allow for uncertainties. This seems a reasonable allowance to make. Added to my previous findings of 21,100-22,000 for demographic projections including uplifts, 8,000 for unmet needs from elsewhere in the HMA, a buffer of 5.2% would result in a housing requirement figure of 30,600 - 31,500 dwellings over the plan period.
- 28) These do not all have to be included in the plan as allocations now. NPPF paragraph 47 requires the Council
- to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing (with an additional buffer of 5% moved forward from a later period)
 - to identify a supply of specific, developable sites or broad locations for growth for years 6-10 and,
 - where possible, identify a supply of specific, developable sites or broad locations for growth for years 6-10

As noted above, I accept that it may not be possible for the Council to identify new settlements (which would account for less than half of the homes required to support the Cam-MK-Ox arc's future workforce) and these may be left to a future review of the plan but I consider that it should be possible for the Council to identify specific allocations sufficient to meet a housing requirement figure of 30,600 which would go part way towards meeting the full housing requirement of 31,500 for the plan period. **I conclude that the plan should be modified to set a figure of 31,500 as the housing requirement.**

Spatial development strategy

- 29) As opposed to its principles, which I largely endorse, the sense of the application of the spatial strategy in practice can be seen by reference to the existing sizes of settlements, their new allocations for housing development and their expected development (including commitments) over the plan period :

Settlement	Population	allocation	development
Milton Keynes	229,941 (outside district)	14%	8%
Aylesbury	58,740 (34% of district)	60%	57%
Buckingham	12,043 (7% of district)	7%	8%
Wendover	7,399 (4% of district)	8%	4%
Haddenham	4,502 (3% of district)	2%	4%
Winslow	4,407 (3% of district)	5%	4%
Larger villages	} 49%	{ 1%	7%
Medium villages	} of	{ 2%	4%
Smaller villages and other	} district	{ 0%	2%

- 30) Although Leighton Buzzard (population c37,000) immediately adjoins Aylesbury Vale on the east side of the district, the spatial strategy does not propose to take advantage of its facilities or connectivity by allocating sites for development there. Other things being equal, an allocation for development comparable to that of Buckingham might have been expected. Instead, the land in Aylesbury Vale which is contiguous to the built-up area of Leighton Buzzard is proposed as an extension to the Metropolitan Green Belt.

- 31) In the past, the location west of Leighton-Linslade has been recognised in general terms as an appropriate location for growth. But it has since been considered and rejected as a location for growth by Central Bedfordshire District Council preparing its Development Strategy in 2012 (subsequently withdrawn). I note an apparent intention to limit the outward growth of Leighton-Linslade. There is no request from Central Bedfordshire for VALP to accommodate any of the housing or other growth requirements of Leighton-Linslade which are apparently proposed to be met within Central Bedfordshire itself.

- 32) On the information currently before me there is no consideration which would lead me to conclude other than that the proposed extension of Green Belt into Aylesbury Vale is soundly based. I have no reason to find this choice unsound; simply, remarkable. However, I would rather not reach a final conclusion until the Council has considered the need to identify further

development sites within Aylesbury Vale following my examination of its housing requirements.

- 33) Equally remarkable in this strategy is the disproportionate dominance of Aylesbury, the disproportionately small role of Milton Keynes and the disproportionately small role of villages. I do not question the dominance of Aylesbury in the south of the District.

Milton Keynes

- 34) Although I conclude that the 24-28% of development expected to occur in the northern half of the District is not necessarily disproportionately low or unsound, it is fair to observe that analysis of the housing trajectory shows that delivery in the north of the district peaks in 2023/4, then tails off, with no allocations expected to deliver towards the end of the plan period.
- 35) What is surprising is that within the northern half of the district the roles of Buckingham, Winslow and Milton Keynes are relatively equal in the anticipated distribution of development. Milton Keynes, the dominant settlement, is not expected to dominate the development strategy. This contrasts with the south of the district where the strategy concentrates most development around the dominant settlement, Aylesbury. Yet all three of the northern settlements lie within the Milton Keynes Travel to Work Area and the Milton Keynes Housing Market Area.
- 36) Whilst accepting that the Buckingham and Winslow Neighbourhood Plans seek to make those towns much more self-contained communities and recognising that all settlements must be allowed to grow to retain their vitality and viability, the contrast between the north of the district where the dominant settlement is not allowed to dominate the development strategy and the south of the district where the dominant settlement is encouraged to dominate the development strategy is startling. It is hard to escape the conclusion expressed by several representations that the spatial strategy in the north of the district would lead to increased lengths of commuting flows to and from Milton Keynes.
- 37) This would be contrary to national policy expressed in paragraph 34 of the NPPF which advises that plans should ensure that developments which generate significant movement are located where the need to travel will be minimised. It is therefore unsound. **A modification to the plan is required to redress the balance, by increasing allocations in close proximity to Milton Keynes.** For reasons summarised earlier, I reach the conclusion that insufficient land has been identified for housing and that additional allocations need to be made. This inevitably means revisiting the decision which led to the spatial development strategy known as option 3 in the Sustainability Appraisal being selected for VALP and so gives rise to an opportunity to redress the balance of the chosen spatial development strategy in the north of the district.

