

Older Persons Housing Proof of Evidence - Appendices of Iain Warner BSc (Hons) DipTP MRTPI

Town and Country Planning Act 1990 Planning and Compulsory Purchase
Act 2004

Section 78 Appeal

Land east of Ansty Way, Cuckfield

Contents

Appendix IW1	Housing with care provision	Pages 1-6
Appendix IW2	Residential care provision	Pages 7-15
Appendix IW3	Nursing care provision	Pages 16-23
Appendix IW4	Appeal decision APP/D3830/W/21/3281350	Pages 24-49
Appendix IW5	Appeal decision APP/K3605/W/20/3257109	Pages 50-65
Appendix IW6	Use Class C2 considerations	Pages 66-76
Appendix IW7	POPPI Data	Pages 77-89
Appendix IW8	Population data 2026 to 2030	Pages 90-93
Appendix IW9	Population data 2026 to 2045	Pages 94-97
Appendix IW10	Extra care summaries	Pages 98-107
Appendix IW11	Care home summaries	Pages 108-140

Appendix 1

Housing with care provision

Search: (9 facilities) Housing (extra, close), Building (all types, all sizes, all tenures) or Home (none) in England, West Sussex, Mid Sussex with Stay Type (all)

Ordered By: Facility Name.

View these results online at <https://housingcare.org>

Results...

ARTHUR BLISS HOUSE

Finches Gardens, Lindfield, Haywards Heath, West Sussex, RH16 2PD. [View on a map](#)



Enquiries to: Anchor

Telephone: 0333 920 3789

Email: rental.enquiries@anchor.org.uk

Type(s): EXTRA CARE HOUSING

Properties: 24 flats. Built in 1998. Sizes 1 bedroom, 2 bedroom. Includes wheelchair standard properties.

Tenure: Tenure(s): Rent (social landlord)

Facilities: Lift, Lounge, Dining room, Laundry, Guest facilities, Garden, Shop, Hairdressing salon, Assisted bathing facility

Web link: <https://housingcare.org/housing-care/facility-info-13106-arthur-bliss-house-lindfield-england>

CORBETT COURT

The Brow, Burgess Hill, West Sussex, RH15 9DD. [View on a map](#)



Enquiries to: McCarthy & Stone YourLife Service

Telephone: 0800 3100 394 (management) or 0345 556 4121 (resales)

Email: resales@mccarthyandstone.co.uk

Type(s): EXTRA CARE HOUSING

Properties: 56 flats. Built in 2013. Sizes 1 bedroom, 2 bedroom.

Tenure: Tenure(s): Leasehold

Facilities: Lift, Lounge, Dining room, Laundry, Guest facilities, Garden, Assisted bathing facility

Web link: <https://housingcare.org/housing-care/facility-info-160004-corbett-court-burgess-hill-england>

DOWNLANDS PARK

Isaacs Lane, Haywards Heath, West Sussex, RH16 4BQ. [View on a map](#)



Enquiries to: Eden Retirement Living

Telephone: 0203 757 2828

Email: sales@edenrl.com

Type(s): EXTRA CARE HOUSING

Properties: 81 flats, houses. Built in 2026. Sizes 1 bedroom, 2 bedroom.

Tenure: Tenure(s): Leasehold

Facilities: Lift, Lounge, Restaurant open to the public, Guest facilities, Garden, Community centre, Swimming pool, Fitness suit

Web link: <https://housingcare.org/housing-care/facility-info-164574-downlands-park-haywards-heath-england>

HURST PLACE

1 Butlers Green Road, Haywards Heath, West Sussex, RH16 4XH. [View on a map](#)



Enquiries to: Anchor

Telephone: 01444 848 753

Email: resales@anchor.org.uk

Type(s): EXTRA CARE HOUSING

Properties: 68 flats, houses. Built in 2016. Sizes 1 bedroom, 2 bedroom.

Tenure: Tenure(s): Leasehold

Facilities: Lift, Lounge, Garden, Activities room, Cafe/bistro, Hairdressing salon, assisted spa

Web link: <https://housingcare.org/housing-care/facility-info-161721-hurst-place-haywards-heath-england>

LINGFIELD LODGE

London Road, East Grinstead, West Sussex, RH19 1ER. [View on a map](#)



Enquiries to: Eldon Housing Association Ltd

Telephone: 07730 219 564, 020 8668 9861

Email: housing@eldonhousing.co.uk

Type(s): EXTRA CARE HOUSING

Properties: 48 flats. Built in 2021. Sizes 1 bedroom, 2 bedroom.

Tenure: Tenure(s): Rent (social landlord)

Facilities: Lift, Lounge, Dining room, Garden, Hairdressing salon

Web link: <https://housingcare.org/housing-care/facility-info-164057-lingfield-lodge-east-grinstead-england>

OAKWOOD

Amberley Close, Haywards Heath, West Sussex, RH16 4BZ. [View on a map](#)



Enquiries to: Sussex Housing & Care

Telephone: 01323 875 240

Email: office@sussexhousing.org.uk

Type(s): RETIREMENT HOUSING / CLOSE CARE HOUSING

Properties: 52 flats. Built in 1980. Sizes studio, 1 bedroom. Includes mobility standard properties.

Tenure: Tenure(s): Rent (social landlord)

Facilities: Lounge, Laundry, Guest facilities, Garden

Web link: <https://housingcare.org/housing-care/facility-info-8969-oakwood-oakwood-england>

PRESCOTT HOUSE

Upper St John's Road, Burgess Hill, West Sussex, RH15 8HB. [View on a map](#)



Enquiries to: Peabody

Telephone: 0300 1233 456

Email: peabody.direct@peabody.org.uk

Type(s): EXTRA CARE HOUSING

Properties: 25 flats. Built in 2003. Sizes 1 bedroom, 2 bedroom.

Tenure: Tenure(s): Rent (social landlord)

Facilities: Lift, Lounge, Restaurant open to the public, Laundry, Guest facilities, Garden

Web link: <https://housingcare.org/housing-care/facility-info-116379-prescott-house-burgess-hill-england>

PROPOSED NEW RETIREMENT VILLAGE

Imberhorne Lane, East Grinstead, West Sussex, RH19 1TX. [View on a map](#)



Enquiries to: Rangeford Villages

Telephone: 0800 135 7420

Email: info@rangeford.co.uk

Type(s): EXTRA CARE HOUSING

Properties: 150 properties. Due in 2029. Sizes 1 bedroom, 2 bedroom, 3 bedroom.

Tenure: Tenure(s):

Facilities: Lift, Lounge, Dining room, Garden, Village green, Croquet lawn, Boule court, Landscaped gardens with raised beds

Web link: <https://housingcare.org/housing-care/facility-info-166281-proposed-new-retirement-village-east-grinstead-england>

STILDON MEWS

Dorset Avenue, London Road, East Grinstead, West Sussex, RH19 1PZ. [View on a map](#)



Enquiries to: The Brendoncare Foundation

Telephone: 01962 852 133

Email: enquiries@brendoncare.org.uk

Type(s): EXTRA CARE HOUSING / CLOSE CARE HOUSING

Properties: 11 flats. Built in 2004. Sizes 2 bedroom. Includes mobility and wheelchair standard properties.

Tenure: Tenure(s): Leasehold

Facilities: Lift, Lounge, Dining room, Laundry, Garden, Community centre, Hairdressing salon, Assisted bathing facility

Web link: <https://housingcare.org/housing-care/facility-info-86795-stildon-mews-east-grinstead-england>

HousingCare

A service provided by EAC

Appendix 2

Residential care provision

Search: (18 facilities) Housing (none) or Home (care), Room (all types) in England, West Sussex, Mid Sussex with Stay Type (all)

Ordered By: Facility Name.

View these results online at <https://housingcare.org>

Results...

AVON HOUSE

Stockcroft Road, Balcombe, Haywards Heath, West Sussex RH17 6LG. [View on a map](#)



Enquiries to: Avon House (Balcombe) Limited

Telephone: 01444 811282

Email: avon2office@gmail.com

Type(s): CARE HOME

Properties: This home accommodates 19 residents in 13 single and 3 shared rooms (16 en suite).

Tenure: Licence

Web link: <https://housingcare.org/housing-care/facility-info-127883-avon-house-balcombe-england>

CROSSWAYS CARE HOME

2 Sunte Avenue, Lindfield, Haywards Heath, West Sussex RH16 2AA. [View on a map](#)



Enquiries to: Crossways Healthcare Limited

Telephone: 01444 416841

Email: crosswaysresidentialhome@hotmail.com

Type(s): CARE HOME

Properties: This home accommodates 25 residents in 23 single and 2 shared rooms (25 en suite). It was purpose built and has a garden.

Tenure: Licence

Web link: <https://housingcare.org/housing-care/facility-info-127891-crossways-care-home-lindfield-england>

EDWARD HOUSE

86 Mill Road, Burgess Hill, West Sussex RH15 8DZ. [View on a map](#)



Enquiries to: Nicholas James Care Homes

Telephone: 01444 248080

Email: info@njch.co.uk

Type(s): CARE HOME

Properties: This home accommodates 22 residents in 20 single and 1 shared rooms (8 en suite). It was purpose built and has a garden.

Tenure: Licence

Web link: <https://housingcare.org/housing-care/facility-info-146408-edward-house-burgess-hill-england>

FOREST VIEW

Southway, Burgess Hill, West Sussex RH15 9SU. [View on a map](#)



Enquiries to: Shaw Healthcare

Telephone: 0800 902 0092

Email: customercare@shaw.co.uk

Type(s): CARE HOME

Properties: This home accommodates 60 residents in 60 single rooms (60 en suite). It was purpose built and has a garden.

Tenure: Licence

Web link: <https://housingcare.org/housing-care/facility-info-157353-forest-view-burgess-hill-england>

FURZE FIELD MANOR

4 Dunnock Lane, Sayers Common, Hassocks, West Sussex BN6 9EQ. [View on a map](#)



Enquiries to: Oyster Care Homes

Telephone: 01273 077 159

Email: furze@oystercarehomes.co.uk

Type(s): CARE HOME

Properties: This home accommodates 66 residents in 66 single rooms (66 en suite). It was purpose built in 2024.