Villages

- 38) Although policies D2 and D3 do not preclude growth in settlements on sites not allocated, supporting text in paragraphs 4.122, 4.145 and 4.154 appears to do so. **Modifications are necessary to eliminate the inconsistencies** and to allow continued growth even after the next five years or so. The Council also accepted that **a modification to policy D2, to make it clear that it is in two parts, is necessary for clarity (and hence, effectiveness). I agree with that and the need to redraft criterion (c) to remove internal inconsistency and to be consistent with the footnote of policy H2. The Council also needs to consider whether modifications to policies D2 and D3 are necessary for them to comply with national policy set out in NPPF paragraph 54.**
- 39) Although the HELAA process by which allocations were identified took account of the provision of facilities and services within each settlement, it did not take account of the potential for sites to contribute to the support or provision of such services or facilities. In similar fashion, the classification of villages into their position in the settlement hierarchy was based on a snapshot in time, recording facilities and services as they existed at a particular moment. It does not take into account the potential for settlements to acquire improved facilities or services as a result of development taking place or proposed to take place.
- 40) I understand and concur with the Council's point that a development which could make much difference to the services and facilities a village has to offer might well have to be so large that it would overwhelm the capacity of the village to accommodate the development. I also concur with the point made in response to my Q86 that a dispersed settlement strategy in which all of the Council's housing needs would be met in a dispersed way would be inappropriate as it would require dispersed infrastructure provision and a dispersal of and an increase in travel movements to access essential services which would not be an effective or sustainable approach.
- 41) Nevertheless, without questioning the general soundness of the Council's capacity-led approach to identifying allocations (which received widespread support) or the general thrust of its spatial distribution strategy, I do consider that **further work needs to be done at the margins of this approach to ensure that the vitality of rural communities can be maintained or enhanced in the way envisaged by NPPF paragraphs 54 and 55 ; firstly, to identify those allocations which could positively support the sustainability credentials of a particular village either where the prospects of continued retention of its services or facilities are marginal or where the capacity of its existing services and facilities to support further development are marginal and secondly, also to take account of that potential in the classification of villages within the settlement hierarchy (in other words, to take account of a settlement's**

need for further development in order to support services and facilities). Although by themselves these are points of improvement to the Council's basic approach rather than ones which demonstrate its unsoundness, they would be matters for the Council to pursue in responding to my findings elsewhere that the quantity of housing allocations in the plan is unsound.

- 42) My analysis of the relationship between VALP and neighbourhood plans shows that, although the relationship is sound, VALP does not give much incentive for further neighbourhood plans to come forward. **In my view, to give Neighbourhood Plans for villages the explicit task of identifying development opportunities which would sustain or improve their position in the development hierarchy or which would provide affordable housing in those villages which need it would go some way towards alleviating the concerns I have about the role of villages in VALP's spatial distribution strategy.** Although this too is a matter of improvement to the plan's basic approach rather than a matter of unsoundness it will assist the Council in responding to my basic concerns about the soundness of the spatial strategy and the housing requirement.

Compliance with national policy

- 43) By and large, my assessment of the submitted plan identified general compliance with the policy coverage required by the NPPF but with the following specific concerns:
- Identifying the provision of infrastructure (NPPF paragraphs 7 and 70)
 - Clarity and predictability (NPPF paras 15 and 17 (bullet 1))
 - Plan for a mix of housing to meet the needs of different groups in the community (NPPF paragraph 50)
 - Robust and comprehensible policies on design (NPPF paragraph 58)
 - Robust and up to date assessments of open space needs (NPPF paragraph 73)
 - Positive strategy towards historic assets (NPPF paragraph 126)

Subsequent correspondence with the Council largely assuaged the last two of these concerns but the others remain.

Infrastructure

- 44) **Many responses to my Questions made reference to provisions within the Infrastructure Delivery Plan. This reveals that the latter makes many provisions relating to the functional requirements for development which VALP does**

not. Such inconsistency would render VALP unsound if not corrected and so a number of modifications are necessary to do so.