Tenure: Licence

Web link: <https://housingcare.org/housing-care/facility-info-165868-furze-field-manor-sayers-common-england>

HILGAY CARE HOME

Keymer Road, Burgess Hill, West Sussex RH15 0AL. [View on a map](#)



Enquiries to: Hillgay Ltd

Telephone: 01444 244756

Email: heidigarwoodhilgay@gmail.com

Type(s): CARE HOME

Properties: This home accommodates 35 residents in 27 single and 4 shared rooms (15 en suite). It is a converted building with a garden. Overnight visitors can usually be accommodated.

Tenure: Licence

Web link: <https://housingcare.org/housing-care/facility-info-127900-hilgay-care-home-burgess-hill-england>

LITTLEFAIR CARE HOME

Warburton Close, East Grinstead, West Sussex RH19 3TX. [View on a map](#)



Enquiries to: Littlefair Care Ltd

Telephone: 01342 333 900

Email: admin@littlefair.net

Type(s): CARE HOME

Properties: This home accommodates 41 residents in 41 single rooms (23 en suite). It was purpose built and has a garden.

Tenure: Licence

Web link: <https://housingcare.org/housing-care/facility-info-137904-littlefair-care-home-east-grinstead-england>

OAKWOOD COURT

Amberley Close, Haywards Heath, West Sussex RH16 4BG. [View on a map](#)



Enquiries to: Sussex Housing & Care

Telephone: 01444 458872

Email: oakwood.court@sussexhousing.org.uk

Type(s): CARE HOME

Properties: This home accommodates 62 residents in 32 single and 1 shared rooms (32 en suite). It was purpose built and has a garden. Facilities are available for family or friends to stay overnight.

Tenure: Licence

Web link: <https://housingcare.org/housing-care/facility-info-137901-oakwood-court-haywards-heath-england>

PELHAM HOUSE

London Road, Cuckfield, Haywards Heath, West Sussex RH17 5EU. [View on a map](#)



Enquiries to: Cedarcare (SE) Ltd

Telephone: 01444 458788

Email: manager@pelham-house.com

Type(s): CARE HOME

Properties: This home accommodates 30 residents in 25 single and 1 shared rooms (26 en suite). It is a converted building with a garden.

Tenure: Licence

Web link: <https://housingcare.org/housing-care/facility-info-127902-pelham-house-cuckfield-england>

ROOKWOOD

26 Silverdale Road, Burgess Hill, West Sussex RH15 0EF. [View on a map](#)



Enquiries to: South Coast Nursing Homes Ltd

Telephone: 01444 462100

Email: rookwood@scnh.co.uk

Type(s): CARE HOME

Properties: This home accommodates 25 residents in 25 single rooms (5 en suite).

Tenure: Licence

Web link: <https://housingcare.org/housing-care/facility-info-127905-rookwood-burgess-hill-england>

SILVER COURT

Halsford Lane, East Grinstead, West Sussex RH19 1PD. [View on a map](#)



Enquiries to: Anchor

Telephone: 0800 085 4250

Email: care.enquiries@anchor.org.uk

Type(s): CARE HOME

Properties: This home accommodates 42 residents in 42 single rooms (42 en suite). It was purpose built in 1994 and has a garden.

Tenure: Licence

Web link: <https://housingcare.org/housing-care/facility-info-143894-silver-court-east-grinstead-england>

ST ANNE'S FRANCISCAN CONVENT

92 Mill Road, Burgess Hill, West Sussex RH15 8EL. [View on a map](#)



Enquiries to: Franciscan Missionary Sisters

Telephone: 01444 233 179

Type(s): CARE HOME

Properties: This home accommodates 19 residents in 19 single rooms (9 en suite). It was purpose built and has a garden. Facilities are available for family or friends to stay overnight.

Tenure: Licence

Web link: <https://housingcare.org/housing-care/facility-info-127907-st-annes-franciscan-convent-burgess-hill-england>

SUMMERLANDS

Summerhill Lane, Haywards Heath, West Sussex RH16 1RW. [View on a map](#)



Enquiries to: Summerlands Care Limited

Telephone: 01444 459 836

Email: info@summerlandscarehome.co.uk

Type(s): CARE HOME

Properties: This home accommodates 30 residents in 30 single and 1 shared rooms (31 en suite). It is a converted building with a garden.

Tenure: Licence

Web link: <https://housingcare.org/housing-care/facility-info-127913-summerlands-haywards-heath-england>

THE GOLDBRIDGE

3 Kleinwort Close, Haywards Heath, West Sussex RH16 4XH. [View on a map](#)



Enquiries to: BUPA Care Homes

Telephone: 01444 849663

Type(s): CARE HOME / CARE HOME WITH NURSING

Properties: This home accommodates 64 residents in 64 single rooms (64 en suite). It was purpose built in 2018 and has a garden.

Tenure: Licence

Web link: <https://housingcare.org/housing-care/facility-info-162770-the-goldbridge-haywards-heath-england>

TRIPLETREES

70 Ferndale Road, Burgess Hill, West Sussex RH15 0HD. [View on a map](#)



Enquiries to: Follett Care Ltd

Telephone: 01444 243054

Type(s): CARE HOME

Properties: This home accommodates 28 residents in 24 single and 2 shared rooms (24 en suite).

Tenure: Licence

Web link: <https://housingcare.org/housing-care/facility-info-127916-tripletrees-burgess-hill-england>

VILLA ADASTRA

79 Keymer Road, Hassocks, West Sussex BN6 8QH. [View on a map](#)



Enquiries to: The Salvation Army Housing Association

Telephone: 01273 842184

Email: info@saha.org.uk

Type(s): CARE HOME

Properties: This home accommodates 40 residents in 40 single rooms (40 en suite). It was purpose built and has a garden. Overnight visitors can usually be accommodated.

Tenure: Licence

Web link: <https://housingcare.org/housing-care/facility-info-138775-villa-adastra-hassocks-england>

WALSTEAD PLACE

Walstead, Lindfield, Haywards Heath, West Sussex RH16 2QG. [View on a map](#)



Enquiries to: Aria Care

Telephone: 0808 223 5543

Email: ariahealthcare@trustedcare.co.uk

Type(s): CARE HOME

Properties: This home accommodates 45 residents in 44 single rooms (44 en suite). It is a converted building with a garden. Facilities are available for family or friends to stay overnight.

Tenure: Licence

Web link: <https://housingcare.org/housing-care/facility-info-127917-walstead-place-lindfield-england>

WESTALL HOUSE

Birch Grove Road, Haywards Heath, Horsted Keynes, West Sussex RH17 7BS. [View on a map](#)



Enquiries to: Abbeyfield Living Society

Telephone: 0808 196 2086

Email: CustomerServices@abbeyfield.com

Type(s): CARE HOME

Properties: This home accommodates 33 residents in 33 single rooms (33 en suite). It was purpose built and has a garden. Facilities are available for family or friends to stay overnight.

Tenure: Licence

Web link: <https://housingcare.org/housing-care/facility-info-147833-westall-house-horsted-keynes-england>

HousingCare

A service provided by EAC

Appendix 3

Nursing care provision

Search: (19 facilities) Housing (none) or Home (nursing), Room (all types) in England, West Sussex, Mid Sussex with Stay Type (all)
Ordered By: Facility Name.

View these results online at <https://housingcare.org>

Results...

ACORN LODGE



Turners Hill Road, East Grinstead, West Sussex RH19 4LX. [View on a map](#)

Enquiries to: Acorn Health Care Limited

Telephone: 01342 323207

Type(s): CARE HOME WITH NURSING

Properties: This home accommodates 47 residents in 17 single and 8 shared rooms.

Tenure: Licence

Web link: <https://housingcare.org/housing-care/facility-info-144035-acorn-lodge-east-grinstead-england>

ANISKA LODGE



Brighton Road, Warninglid, Haywards Heath, West Sussex RH17 5SU. [View on a map](#)

Enquiries to: Excel Care Homes Limited

Telephone: 01444 464130

Email: aniskalodge@excelcarehomes.co.uk

Type(s): CARE HOME WITH NURSING

Properties: This home accommodates 51 residents in 49 single rooms (49 en suite). It was purpose built.

Tenure: Licence

Web link: <https://housingcare.org/housing-care/facility-info-159090-aniska-lodge-warninglid-england>

ASHTON HOUSE NURSING HOME

6 Bolnore Road, Haywards Heath, West Sussex RH16 4BX. [View on a map](#)



Enquiries to: Ashton Care Homes Limited

Telephone: 01444 459 586

Email: lynn@ashtonhousehaywardsheath.co.uk

Type(s): CARE HOME WITH NURSING

Properties: This home accommodates 100 residents. It is a converted building with a garden. Facilities are available for family or friends to stay overnight.

Tenure: Licence

Web link: <https://housingcare.org/housing-care/facility-info-148519-ashton-house-nursing-home-haywards-heath-england>

BELLE VUE COUNTRY HOUSE

Warninglid Lane, Warninglid, Haywards Heath, West Sussex RH17 5TQ. [View on a map](#)



Enquiries to: Newcare Homes Limited

Telephone: 01444 461207

Type(s): CARE HOME WITH NURSING

Properties: This home accommodates 41 residents in and 5 shared rooms. It is a converted building with a garden. Overnight visitors can usually be accommodated.

Tenure: Licence

Web link: <https://housingcare.org/housing-care/facility-info-136618-belle-vue-country-house-warninglid-england>

BIRCHWOOD GROVE

64 Sydney Road, Haywards Heath, West Sussex RH16 1QA. [View on a map](#)



Enquiries to: Archmore Care Services Ltd

Telephone: 01444 458271

Type(s): CARE HOME WITH NURSING

Properties: This home accommodates 27 residents in 24 single rooms (14 en suite). It is a converted building with a garden. Overnight visitors can usually be accommodated.

Tenure: Licence

Web link: <https://housingcare.org/housing-care/facility-info-138690-birchwood-grove-haywards-heath-england>

BLETCHINGLEY

13 Oathall Road, Haywards Heath, West Sussex RH16 3EG. [View on a map](#)



Enquiries to: Ashton Healthcare Group Ltd

Telephone: 01444 587 920

Email: hello@ashtonhealthcare.co.uk

Type(s): CARE HOME WITH NURSING

Properties: This home accommodates 56 residents in 36 single and 7 shared rooms (23 en suite). It is a converted building with a garden.

Tenure: Licence

Web link: <https://housingcare.org/housing-care/facility-info-136585-bletchingley-haywards-heath-england>

BRENDONCARE STILDON

Dorset Avenue, East Grinstead, West Sussex RH19 1PZ. [View on a map](#)



Enquiries to: The Brendoncare Foundation

Telephone: 01342 305 750

Email: eastgrinsteadinfo@brendoncare.org.uk

Type(s): CARE HOME WITH NURSING

Properties: This home accommodates 32 residents in 16 single and 2 shared rooms.

Tenure: Licence

Web link: <https://housingcare.org/housing-care/facility-info-127875-brendoncare-stildon-east-grinstead-england>

COMPTON HOUSE

40 Compton Road, Lindfield, Haywards Heath, West Sussex RH16 2JZ. [View on a map](#)



Enquiries to: Lindfield Christian Care Home

Telephone: 01444 482662

Type(s): CARE HOME WITH NURSING

Properties: This home accommodates 27 residents in 18 single and 3 shared rooms (7 en suite).

Tenure: Licence

Web link: <https://housingcare.org/housing-care/facility-info-136611-compton-house-lindfield-england>

KNOWLE HOUSE NURSING HOME

Lingfield Road, East Grinstead, West Sussex RH19 2EJ. [View on a map](#)



Enquiries to: RVJ Healthcare Ltd

Telephone: 01342 317 740

Email: knowlehouse@yahoo.com

Type(s): CARE HOME WITH NURSING

Properties: This home accommodates 35 residents in 19 single and 8 shared rooms (14 en suite). It is a converted building with a garden.

Tenure: Licence

Web link: <https://housingcare.org/housing-care/facility-info-138689-knowle-house-nursing-home-east-grinstead-england>

MAPLEHURST NURSING HOME

53 Oathall Road, Haywards Heath, West Sussex RH16 3EL. [View on a map](#)



Enquiries to: Woodcote Care Ltd

Telephone: 01444 455 434

Email: management@maplehurstnursinghome.com

Type(s): CARE HOME WITH NURSING

Properties: This home accommodates 38 residents in 38 single rooms. It is a converted building with a garden.

Tenure: Licence

Web link: <https://housingcare.org/housing-care/facility-info-136596-maplehurst-nursing-home-haywards-heath-england>

MARTLET MANOR CARE HOME

Butlers Green Road, Haywards Heath, West Sussex RH16 4DA. [View on a map](#)



Enquiries to: Care UK

Telephone: 0330 058 3243

Email: enquiries@careuk.com

Type(s): CARE HOME WITH NURSING

Properties: This home accommodates 72 residents in 72 single rooms (72 en suite). It was purpose built in 2021 and has a garden.

Tenure: Licence

Web link: <https://housingcare.org/housing-care/facility-info-153278-martlet-manor-care-home-haywards-heath-england>

MILL VIEW

Sunnyside Close, Dunnings Road, East Grinstead, West Sussex RH19 4QW. [View on a map](#)



Enquiries to: Care UK

Telephone: 01342 337220

Email: manager.millview@careuk.com

Type(s): CARE HOME WITH NURSING

Properties: This home accommodates 70 residents. It was purpose built in 2012.

Tenure: Licence

Web link: <https://housingcare.org/housing-care/facility-info-159536-mill-view-east-grinstead-england>

MILL VIEW

Sunnyside Close, East Grinstead, West Sussex RH19 4AT. [View on a map](#)



Enquiries to: Care UK

Telephone: 01342 337220

Email: enquiries@careuk.com

Type(s): CARE HOME WITH NURSING

Properties: This home accommodates 70 residents in 70 single rooms (70 en suite).

Tenure: Licence

Web link: <https://housingcare.org/housing-care/facility-info-166152-mill-view-east-grinstead-england>

OAKLODGE NURSING HOME

2 Silverdale Road, Burgess Hill, West Sussex RH15 0EF. [View on a map](#)



Enquiries to: Prime Care Group

Telephone: 01444 243788

Type(s): CARE HOME WITH NURSING

Properties: This home accommodates 31 residents in 16 single and 7 shared rooms.

Tenure: Licence

Web link: <https://housingcare.org/housing-care/facility-info-136554-oaklodge-nursing-home-burgess-hill-england>

RUSSETTINGS CARE HOME

Mill Lane, Balcombe, Haywards Heath, West Sussex RH17 6NP. [View on a map](#)



Enquiries to: Russettings Care Limited

Telephone: 01444 811 630

Type(s): CARE HOME WITH NURSING

Properties: This home accommodates 45 residents in 44 single rooms (44 en suite). It is a converted building

Tenure: Licence

Web link: <https://housingcare.org/housing-care/facility-info-141905-russettings-care-home-balcombe-england>

THE GOLDBRIDGE

3 Kleinwort Close, Haywards Heath, West Sussex RH16 4XH. [View on a map](#)



Enquiries to: BUPA Care Homes

Telephone: 01444 849663

Type(s): CARE HOME / CARE HOME WITH NURSING

Properties: This home accommodates 64 residents in 64 single rooms (64 en suite). It was purpose built in 2018 and has a garden.

Tenure: Licence

Web link: <https://housingcare.org/housing-care/facility-info-162770-the-goldbridge-haywards-heath-england>

THE POETS

44-48 Shelley Road, Worthing, West Sussex BN11 4BX. [View on a map](#)



Enquiries to: South Coast Nursing Homes Ltd

Telephone: 01903 210 612

Email: headoffice@scnh.co.uk

Type(s): CARE HOME WITH NURSING

Properties: This home accommodates 55 residents in 30 single and 5 shared rooms (12 en suite). It is a converted building with a garden.

Tenure: Licence

Web link: <https://housingcare.org/housing-care/facility-info-153279-the-poets-worthing-england>

TRUSCOTT MANOR CARE HOME

Lewes Road, East Grinstead, West Sussex RH19 3SU. [View on a map](#)



Enquiries to: TRUSCOTT MANOR CAREHOME LTD

Telephone: 01342 314 458

Type(s): CARE HOME WITH NURSING

Properties: This home accommodates 39 residents in 24 single and 7 shared rooms (19 en suite).

Tenure: Licence

Web link: <https://housingcare.org/housing-care/facility-info-136580-truscott-manor-care-home-east-grinstead-england>

WOODLANDS NURSING HOME

23 Silverdale Road, Burgess Hill, West Sussex RH15 0ED. [View on a map](#)



Enquiries to: Kenley Care Ltd

Telephone: 01444 243579

Type(s): CARE HOME WITH NURSING

Properties: This home accommodates 33 residents in 14 single and 3 shared rooms.

Tenure: Licence

Web link: <https://housingcare.org/housing-care/facility-info-136550-woodlands-nursing-home-burgess-hill-england>

Appendix 4

Appeal decision APP/D3830/W/21/3281350



Appeal Decision

Inquiry held on 25 - 28 January 2022

Site visit made on 31 January 2022

by Andrew Dawe BSc (Hons), MSc, MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th April 2022

Appeal Ref: APP/D3830/W/21/3281350

Land East of Turners Hill Road, Fellbridge, Crawley, RH10 4HH

(grid ref. 5333519, 139402)

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Grant Stevenson of Rainier Developments (Cophorne) Ltd against the decision of Mid Sussex District Council.
 - The application Ref DM/20/3081, dated 18 August 2020, was refused by notice dated 7 July 2021.
 - The development proposed is the development of a 64 bed care home (Class C2) and associated infrastructure, including a new access road, car park and landscaped gardens.
-

Decision

1. The appeal is allowed and planning permission is granted for the development of a 64 bed care home (Class C2) and associated infrastructure, including a new access road, car park and landscaped gardens at Land East of Turners Hill Road, Fellbridge, Crawley, RH10 4HH (grid ref. 5333519, 139402) in accordance with the terms of the application, Ref DM/20/3081, dated 18 August 2020, subject to the conditions set out in the attached Annex.

Application for costs

2. An application for costs was made by Mr Grant Stevenson of Rainier Developments (Cophorne) Ltd against Mid Sussex District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. For clarity, the date of the application in the third bullet of the above header and in the decision is taken from the original planning application form, notwithstanding that it is stated as 19 August 2020 on the Appeal form.
4. The emerging Mid Sussex District Council Site Allocations Development Plan Document (the SADPD) remains to be adopted. However, it is at an advanced stage whereby consultation on the Inspector's Main Modifications (MMs) has recently taken place. Those MMs include under MM3 a proposed additional policy to those originally set out, policy SA39, relating to Specialist Accommodation for Older People and Care Homes. Given the advanced stage towards adoption of the SADPD, and the relevance of that emerging policy SA39 to this appeal, that policy attracts a significant degree of weight for the purposes of this appeal.

Main Issues

5. The main issues are:

- i) the effect of the proposed development on the landscape character and appearance of the site and surrounding area;
- ii) the effect of the proposed development in terms of the Council's spatial strategy with particular regard to sustainable travel, having regard to local and national policy;
- iii) the nature and scale of the need for housing of the type proposed to meet the needs of older people.