- 45) At first glance, VALP has just seven policies concerned with transport and no proposals. Two of these, T2 and T3 are safeguarding policies. One, T4 requires developments to mitigate their own transport effects. Two others, T5 and T7 set standards for parking and electric vehicle charging points. Elsewhere I note that it is unsound for these to be delegated to spd, as this policy does. One further policy protects footpath and cycle routes (with considerable overlap with policy C4).
- 46) On closer inspection, policies T1 and T6(a) require developments to implement the proposals in the Buckinghamshire Local Transport Plan 4, the Aylesbury Transport Strategy, the Buckingham Transport Strategy and any county-side or local cycle strategy. Yet, none of these proposals are specified in the plan. Nor have they been subject to the public consultation procedures specified for local plans. The Buckinghamshire Local Transport Plan 4 is not even part of the evidence base for VALP.
- 47) NPPF paragraph 7 is quite clear that it is the role of the planning system, amongst other things, to identify and coordinate development requirements, including the provision of infrastructure. National Guidance advises that the Local Plan should make clear what is intended to happen in the area over the life of the plan, where and when this will occur and how it will be delivered. It points out the need to identify the short, medium and long-term transport proposals across all modes as a key issue in developing the transport evidence base to support the local plan.
- 48) It advises that the Local Plan should make clear, for at least the first 5 years, what infrastructure is required, who is going to fund and provide it and how it relates to the anticipated rate and phasing of development. The detail concerning planned infrastructure provision can be set out in a supporting document such as an infrastructure delivery programme that can be updated regularly. However the key infrastructure requirements on which delivery of the plan depends should be contained in the Local Plan itself. VALP does not do this and so is unsound as it stands.
- 49) In a number of instances, individual allocations provide an insight into what is proposed in these various external transport plans and strategies. Allocations AGT1, AGT2, AGT3, AGT4, AGT6 all refer to the provision of various link roads around Aylesbury, NLV001 requires various highway improvements and reservations connected with Milton Keynes and during a hearing session it became apparent that BUC051 is dependent on a road proposal contained within the Buckingham Transport Strategy but nowhere mentioned in VALP. It is not clear whether there remain other proposals, included in the various transport strategies but not shown in VALP, to which developments would need to comply or implement in accordance with policies T1, T2 and T3. **Work needs**

to be done to identify specific proposals contained within the Buckinghamshire Local Transport Plan 4, the Aylesbury Transport Strategy and the Buckingham Transport Strategy and translate these into the plan as modifications in order to make it sound.

- 50) If, in the modifications which the Council should prepare in response to my recommendations, it is decided to show what could be interpreted as a precise alignment, the Council will need to bear in mind NPPF paragraph 152. This advises that significant impacts on any of the dimensions of sustainable development should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. NPPF paragraph 182 advises that to be justified a plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.
- 51) Section 19 of the Planning and Compulsory Purchase Act 2004 requires a local planning authority to carry out a sustainability appraisal of each of the proposals in a local plan during its preparation and s39 of the same act requires that the local planning authority must do so with the objective of contributing to the objective of sustainable development. Sustainability appraisals incorporate the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 including the selection and evaluation of reasonable alternatives but do not need to be done in any more detail, or using more resources, than is considered to be appropriate for the content and level of detail in the Local Plan.
- 52) Representations argued that one of the three alignments of the link road within allocation AGT3, shown not within VALP but within the evidence base, was the most appropriate because it had least effect on the functional flood plain. It is not for me to carry out a Sustainability Appraisal in the first instance; that is for the Council. But I observe that the route favoured by that representation, whilst minimising the length of road passing through the flood plain would also have the consequential effect of reducing the extent of land not in the flood plain available for housing and so the choice of the most appropriate strategy is not necessarily straightforward. **In whatever way the Council chooses to represent this proposal within VALP it needs to be clear that it has complied with the relevant regulations and explicit as to its reasons.**

Clarity and predictability

- 53) In a number of cases, policy requirements are found, not within the policies themselves but within supporting text. This would not be effective. **As previously agreed with the Council, a number of modifications are necessary to translate policy requirements from supporting text into policies themselves.**
- 54) VALP contains a plethora of policies which touch upon one or more aspects of design. A common feature of many (not all) of these policies is that they rely excessively on supplementary

planning documents for their meaning or effect, in some cases requiring adherence to a supplementary planning document, many of which have yet to be prepared.

55) The test which I apply is one of effectiveness; if a policy is sufficient of itself to inform a developer or a local authority's development manager that a proposal ought or ought not to be given planning permission, then it is effective and has been soundly prepared. But if it is necessary, having read the policy, still to refer to another document, such as spd, to reach that conclusion, then it follows that the policy is not effective and has not been soundly prepared. Too many of the design policies in VALP fall into this latter category.