Reasons

Landscape character and appearance

- 6. The site is located outside of any defined built-up area boundaries, is not allocated in the development plan for the proposed use and is not contiguous with an existing built-up area of any settlement. As such it would not be supported by policy DP6 of the MSDP relating to settlement hierarchy, and in relation to this main issue is within the countryside. Furthermore, paragraph 174 of the National Planning Policy Framework (the Framework), states that planning policies and decisions should contribute to and enhance the natural and local environment by, amongst other things, recognising the intrinsic character and beauty of the countryside.
- 7. Policy DP12 of the Mid Sussex District Plan (the MSDP) sets out the requirement for protection and enhancement of the countryside. It states that the countryside will be protected in recognition of its intrinsic character and beauty. It goes on to state that development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and it is necessary for the purposes of agriculture; or it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.
- 8. Policy DP26 of the MSDP relates to character and design and requires, amongst other things, that all development and surrounding spaces will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. Furthermore, policy CDNP05 of the Crawley Down Neighbourhood Plan (the CDNP) states the planning permission will be granted for residential development subject to, amongst other things, the scale, height and form fitting unobtrusively with the surrounding buildings and the character of the area or street scene.
- 9. The Appellant conducted a Landscape and Visual Appraisal (LVA), which has been undertaken in accordance with the Guidelines for Landscape and Visual Impact Assessment third edition 2013 which is not disputed. I have taken account of the LVA in respect of this issue along with all other relevant evidence.
- 10. In respect of a Landscape Character Assessment for Mid Sussex 2005, the site is located within Landscape Character Area (LCA) 6 relating to High Weald

which occupies a large proportion of the District; and in respect of the Mid Sussex Landscape Capacity Study 2007, it is within LCA 01 – East Crawley – Copthorne Settled Woodland Matrix. The LVA finds that the site and surrounding area are broadly consistent with the descriptive analysis for both of these LCAs and I have no substantive basis to consider differently.

11. The site comprises mixed woodland comprising a variety of mature trees, mainly deciduous but also with some evergreen. The development in the close vicinity of the site, in terms of that fronting Turners Hill Road is limited to a small number of properties to the north, south and opposite the site, sporadically positioned. The proposed development would lessen the degree to which that partially sporadic nature of development in that vicinity of the site would remain. However, the sporadic nature and linear aspect of development along Turners Hill Road is not the sole characteristic of that immediate vicinity. In this respect there is also a more formal small housing estate opposite and to the south-west of the site and a small number of properties along Chapel Lane extending away from Turners Hill Road to the north and north-east of the site.
12. Notwithstanding the wooded, verdant and undeveloped nature of the site, it is therefore set within that context of existing built form in close proximity to the junction with the A264 to the south, known as the Dukes Head roundabout. It is really only beyond Mill Lane opposite the north-west corner of the site and the dwelling immediately to the north of the site on the opposite side of Chapel Lane, that the countryside character on both sides of the road becomes more generally open. This includes fields, woodland and a small number of properties spread out on the western side of the road, and the spacious grounds of the Effingham Park hotel on the eastern side.
13. The proposed development would therefore not encroach into that more widely open countryside environment. Furthermore, and in any case, it would still retain a significant verdant character with the retention of most of the existing mature roadside trees on the site. It would be a noticeably and distinctly larger building than those in that immediate vicinity and it would occupy a large area of the plot. However, other than in respect of the housing estate opposite, there is no uniformity in the scale of those existing buildings or their footprint to plot ratio. Furthermore, it would not be an unusual feature in the context of the slightly wider area where there are existing large buildings such as relating to the hotel in Effingham Park to the north or business units to the east alongside the A264.
14. In visual terms, the site has a distinctly wooded appearance which on the approaches along Turners Hill Road is dominated by the mature frontage trees. However, I saw that those trees further within the site's boundaries can also be seen to varying degrees, certainly in the winter, in the closer proximity either via the Rowan site or viewed directly through the frontage trees when in front of and very close to the site. That is a similar scenario on the approach to the site along Chapel Lane.
15. The proposed care home would therefore be visible to varying degrees from local public vantage points. However, it would be set back and softened by the intervening vegetation which would likely remain the dominant feature of the site, despite the gap that would be created by the site access and the loss of trees further within the site, particularly as seen on the approaches to the site along Turners Hill Road. The degree of prominence of the proposed building as

seen from outside of the site would also be reduced to some extent through its design and position on the site and some likely additional softening by proposed new trees, hedge and shrub planting. In this respect, as well as the varying degrees of set back from the site boundaries, the massing of the proposed building would be broken up with a single storey element separating the two main sections, and the building slab level would be generally slightly lower than Turners Hill Road.

16. Although there are those existing dwellings to the east and north of the site, they are not clearly visible from the road, such that beyond Rowan on that eastern side of Turners Hill Road, there is a distinctly verdant character to the streetscene. That would therefore be eroded to a degree but for the above reasons, not significantly. Furthermore, the proposed development would be seen in the context of an existing prominent dwelling positioned close to the road opposite the site on Turners Hill Road, as well as the immediately to the south. As such, the presence of the proposed additional built form within that existing context would not be seen as an isolated alien visual feature.
17. The proposed development of the currently undeveloped wooded site would inevitably change the character and appearance of the site and to some extent the immediate surroundings. As such, to a degree, it would detract from the intrinsic character and beauty of the countryside. However, for the above reasons, the extent of that harm, including localised visual effects, would be limited.
18. For the above reasons, I conclude on this issue that the proposed development, as well as not being supported by policy DP6 of the MSDP, would cause some harm to the landscape character and appearance of the site and surrounding area. As such, regardless of the disputed position as to whether or not the proposed development is supported by a specific policy reference, it would conflict with policies DP12 and DP26 of the MSDP and policy CDNP05 of the CDNP. However, also for the above reasons, the extent of that harm would be limited, and I will consider this further in the planning balance.

Sustainable travel

19. Policy DP21 of the MSDP states that decisions on development proposals will take account of whether, amongst other things, the scheme is sustainably located to minimise the need for travel; and appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up. It goes on to state that where practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.
20. Policy CDNP10 of the CDNP states that development that does not conflict with other policies will be permitted provided that it promotes sustainable transport within the Neighbourhood Area by, amongst other things, demonstrating that adequate sustainable transport links to the principal village facilities including the village centre, the primary school, Health Centre and recreation open space already exist or will be provided.

21. As established above, the proposed development would not be supported by policy DP6 of the MSDP in terms of its location within the countryside, outside of a defined settlement boundary and clearly separated from such defined settlements. Furthermore, policy SA39 of the emerging SADPD sets out certain criteria under which proposals for specialist accommodation for older people and care homes will be supported, comprising where the site is allocated, part of a strategic allocation, located within the defined Built-Up Area Boundary, or where outside of that boundary it is contiguous with it and the development is demonstrated to be sustainable, including by reference to the settlement hierarchy. The appeal site does not meet any of those criteria such that the proposed development would not be supported by that policy.
22. Section 9 of the Framework relates to promoting sustainable transport and in paragraph 105 states, amongst other things, that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
23. The nature of the proposed development would indicate that residents themselves would be unlikely to leave the site on their own in terms of accessing the wider area either on foot or by other means of transport, such as to local services and facilities such as shops. Nevertheless, there would be a number of staff and the likelihood of regular visiting by family and friends travelling to and from the site; and as referred to above the proposed development would be located outside of any settlements with defined District Plan boundaries, which would not be within easy walking distance of the site. There are a relatively small number of dwellings in the immediate vicinity of the site, notably including the small estate opposite the site. However, those would be unlikely to account for a significant number of people travelling to and from the site.
24. Furthermore, the speed of traffic along the A264 and B2028 and absence of dedicated cycle lanes in the close vicinity of the site would be likely to deter most cyclists. This is notwithstanding the presence of a solid white line to the side of and set away from the carriageway along most of the A264 between the Dukes Head roundabout and the main roundabout junction serving Copthorne towards its western end, which would be likely to provide some degree of separation from motorised traffic. Nevertheless, cycle usage to and from the site would be likely to be encouraged to some degree through the proposed planning obligations to enable works to be undertaken by the County Council relating to a scheme to manage traffic speeds on Turners Hill Road and improving pedestrian and cycle infrastructure and/or the Turners Hill Road cycle path, together with the proposed on-site cycle parking.
25. That District Plan defined built up area of Copthorne is relatively close, being in between Crawley and the site and would therefore involve relatively short travel distances, albeit still more likely to be by motorised transport than on foot or cycle, particularly from the more westerly parts of that settlement. Likewise, the low density housing north of Effingham Park would be in fairly close proximity, albeit again not within short walking distance and where I saw the intervening footway to be generally unfit.
26. The site is therefore by no means isolated from existing housing in the near and slightly wider vicinity from where vehicle trips would be quite short. Nevertheless, it remains the case that the more substantial wider populations,

such as in Crawley, East Grinstead and Crawley Down, from where most staff and visitors would be more likely to be drawn, would be at such distances as to involve the likelihood of significant use of and reliance on motorised transport to get to and from the site, albeit with easy access via the existing road network.

27. However, there are three bus stops within easy walking distance of the site serving bus routes east and westwards to Copthorne, Crawley and East Grinstead and southwards to Crawley Down, and to the nearest railway stations at Three Bridges and East Grinstead. Although not all local settlements are served by buses, a large number of people living in the wider area including relating to the above District Plan defined settlements would have such potential access to a bus service. There would inevitably be varying degrees of convenience for those coming to the site in terms of the proximity of bus stops to homes within those larger settlements. However, it remains the case that there are a number of services to different locations thereby increasing the likelihood of some degree of use.
28. A key factor in respect of likely bus usage would be the frequency of services to enable staff and visitors to get to and from the site at times to suit their requirements. The frequency relating to the three bus stops close to the site in each of the above directions varies, with the eastbound stop served by the least number; and in all cases Sunday services are noticeably less. Nevertheless, other than on Sundays, with a small number of exceptions there is generally at least one service an hour from early morning to late evening, serving each of those three local bus stops, and often more, ranging from one to four and in one case five per hour.
29. The bus services, particularly on Monday to Saturdays, therefore allow use throughout the day and at frequencies that would generally enable staff and visitors to utilise them at a variety of times. These may not fit in precisely with shift patterns or visiting times for all those potential users, necessitating varying degrees of planning around that or the inevitable use of private cars to some degree instead. However, the services are at a level likely to be sufficient to enable a good degree of usage should that be the chosen mode of transport. The more limited Sunday services are however only approximately two hourly and not to Crawley Down. That would still enable some degree of use, depending on where people are coming from, although it would be less likely to fit in with required timings.
30. The three bus stops concerned, and the pedestrian routes between them and the site, are well lit which would likely be a factor encouraging their use during hours of darkness. The proposals would also include the upgrading of the existing pathway between the site and the A264 junction to make it easier and safer to use for all pedestrians. In this respect, I note that the Local Highway Authority (LHA) is also satisfied that the proposed upgraded footway would provide a workable route for pedestrians to the nearest bus stops. The LHA also refers to all the bus stops being accessible along the existing footway network from Turners Hill Road, with informal dropped kerb crossing points provided over Turners Hill Road and Copthorne Common Road to provide access to the westbound bus stop. I have no substantive basis to consider differently.

31. The bus stops are however unsheltered which would be likely to make them less attractive for use in inclement weather, albeit that I have no substantive evidence to indicate the extent to which this would be likely to affect usage. Furthermore, their use would involve crossing the A264 and B2028 for at least one leg of any return journey. Whilst that could be a deterrent for some people using buses, I have not received any substantive evidence of this situation having caused any accidents to date involving pedestrians crossing the roads concerned, albeit that the proposed development would add to the potential numbers of people using those crossing points. Furthermore, the proposed development would include improvements to the Turners Hill Road crossing points, comprising dropped kerb tactile paving.
32. Walking alongside the A264, including for access to the bus stops, is in proximity to fast moving traffic. However, the road is wide and pedestrians are also protected to some degree by the separation provided by the solid white line on the road referred to previously. Whilst Turners Hill Road is narrower, the existing narrow and poor quality path alongside it is proposed to be widened and improved, and where approximately half of its length between the site and the Dukes Head roundabout is, and would be, set away from the roadside, separated by a grass verge. Furthermore, as referred to above, the planning obligations would secure the means to improve conditions for pedestrians and cyclists on Turners Hill Road.
33. I have had regard to another recent appeal decision relating to a proposed care home at Tilgate Forest Lodge in Pease Pottage¹ which was dismissed (the Tilgate decision). My colleague in making that decision, whilst citing benefits and applying associated weight to these, including in relation to meeting a need for older persons care accommodation, gave substantial weight to the development not being in an accessible location, albeit with some factors in its favour in this respect such as there being a pavement along the adjacent road, which also has nearby bus stops and is part of a National Cycle Route.
34. However, in that case, unlike for the current appeal, it was noted that the bus stops mainly rely on light spill from the adjacent A23 rather on the road concerned, albeit in that case one of the stops has a shelter. My colleague also referred to deficiencies in terms of the convenience of the bus service in that case. However, I do not have the full details of the level of provision concerned, including the extent of locations served by buses linking to the site in that case. For these reasons, that other appeal cannot be clearly compared with the current appeal in respect of this main issue which I have considered on its own merits. Furthermore, the planning balance resulting in the dismissal in that other case importantly also included, amongst other things, great weight being afforded to harm to the character and appearance of an Area of Outstanding Natural Beauty, which is not a designation relating to this appeal site.
35. The proposed development would include provision for a Travel Plan and a staff minibus service to incentivise the use of travel modes other than the private car. I acknowledge that there is no comparative objective evidence to demonstrate the extent to which the measures concerned would be likely to be utilised, which is a similar point to one made by my colleague in the Tilgate decision. There is also limited specific detail provided as to the how the

¹ Appeal Ref. APP/D3830/W/20/3251365

proposed Travel Plan would operate in full at this stage, such as in relation to the proposed minibus service, albeit that this could be secured by a condition to ensure an appropriate level of provision. Nevertheless, despite figures submitted indicating that cycling and bus use in the wider area constitutes a low percentage of trips, the proposed Travel Plan would be likely to form a basis for encouraging the use of alternative modes of transport to the private car; and in respect of the minibus, a further means by which a choice of transport modes would be provided, albeit to an unknown extent.

36. I note that my colleague in the Tilgate decision refers to the proposed Travel Plan in that particular case as having a more limited practical effect, especially with regard to buses, albeit also referring to there being no compelling comparative objective evidence to suggest a likely take-up of staff car sharing. As referred to above I have insufficient evidence to indicate that the level of convenience of bus services to the current appeal site is comparable to that other case, and no mention was made in that decision of a minibus service as is proposed in this case.
37. The proposed development would also incorporate electric vehicle charging facilities. Whilst this would still relate to the use of individually owned private cars, it would nevertheless encourage the use of a more sustainable form of transport in terms of emissions.
38. I have also had regard to the extent to which staff and visitors would have access to local services and facilities such as shops, health and leisure provision. The extent of such a need to access facilities close to the workplace for staff as opposed to close to where they live is disputed by the parties. Nevertheless, the prime reason for the journey from home to the site for staff would be to work, albeit that it cannot be generally disregarded that people at or travelling to and from a place of work would not reasonably wish to combine this with other visits to services and facilities before or after work or during breaks. There would therefore be limited scope for this or for visitors to do so also within the close vicinity of the site.
39. A lot of mention was made at the Inquiry of the shop and takeaway provision at the nearby petrol filling station on the A264. I saw that this is fairly easily accessible from the site, albeit via the road crossing points in the vicinity of the Dukes Head roundabout and on a narrow path alongside moderately fast-moving traffic on the road. For reasons referred to previously relating to walking alongside the roads concerned, together with there being street lighting for much of the route, the shop concerned would be likely to comprise a useable and potential destination. However, the nature of the shop is such that it only offers a limited facility in terms of general shopping provision, with provision likely to cater more for small-scale top-up shopping, lunch or snacks for example.
40. Other than that shop and the public house located adjacent to the Dukes Head roundabout, there are little or no other services and facilities in the close vicinity of the site, accessible on foot. However, the proposed development would include on-site catering facilities, with provision for a café shown on the plans which would be likely to lessen reliance on outside food outlets to at least some degree in relation to meal provision for staff.
41. I have also had regard to whether the circumstances in terms of access to services and facilities would be similar to those relating to general purpose

Class C3 housing, having regard to other recent appeal decisions for housing developments in the vicinity of the site. These include proposed developments referred to by the Council at Land off Turners Hill Road, Crawley Down including 167 dwellings²; The Park Farm, Snow Hill, Crawley Down for two dwellings³; and at land rear of Star Place, Copthorne Common Road for either 2 or 3 dwellings⁴, all of which were dismissed. However, despite those decisions citing, amongst other things, matters relating to the locations not being sustainable in transport terms, that was in a different context to a care home proposal whereby the residents themselves would not be reliant on accessing outside services and facilities independently; and where staff and visitors would be likely to live elsewhere, thereby being less likely to be so reliant on there being services and facilities within close proximity of the site. Furthermore, even if there were to be more sequentially preferable sites in the local area to meet any local need, I have determined this appeal on its merits.

42. I have had regard to the planning permission recently granted for a change of use on the adjacent Rowan site from an existing dwelling and outbuildings to create a Class C2 care facility. The Council granted planning permission for that use and acknowledged factors such as proximity to bus routes and provision for electric vehicle charging. However, it was a balanced decision, taking account of need for the accommodation, referring to it not being in a sustainable location in relation to access to shops and other services and with a reliance on the private motor car. However, in that case the balance included the factor of the site already being developed and in existing residential use, unlike the current appeal site. This in itself is therefore a significant difference to the circumstances of the appeal proposal.
43. For the above reasons, together with not being supported by policy DP6 of the MSDP, or emerging SADPD policy SA39 in terms of not relating to an allocation and not being contiguous with the Built-Up Area Boundary, the proposed development would have some shortcomings in terms of the Council's spatial strategy with particular regard to sustainable travel, having regard to local and national policy. As such, it would also conflict with policy DP21 of the MSDP, policy CDNP10 of the CDNP and paragraph 105 of the Framework. However, also for the above reasons, including the likelihood that there would be some degree of choice of transport modes, the extent of any harm relating to this issue would be limited. I shall consider this further in the planning balance.

Need

44. The MSDP appropriately addresses the need and supports proposals for housing for older people through policies DP25 and DP30. The former states, amongst other things, that the provision of community facilities and local services that contribute to creating sustainable communities will be supported and that such facilities and services to meet local needs will be identified through Neighbourhood Plans or a Site Allocations Development Plan Document. Furthermore, policy DP30, relating to housing mix, states that to support sustainable communities, housing development will, amongst other things, meet the current and future needs of different groups in the community including older people. It goes on to state that if a shortfall is identified in the supply of specialist accommodation and care homes falling within Use Class C2

² Appeal Ref. APP/D3830/W/16/3142489

³ Appeal Ref. APP/D3830/W/17/3181272

⁴ Appeal Refs. APP/D3830/W/21/3268144 & 3268145

to meet demand in the District, the Council will consider allocating sites for such use through a Site Allocations Document.

45. It is not disputed that the proposed development would meet a need for registered care accommodation. However, the weight to be afforded to such a benefit is disputed, having regard to the existing and projected supply and demand. It is this that I will therefore consider in more detail.
46. In terms of the methodology used to assess the level of need for registered care beds, the Council undertook an assessment of housing need for older people, published as an addendum to the Housing and Economic Development Needs Assessment (HEDNA) in August 2016. The HEDNA Addendum forms part of the evidence base for the MSDP and the assessment was undertaken using the Strategic Housing for Older People Analysis tool (the SHOP@ tool). This tool has limitations, including that it is based on national population prevalence data rather than local, and is claimed by the Council to be out of date. Nevertheless, it is common ground between the Council and Appellant that it is the latest published assessment of older persons accommodation needs in the Mid Sussex Council Area. Furthermore, whilst reference has been made to the new Strategic Housing Market Assessment (the SHMA), the Council has confirmed that it does not rely on the evidence in the SHMA for the purposes of this appeal, and I have no substantive basis to consider otherwise.
47. A lot of time was taken up in the Inquiry with consideration of the level of need having regard to the HEDNA Addendum methodology, which after all is that which the Council saw fit to use as its evidence base for the adopted MSDP, as has been the case with other relatively recent Inquiry decisions relating to housing for older people including those at Albourne⁵ and Pease Pottage⁶, albeit that the former related to provision for extra care units as opposed to a care home.
48. It is also agreed by the Council and Appellant that another frequently used methodology within the sector is based upon care home occupancy by age based on prevalence rates researched by sector specialists LaingBuisson. This methodology is also referred to by the Appellant alongside the HEDNA Addendum/SHOP@ tool but is not relied upon in isolation. It is agreed by the parties that the level of demand shown by the LaingBuisson research indicates a significantly lower demand for care beds for the elderly than under HEDNA/SHOP@. However, as highlighted by the Appellant, the bed numbers concerned in relation to the application of LaingBuisson are a baseline as, amongst other things, the rate is based on occupation of bedspaces and is therefore suppressed due to those areas of the country where there are insufficient beds to meet demand. I have received no substantive rejection of that being the case from the Council. The Appellant has indicated that the true level of need is likely to fall at a point between the figures relating to the two methodologies. However, I have no substantive basis to support the extent to which that would be the case, especially given uncertainty around the extent to which the level of demand has been suppressed. Therefore, for the above reasons, it seems to me that, notwithstanding its limitations, the HEDNA Addendum is the most appropriate methodology to adopt for the purposes of this appeal.