56) **In addition to the suggested changes to supplementary planning document references set out in Examination Document 129, the Council needs to revisit policies D1 (Aylesbury Garden Town), H6 (Housing Mix), T5 (vehicle parking), BE2 (Design of New Development), BE3 (protection of residents' amenity) BE4 (Density of new development), I1(Green Infrastructure), I2 (sports and recreation) and all of the site allocation policies to identify those elements of their supporting text and related spds which set policy requirements or standards and which therefore need to be brought into the plan itself through Modifications. Supporting text will also need to be revised to match.** In respect of many of the site allocation policies, this may obviate the need for an spd or masterplan outside of VALP, in addition to the omission of references to an overarching Garden Town masterplan to which the council has already agreed.

A mix of housing

57) NPPF paragraph 50 advises that local planning authorities should plan for a mix of housing based on the needs of different groups in the community. Examples include families with children, older people and people with disabilities. Policy H6 seeks to follow this advice with four policy elements. The first is related to housing types and sizes, the second to a requirement for self-contained extra care dwellings as part of housing schemes of more than 100 dwellings in strategic settlements (Milton Keynes, Aylesbury, Buckingham, Winslow Wendover and Haddenham), the third to encourage extra care housing, specialist housing for older people and for supported housing generally within all residential schemes and the fourth to a requirement that all residential development should be accessible and adaptable (Category 2 in the terms of Building Regulations Approved Document M) and that a percentage should be Category 3.

58) The element of the policy relating to housing types and sizes is uncontroversial. I consider that the Council's approach to dwelling mix set out in the first part of policy H6 is sound.

59) The same cannot be said of the remaining parts of policy H6. Although VALP paragraphs 5.57 to 5.61 summarise the section of

the HEDNA which analyses the housing needs of older people and which quotes from national Guidance identifying separate categories of sheltered, enhanced sheltered, extra care and registered care housing as well as residential institutions (Use Class C2) and also quotes the 2012 Housing Our Ageing Population report which differentiates between mainstream housing, specialised housing and Care Homes, policy H6 itself does not seem to recognise that specialised housing and Care Homes cannot simply be “peppercotted” as a percentage of general mainstream housing but need to be provided collectively in institutional or quasi-institutional groupings with a substantial critical mass sufficient to pay for the support services which are provided.

- 60) The threshold case of a 100-dwelling development could not provide sufficient critical mass for institutional or quasi institutional housing to be provided as a percentage of general needs housing. Nor, if provided as a percentage of general needs housing would there be a sufficient number of developments of sufficient size to provide for the number of sheltered housing schemes likely to be needed. In some cases they will need specific allocations of land. Paragraph 5.59 of the plan notes the HEDNA’s forecast of an increase in the institutional population of 1,160 people, suggesting a need for an additional 10-20 such institutions but VALP appears to provide for only two (as parts of allocations AGT3 and AGT4). Nor does it appear to include any allocations or policy provision for sheltered housing schemes or any of the other categories of non-mainstream housing for older people described in national Guidance. Consequently, it does not demonstrate that it provides for these housing needs of older people and so is unsound in that respect. **The Council needs to revisit this part of policy H6.**
- 61) In response to my Q22 the Council accepted that the final part of policy H6 required modification on the grounds that it is not possible to require a percentage of dwellings to conform to category 3 of Building Regulations approved document M whilst at the same time requiring 100% of dwellings to comply with category 2 of the same document. If it is the case that the categories are mutually inconsistent (ie that a category 3 dwelling cannot simultaneously be a category 2 dwelling) then clearly a **modification** is necessary. Moreover, national Guidance advises that local plan policies for wheelchair accessible (Category 3) homes should be applied only to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling, so it would be contrary to national policy to seek a proportion of category 3 dwellings in housing other than affordable housing to which the local authority has nomination rights.
- 62) It is fair to say that only a percentage of the population will need either a Category 2 or Category 3 dwelling and that requirements which apply to new build housing will do nothing to make existing housing suitable for people who have special needs. But new housing will only ever comprise a percentage of the total housing stock. To get to a position where the total housing stock

offers an appropriate percentage of Category 2 or Category 3 housing requires a disproportionately high percentage of new housing to be so provided.