⁵ Appeal Ref. APP/D3830/W/19/3241644

⁶ Appeal Ref. APP/D3830/W/20/3251365

49. Having regard to the HEDNA/SHOP@ methodology, in terms of need for registered care beds within the MSDP plan period up to 2031, on a purely quantitative basis, based on a demand for 2442 beds and supply of 1518 as of November 2021, this would amount to 924 beds. The corresponding immediate need as of November 2021, based on a demand for 1806 beds would be 288 beds. These figures in themselves represent significant shortfalls.
50. Furthermore, they do not take account of the significant number of rooms which are not single occupancy and are without any ensuite facilities, agreed by the Council and Appellant to now be a reasonable minimum expectation for registered care bedrooms for older people. On that basis, the need over the plan period would be for 1294 beds, with an immediate need, agreed to be the more important figure, of 658 beds based on a current supply of rooms with at least an ensuite toilet and/or bathroom of 1148 rooms. The Appellant considers that the timescale for completion of the proposed development would be by 2025 which I have no substantive basis to disagree with, especially as there is an operator involved subject to planning permission being granted. Based on a demand then for 2123 beds, there would be a need by that time of an additional 317 beds on top of the above immediate need figures.
51. On the Appellant's figures, in the absence of anything similar from the Council, only 11 of the 37 registered care homes in the District have any rooms with an ensuite facility including a wetroom, with an estimate of a small number more than 589 of the current 1518 supply of bedrooms having such a facility. I have no substantive basis to disagree with this analysis and acknowledge that such provision, as is proposed in this case, would prevent the need for sharing such facilities, both from a wellbeing perspective and to minimise the spread of infections. On that basis the need would be much greater than the consideration relating to provision of only the minimum ensuite facilities.
52. It is important to consider the extent to which the above need figures would be likely to be addressed through any proposed care homes in the pipeline and the facilitation of such development in the development plan, including any allocated sites for this purpose in the emerging SADPD. In terms of those in the pipeline in Mid Sussex, there are two proposals with planning permission and one, at the time of the Inquiry, awaiting a decision. I have not been informed that the two with permission (at Haywards Heath and Sayers Common for 67 and 70 bedrooms respectively) are under construction, albeit that could change at any time, notwithstanding the Appellant's claim that they currently have no associated operators.
53. Furthermore, the degree of uncertainty until a decision is made relating to the third proposal in Burgess Hill for 68 bedrooms, reduces the weight afforded to that additional potential supply. Nevertheless, even if permission were to be granted for that one and all three were to be constructed, providing a total of 205 bedrooms, it is uncertain as to when they would be completed. Not being in place now, and even with the minimum period necessary until completion, means that they do not address the immediate need referred to above. Even if built by 2025 those 205 bedrooms would still fall significantly short of even the additional need of 317 beds referred to above, on top of which there would remain the current immediate need figures.
54. I acknowledge that the relevant MSDP policies and emerging SADPD policy SA39 provide support for such proposals, that future proposals may come

forward, and that there will be likely to be some natural replacement of that existing provision without the minimum ensuite facilities. I also note that emerging policy SA39 was added to take account of the previously referred to Albourne appeal decision which underlines the importance of providing for older persons housing. This is with reference to what is now paragraph 62 of the Framework and the Planning Practice Guidance which stresses that the need to provide housing for older people is critical in view of the rising numbers in the overall population.

55. That emerging policy provides clear support for care homes and has been proposed in the context of an identified need. However, based on the evidence before me, there remains uncertainty as to the extent to which it will result in the significant unmet need identified above being addressed, in the shorter term and within the MSDP period, in terms of the scale and nature of that need, particularly when taking account of the qualitative factors, including ensuite provision, and given that there is only one site allocated in the SADPD for C2 use.
56. There is also an additional factor concerning attrition rates whereby it would not necessarily just be non-ensuite rooms lost if and when those homes close which have both ensuite and non-ensuite rooms. This would therefore add to the unmet need for suitable care home accommodation, albeit partially offset by recent new developments and acknowledging that there is no clear evidence as to ongoing attrition rates despite evidence of some closures over the last few years.
57. A further factor potentially impinging on the degree to which care home need will be met during the MSDP period relates to the undisputed evidence provided by the Appellant relating to viability and land value factors. This identifies that it is hard for such care home development to compete with general needs housebuilders on housing sites not specifically allocated for housing for older people, including care homes, but which could in theory be suitable for this.
58. The SADPD allocation referred to above includes, amongst other things, Class C2 Use for a minimum of 142 dwellings, relating to a site in East Grinstead, Ref SA20. That allocation is not specifically for a registered care home such that it could be developed for extra care, claimed by the Appellant to be more likely given the number of rooms the allocation relates to. However, even if that were built as a registered care home, it again does not change the immediate need and remains not having any planning permission in place, resulting in uncertainty as to if and when it would be constructed in order to meet the need within the MSDP period. Furthermore, in itself it would only address a relatively small proportion of the overall need during the plan period, whether relating this to supply generally or just that with at least the minimum ensuite facilities.
59. The Council highlights the extent to which there is increasing diversification within the care sector with less emphasis on registered care beds than expected as opposed to extra care in particular, albeit citing work carried out in Hampshire. The particular demand for extra care provision was a point made by my colleague in the previously referred to Albourne decision. However, that appeal related to proposed extra care units and so did not address, in the same way as in this case, the specific need for registered care. That is a clear difference between the two cases, whereby I have considered this proposal on

its own merits. Whilst I acknowledge the likelihood of increased diversification going forward, the extent to which that would affect an ongoing remaining need for registered care homes in Mid Sussex is unclear, particularly given the extent of the current and future need within the MSDP period referred to above.

60. The Council highlights that the Appellant did not previously identify qualitative aspects of need in representations to the SADPD, in the Statement of Case or in Mr Burden's proof of evidence. Although such qualitative analysis was introduced in and relates to Mr Newton Taylor's evidence, it is nevertheless somewhat puzzling as to why it was not otherwise previously introduced by the Appellant given the extent to which it is now relied upon. Despite that, it was a matter fully explored at the Inquiry, as a result of which I have found it to be an important issue for consideration.
61. For the above reasons, I conclude on this issue that there is a significant unmet need for registered care homes in Mid Sussex, more so in relation to provision for bedrooms that have at least the minimum ensuite facilities. In considering the extent of the shortfall in the context of the critical need for such accommodation nationally, I afford substantial weight to the benefit of adding to the local supply with the proposed care home. That benefit is strengthened by the circumstances whereby there is an operator committed to the proposal subject to gaining planning permission, indicating a likelihood of relatively short term implementation, and given the intended provision for full wetroom ensuite facilities, thereby exceeding what was agreed to be the minimum requirement.

Other Matters

62. Having regard to matters of highway safety, the Appellant has submitted a Transport Statement (TS) which forecasts that the proposed development would have no perceptible material impact on the local transport network. Furthermore, it is common ground between the Council and Appellant that the trip rates set out in the TS are appropriate for the proposed development and that the forecast trip generation would not exceed the traffic levels that were previously considered acceptable by the LHA for a previous application for residential development on the site. I have no substantive basis to consider otherwise.
63. In relation to the nearby Copthorne Preparatory School, whilst any increases in pupil numbers would potentially add to that existing level of traffic upon which the TS was based, evidence produced at the Inquiry suggested that such expansion of the school may not be going ahead. In any case, even if there were any expansion, that would need to be a matter for consideration at that time in terms of any related highways safety implications.
64. The LHA has raised no objections to the proposed development on highway safety grounds and I have no substantive basis to consider differently subject to appropriate conditions and planning obligations. Furthermore, the LHA is satisfied that there would be sufficient parking provision on the site for the level of usage likely with development of the nature proposed, and again I have no substantive basis to consider differently.
65. With regard to noise concerns, comings and goings in relation to the site and its vicinity would inevitably increase due to the existing undeveloped nature of the site. However, in the context of other traffic movements locally on the adjacent roads and in relation to existing residential development in the locality

this would be unlikely to cause significantly increased or unexpected levels of noise to surrounding occupiers. Furthermore, given the positioning of the proposed car parking areas, served by access directly onto Turners Hill Road, much of the vehicular activity would be generally focussed away from the quieter rear of the site. Other potential noise from construction activity and any plant and machinery within the proposed development could also be appropriately controlled through conditions. For future residents, measures to protect them from unacceptable levels of noise from the adjacent road, could be appropriately secured by condition in relation to the detailed design of the building concerned.

66. With regard to the ecology of the site, the Appellant has undertaken a Preliminary Ecological Appraisal, a Preliminary Bat Roost Assessment and analysis concerning Biodiversity Net Gain (the Ecological Report) which assesses the site as being of local ecological importance; and an Arboricultural Impact Assessment with associated Arboricultural Note, both of which I have taken into account. The proposals would involve the loss of a significant number of trees and associated understorey habitat and the ecological report highlights that there would be a net loss of biodiversity on the site as a result of the proposed development. However, the tree loss would mainly be in the central part of the site primarily comprising early successional species and young semi-mature trees. The generally higher quality mature boundary trees, protected by Tree Preservation Order (TPO), with varied understorey would generally be retained. In this respect, those proposed to be removed to make way for the proposed site access are classified in the ecology report as Category C trees as opposed to those either side being Category B and I have no substantive basis to disagree with such categorisation.
67. Furthermore, the Council's Tree Officer raises no objections on arboricultural grounds, subject to appropriate conditions, having regard to the position of the proposed access in terms of measures to mitigate its impact on two larger trees either side; that there would not otherwise be any excavation works within the root protection areas of trees retained at the site boundaries; and referring to appropriate proposed new tree planting on the site, subject to the need for the submission of a detailed planting plan which could be secured by condition.
68. The Ecology Report highlights that no trees with potential for bat roosting would be removed and that there would be a suitable buffer between the development and the trees concerned to prevent disturbance. Nevertheless, only one tree was found to possess moderate, as opposed to otherwise low, potential to support roosting bats. The report, amongst other things, also draws attention to the need to conduct sensitive vegetation removal including in respect of breeding birds, reptiles and hedgehogs. It also highlights that there are no records of badgers within two kilometres of the site in the past 20 years and that no signs of badgers were found on the site during the survey work undertaken. I have no substantive basis to consider otherwise.
69. In terms of those conditions suggested by the Council as being necessary in the event of the appeal being allowed, those that would relate to ecological mitigation would importantly include securing the protection of intended retained trees, and their associated understoreys and habitat value, during the construction phase. It is also likely that proposed new tree and hedge planting and other soft landscaping, further details of which could also be secured by

condition, would provide some degree of replacement or improved habitat. With such conditions, and for the above reasons, despite a net loss of biodiversity on the site, it is therefore likely that any harm to the ecological value of the site would be limited and not to an unacceptable level.

70. In respect of the potential effects on the amenities of surrounding residents relating to increased levels of lighting and pollution generated as a result of the proposed development, I have no substantive basis to consider that any such increases would cause significant additional harm. Furthermore, measures to control odours, any external lighting, and to ensure adequate air quality associated with the proposed development, could all be appropriately controlled by conditions.
71. Having regard to concerns over the impact of the proposed development on the local medical infrastructure, I have no substantive evidence to indicate that this would be likely to cause significant additional pressure on such provision, especially as the nature of the proposed development would involve a level of care within the home itself.
72. In terms of any additional strain that may be caused by the proposed development on local drainage infrastructure, I have received no substantive evidence to indicate that foul and surface water could not be adequately disposed of from the proposed developed site, subject to details that could be secured by condition. In this respect, I also note that the Council's Flood Risk and Drainage Team raises no objections in respect of drainage subject to further details being submitted through a condition.

Conditions and planning obligations

73. The Council has submitted 25 suggested conditions were I minded to allow the appeal. These follow the submission of an amended schedule where one new suggested condition has been added. These are generally agreed by the Appellant who has also confirmed agreement to the imposition of the pre-commencement conditions concerned. I have considered these in the light of advice in the National Planning Practice Guidance and have, in the interests of clarity and precision, amended some of the wording, combined two of the originally suggested conditions and added one. I have referred to the condition numbers, cross referenced to the attached annex, in brackets for clarity purposes.
74. For certainty, the standard time condition for commencement of the development (1), and a condition requiring the development to be carried out in accordance with the approved plans (2), would be necessary.
75. In the interests of highway safety conditions would be necessary to secure: the completion of the proposed off-site footway and tactile paving crossing points alongside Turners Hill Road, also so as to provide sustainable travel options (3); the submission and implementation of a Construction Management Plan, also to protect the amenities of surrounding residents and the area generally (6); the completion of the proposed site access (13). Also, to provide sustainable travel options, conditions would be necessary to secure details and the implementation of covered and secure cycle parking spaces on the site (14); the implementation of the proposed electric vehicle charging spaces (23); and the submission and implementation of a Travel Plan, including provision for a staff minibus (24).

76. So as to provide adequate drainage of the site, conditions would be necessary to secure the submission and implementation of details of foul and surface water drainage measures (4 & 5).
77. In the interests of tree protection, the character and appearance of the area, and the ecological value of the site, a condition would be necessary to secure the implementation of proposed arboricultural measures (7). Also in the interests of the character and appearance of the area conditions would be necessary to secure the submission and implementation of: samples of facing materials and finishes proposed to be used in the construction of the proposed development (8); further details of various architectural elements of the proposed development (9); hard and soft landscaping details (12), also in the interests of the site's ecological value; details of the proposed bin store, pumping station and sub-station (22).
78. To protect the living conditions of local residents, conditions would be necessary to: control the hours of construction and demolition works as well as the times for deliveries or collection of plant, equipment or materials during the construction phase (10); secure measures for controlling the emission of fumes and odour and noise from the proposed development (15 & 16), also in the interests of the living conditions of prospective residents; secure measures to mitigate any risks from landfill/ground gas, also in the interests of the living conditions of prospective residents (17); secure details prior to implementation of any external lighting (18); ensure adequate levels of air quality relating to the proposed development (19), also in the interests of the living conditions of prospective residents. In order to protect the amenities of residents of the proposed development in respect of noise generated by traffic or other external sources, a condition would be necessary to secure details and implementation of appropriate mitigation measures (20).
79. In order to protect the local environment and the safety of construction workers and future and existing residents, a condition would be necessary to secure provision during construction for the remediation of any contamination found at the site that had not been previously identified (11).
80. Having regard to the safe movement of aircraft and the operation of Gatwick Airport, a condition would be necessary to secure the submission and implementation of a Bird Hazard Management Plan so as to minimise the attractiveness of the proposed roof area to birds (21).
81. An additional condition (25) to require the implementation and retention of the proposed car parking spaces would also be necessary in the interests of ensuring provision for adequate parking and highway safety. Whilst this would be additional to those suggested and discussed at the Inquiry, I consider that the Appellant would not be prejudiced by this as it would not require anything not already proposed, as shown on the submitted plans; and would not be unexpected as it is a condition already suggested by the LHA in its consultation response to the application concerned.
82. Planning Obligations have been submitted within a Section 106 Agreement making provision for the following:
 - Appropriate financial contribution towards local library provision relating to additional stock that would be required at East Grinstead Library, including on the basis that the library service is proactive in its contact

with residents of care homes as a result of the benefit to stimulation and engagement that the services can provide. This would be in accordance with the Framework which, in paragraph 93 sets out that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should, amongst other things, plan positively for the provision and use of community facilities and other local services to enhance the sustainability of communities and residential environments; and the Mid Sussex Development Infrastructure and Contributions Supplementary Planning Document (the SPD) which highlights, amongst other things, that where a library is unable to meet standards due to development, a reasonable contribution will be requested towards the service.

- Appropriate financial contribution relating to works undertaken by the County Council concerning a scheme to manage traffic speeds on Turners Hill Road and improving pedestrian and cycle infrastructure and/or the Turners Hill Road cycle path, so as to encourage less car dependency and the use of sustainable transport modes, particularly by staff and visitors. This would be in accordance with the Framework which in paragraph 104 states, amongst other things, that opportunities to promote walking, cycling and public transport use are identified and pursued; and with the SPD which in respect of this matter relates to ensuring provision of an efficient and sustainable transport network and highlights the MSDP policy DP19 aim to facilitate and promote the increased use of alternative means of transport to the private car.
83. The Council and West Sussex County Council have submitted a statement of compliance of the planning obligations with Regulation 122 of the Community Infrastructure Regulations 2010 (as amended) (CIL Regulations). Based on that evidence, policy DP20 of the MSDP relating to securing infrastructure, the relevant paragraphs of the Framework and the SPD, I am satisfied that the provisions, would meet the tests set out in paragraph 57 of the Framework and Regulation 122(2) of the CIL Regulations.

Planning balance

84. I have found that the proposed development, as well as not being supported by policy DP6 of the MSDP, would cause some harm to the landscape character and appearance of the site and surrounding area. However, for the reasons set out, the extent of that harm would be limited.
85. I have also found that, together with the proposed development not being supported by policy DP6 of the MSDP, or emerging SADPD policy SA39, it would have some shortcomings in terms of the Council's spatial strategy with particular regard to sustainable travel, having regard to local and national policy. However, again for the reasons set out, the extent of any harm would be limited.
86. The proposed development would however contribute towards what I have found to be a significant unmet need for registered care homes in Mid Sussex, more so in relation to provision for bedrooms that have at least the minimum ensuite facilities, causing me to afford substantial weight to the benefit of adding to the local supply with the proposed care home. I have also found that that benefit is strengthened by the circumstances whereby there is an operator committed to the proposal subject to gaining planning permission, indicating a

likelihood of relatively short term implementation, and given the intended provision for full wetroom ensuite facilities, thereby exceeding what was agreed to be the minimum requirement. There would also be the likelihood of added local economic benefits associated with the jobs generated by the proposed development, both during its construction in the shorter term and once operational in the longer term.

87. Notwithstanding my findings in relation to the first two main issues, I have found there to be no other matters that would cause unacceptable harm, subject to appropriate conditions and planning obligations where applicable.
88. Applications for planning permission must be determined in accordance with an up-to-date development plan unless material considerations in a particular case indicate that the plan should not be followed. Taking all of the above into account, the benefits of the proposed development, comprising material considerations, would outweigh the harm that I have identified and the conflict with development plan policies. As such, the material considerations in this case indicate that planning permission should be granted that is not in accordance with the development plan.
89. Some Inquiry time was taken up with the disputed matter of whether the policies which are most important for determining the appeal are out of date. Whilst I have considered the submissions on this matter, I have not dealt with this in detail in light of the above overall planning balance, which does not rely on whether or not the tilted balance relating to paragraph 11(d)(ii) of the Framework applies.