- 63) However, national Guidance advises that the Building Regulations for Category 2 or 3 dwellings require step-free access which precludes their provision in multi-storey flatted development without lifts. Lifts are not required and may not be viable in low-rise flatted developments so national Guidance advises that in such cases, neither of the optional requirements in part M should be applied. **Compliance with national policy is a soundness test and so a modification is required to policy H6 to except low rise flatted developments above the ground floor from the requirement for Category 2 housing.**
- 64) National Guidance advises that local planning authorities should plan for sufficient student accommodation whether it consists of communal halls of residence or self-contained dwellings and whether or not it is on campus. Whilst recognising that the evidence base acknowledges that about 1.5% of the private rented sector are occupied by students and that this element of student housing will be encompassed by generally applicable housing policies, it is remarkable that VALP includes no specific provision for other kinds of student housing which are differentiated in planning terms, despite the existence of a University (the Independent University of Buckingham) within the district. **In advance of receiving a response to my late question on this subject, I recommend that the Council considers whether explicit provision for student housing needs to be made.**

Employment policies

- 65) The Council's response to my question 84 in respect of Gatehouse Industrial Estate refers to its Employment Land Review and its recommendations that, over time, there is potential for further rationalisation of employment uses at Gatehouse Industrial Estate to introduce a greater mix of uses. The Council also tells me that this has been addressed with retail and housing developments being permitted. This being so suggests that there is an inconsistency between, on the one hand, the Council's evidence base and its development management practice and, on the other hand the application of policy E1 to the Gatehouse Industrial Estate.
- 66) By contrast, the Employment Land Review Update identifies Rabans Lane as providing good quality industrial accommodation. It advises that policy could seek to retain the land for employment use. Its identification as a Key Employment Site is therefore justified by the supporting evidence notwithstanding the Council's own proposal for 200 dwellings on allocation AYL115.
- 67) **I therefore recommend that the Council considers a further Main Modification, either to refine the boundary of**

the Gatehouse Industrial Estate shown on the policies map so as to reflect the further potential for rationalisation identified in its Employment Land Review, or to define a policy applicable to the estate which reflects its development management practice, or to exclude the Gatehouse Industrial Estate from Table 9 and policy E1.

Site allocations

- 68) It was established during the hearing sessions that **the requirement for on-site health facilities on allocations AGT1 and 3 needs to be reviewed in favour of a shared facility on allocation AGT4.**
- 69) **The area of “Not built development” within the part of site allocation AGT3 covering the northern half of Weston Mead Farm does not appear to be justified and should be replaced by an indication of the requirement for the Aylesbury Linear Park.**
- 70) I commend the Council for its positively prepared response to the government’s announcement of the closure of RAF Halton. The proposed closure of the RAF base, commencing in 2020 and due to be complete by 2022 clearly puts the future of designated and non-designated heritage assets at risk. It is therefore fully justified for the plan to be positively prepared in setting out a strategy for the protection and re-use of these assets even though the outcome may not come fully on-stream until the later years of the plan period. However, as the Council freely accepts in its response to my Q21, that is not what allocation HAL003 does in its present form. **A modification to add specific criteria relating to the heritage assets should be included in the policy. The Council accepted at the hearing session, and I agree, that the hints of a future review of Green Belt boundaries in the supporting text to allocation HAL003 (RAF Halton) are inappropriate. Likewise, reference to green infrastructure in the site-specific requirements of allocation HAL003 (RAF Halton) should be more specific about the retention of the extremely good sports facilities currently provided onsite.**
- 71) The details of VALP allocation STO008 are not supported by the evidence base. A masterplan, prepared by the intending developer of the site, demonstrates that potential exists for the development of a considerably larger number of dwellings whilst providing public open space and retaining boundary vegetation around the larger site as recommended by the HELAA. Amongst other matters, NPPF paragraph 58 advises that planning policies should aim to ensure that developments optimise the potential of the site to accommodate development. **I am convinced that allocation STO008, as submitted, would not do this and so a modification is necessary to bring the plan into line with national policy.**

Conclusion

72) At the end of the hearing sessions, I offered the opinion that VALP is capable of being made sound. That remains my opinion. I requested the Council to confirm that they wished me to work towards a report which would recommend the modifications which would render it sound. The Council did so orally, though I still await the written confirmation of that request. These interim findings, together with matters agreed following my questions prior to the hearing sessions are intended to help the Council work towards producing a series of main modifications to the plan. **I now look forward to receiving the Council's written request to work towards a final report which would recommend the modifications to render VALP sound.** Following receipt of that I would be pleased to work with the Council to help draft an agreed set of modifications before they are subject to SA and HRA (as far as necessary) and then published for consultation.

P. W. Clark

Inspector

02.09.18

Turley Office
The Pinnacle
20 Tudor Road
Reading
RG1 1NH

T 0118 902 2830

Turley