Conclusion

90. For the reasons given above I conclude that the appeal should be allowed.

Andrew Dawe

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Christopher Young QC, No5 Chambers

Instructed by Timothy Burden,
Turley Associates

He called:

Clare Brockhurst (for round table discussion
on landscape matters)

Director, Leyton Place Limited

Matthew Grist

Director and Head of Transport
Planning, Jubb

Nigel Newton Taylor

Director, HPC

Richard Garside

Director and Head of
Development Consultancy,
Newsteer

Timothy Burden

Director, Turley Associates

FOR THE LOCAL PLANNING AUTHORITY:

Jack Parker, Barrister Cornerstone Barristers

Instructed by Tom Clark, Mid
Sussex District Council

He called:

Christopher Tunnell

Director of Planning and Leader
of the London Planning Group,
Arup

Also participated in round table discussion on conditions:

Susan Dubberley

Mid Sussex District Council

INQUIRY DOCUMENTS (IDS):

1. Opening Statement made on behalf of the Appellant.
2. Opening Statement for Mid Sussex District Council.
3. PPG - Housing for older and disabled people.
4. Government response to the Second Report of Session 2017-19 of the Housing, Communities and Local Government Select Committee inquiry into Housing for Older People.
5. Suggested viewpoints and locations for site visit.
6. Suggested Conditions.
7. Mid Sussex Development Infrastructure and Contributions Supplementary Planning Document.
8. Appellant's agreement to pre-commencement conditions.
9. Location plan prepared by Appellant for site relating to appeal ref APP/D3830/W/20/3251365 – Tilgate Forest Lodge, Brighton Road, Pease Pottage.
10. Planning Statement and site plan supporting MSDC Planning Application: DM/21/3385 – Land to the south of Kings Way, Burgess Hill, West Sussex.
11. Appellant's Costs Application.
12. Plan showing proposed off-site footpath and crossing works: dwg no. 006 Rev P1.
13. Amended suggested conditions.
14. Details of notifications carried out for Rowan planning application Ref DM/21/0028.
15. Crawley Observer article 18 November 2021 concerning Copthorne Preparatory School.
16. Further amended suggested conditions 28 January 2022 and confirmation of the Appellant's agreement to those that would be pre-commencement conditions.
17. Council's response to Appellant's costs application.
18. Closing Statement for Mid Sussex District Council.
19. Closing Statement made on behalf of the Appellant.
20. Email dated 21 January 2022 from the Council to clarify its position with regard to evidence in the HEDNA Addendum 2016 and 2021 SHMA.

ANNEX - Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the plans listed below:
 - Site Location Plan 100 Rev A
 - Site Roof Plan 176 106 Rev –
 - Cut and Fill Plan – Site Roof Plan 176 107 Rev-
 - Elevations 176 125 Rev A
 - Elevations 176 126 Rev A
 - Elevations 176 127 Rev A
 - Ground Floor Plan 176 114 Rev A
 - First Floor Plan 176 115 Rev A
 - Second Floor Plan 176 116 Rev A
 - Roof Plan 176 117 Rev A
 - Landscape Proposals RDL712 DRG01 P4
 - Landscape Sections and Entrance Details RDL712 DRG02 P5
 - 20191 001 Rev P1 Proposed Vehicular Access
 - 20191 006 Rev P1 – Proposed off site footpath and crossing works.
3. No part of the development shall be occupied until provision of the footway and tactile paving crossing points alongside Turners Hill Road has been constructed in accordance with plan: 20191 006 Rev P1.
4. No development shall take place unless and until details of the proposed foul water drainage and means of disposal have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until all the drainage works concerned have been carried out in accordance with the approved details. Maintenance and management during the lifetime of the development shall be in accordance with the approved details.
5. No development shall take place unless and until details of the surface water drainage and have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until all the drainage works concerned have been carried out in accordance with the approved details. Maintenance and management during the lifetime of the development shall be in accordance with the approved details.
6. No development shall take place, including any works of demolition, until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved CMP shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate, but not necessarily restricted to, the following matters:
 - the anticipated number, frequency and types of vehicles used during construction;
 - the method of controlling surface water during construction;
 - the method of access and routing of vehicles during construction;
 - the parking of vehicles by site operatives and visitors;
 - the loading and unloading of plant, materials and waste;

- the storage of plant and materials used in construction of the development,
 - the erection and maintenance of security hoarding;
 - the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders, if required);
 - details of public engagement both prior to and during construction works;
 - measures to control noise affecting nearby residents;
 - dust control measures;
 - pollution incident control.
7. The development hereby permitted shall be carried out in accordance with the Arboricultural Impact Assessment (reference 12622_R01_A) dated 14th August 2020 and the Arboricultural Note (reference 13340-C001a_JP_270121) dated 27th January 2021, which shall be implemented and adhered to throughout the entire construction period.
8. No development shall be carried out above ground slab level until samples of materials and finishes to be used for all facing materials, including the external walls/roof/fenestration of the proposed buildings, 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.
9. No development shall be carried out above ground slab level until 1:20 scale section and elevations (vignettes) of:
- (a) the single storey frontage showing the entrance, green roof and columns;
 - (b) a typical dormer window;
 - (c) a chimney;
 - (d) a first-floor terrace/balcony;
- 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.
10. Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent, as well as deliveries or collection of plant, equipment or materials for use during the demolition/construction phase, shall be limited to the following times:
- Monday – Friday: 08:00 - 18:00 Hours
Saturday: 09:00 - 13:00 Hours
Sundays and Bank/Public Holidays: None permitted

11. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying and assessing the risk and proposing remediation measures, together with a programme, has been submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme. If

no unexpected contamination is encountered during development works, on completion of works and prior to first occupation of the proposed development, a letter confirming this shall be submitted to the Local Planning Authority. If unexpected contamination is encountered during development works, on completion of works and prior to first occupation of the proposed development, the agreed information, results of investigation and details of any remediation undertaken shall be submitted to and approved in writing by the Local Planning Authority.

- 12.No development shall be carried out above ground slab level until full details of both hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development, have been submitted to and approved in writing by the Local Planning Authority, which shall be carried out as approved.

Hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the first occupation of any part of the development, or in accordance with a programme which, prior to such occupation, shall first have been submitted to and approved in writing by the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

13. No part of the proposed development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the submitted details shown on the drawing titled Proposed Vehicular Access 20191_001_P1.
- 14.No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details that shall first have been submitted to and approved in writing by the Local Planning Authority. The cycle parking spaces shall thereafter be maintained as such thereafter for the purpose of cycle parking.
- 15.The development hereby permitted shall not be brought into use until a scheme for the installation of equipment to control the emission of fumes and odour from the premises has been submitted to and approved in writing by the Local Planning Authority, and the scheme as approved has been implemented. The equipment concerned shall thereafter be maintained in accordance with the approved details. The submitted odour control scheme shall be in accordance with current best practice and shall include an odour risk assessment, as well as a maintenance and monitoring schedule for the odour control system, to ensure adequate control of odours, to align with the manufacturer's instructions.
- 16.The development hereby permitted shall not come into operation until a scheme has been submitted to and approved in writing by the Local Planning Authority demonstrating that the noise rating level (L_{Ar},Tr) of plant and machinery within the development shall be at least 5dB below the background noise level (L_{A90},T) at the nearest residential facade. All measurements shall

be defined and derived in accordance with BS4142: 2014+A1:2019. The assessment shall be carried out with the plant/machinery operating at its maximum setting. The approved measures shall be implemented before the development is brought into first use and thereafter be maintained in accordance with the approved details.

17. Before the development hereby permitted commences, an investigation and risk assessment for landfill/ground gas to ascertain whether gas protection measures are required shall be undertaken. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to, and approved in writing by, the Local Planning Authority. Where gas protection measures are required the details of these shall be submitted to, and approved in writing by, the Local Planning Authority. All required gas protection measures shall be installed before the development is occupied.
18. Prior to the installation of any external lighting to the site, details of light intensity, spread and any shielding and times of use together with a report to demonstrate its effect on nearby residential properties shall be submitted to and approved in writing by the Local Planning Authority. It is recommended that the information be provided in a format that demonstrates compliance with the ILP Guidance Notes for the Reduction of Obtrusive Light. Relevant information is available from the following site: <https://www.theilp.org.uk/documents/obtrusive-light>. The lighting concerned shall be implemented in accordance with the approved details and maintained as such thereafter.
19. Prior to the commencement of construction of any part of the development hereby permitted, the details of a scheme of mitigation measures to improve air quality relating to the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with, and to a value derived in accordance with, the Air Quality and Emissions Mitigation Guidance for Sussex which is current at the time of the submission of the scheme to the Local Planning Authority. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.
20. No development shall take place until a scheme for protecting the proposed residential units from noise generated by traffic or other external sources, has been submitted to, and approved in writing by, the Local Planning Authority. All works that form part of the scheme shall be completed in accordance with the approved details before any part of the noise sensitive development is occupied. Unless otherwise agreed in writing, the submitted scheme shall demonstrate that the maximum internal noise levels in bedrooms post construction will be 30 dB LAeq T (where T is 23:00 - 07:00) and in bedrooms and living rooms will be 35 dB LAeq T (where T is 07:00 - 23:00). Noise from individual external events typical to the area shall not exceed 45 dB L_{Amax} when measured in bedrooms internally between 23:00 and 07:00, post construction. In the event that the required internal noise levels can only be achieved with windows closed, then the applicant shall submit details of an alternative means of ventilation with sufficient capacity to ensure thermal comfort of the occupants with the windows closed.

Unless agreed in writing, noise levels in gardens and outdoor living areas shall not exceed 55 dB LAeq 1 hr when measured at any period.

Details of post installation acoustic installation testing shall be submitted to and approved in writing by the Local Planning Authority upon request.

21. Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of: management of any flat/shallow pitched roofs on the proposed building which may be attractive to nesting, roosting and "loafing" birds. The Bird Hazard Management Plan shall be implemented as approved upon completion of the roof and shall remain in force for the life of the building. No subsequent alterations to the plan shall take place unless first submitted to and approved in writing by the Local Planning Authority.
22. No part of the development hereby permitted shall be first occupied until the proposed bin store, pumping station and sub-station have been implemented in accordance with drawings showing their details that shall firstly have been submitted to and approved in writing by the Local Planning Authority.
23. No part of the development hereby permitted shall be first occupied until the electric vehicle charging space(s) have been provided in accordance with plans and details which shall firstly have been submitted to and approved in writing by the Local Planning Authority.
24. Prior to the first occupation of the development hereby permitted, a Travel Plan including the provision of a staff minibus shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented as approved unless otherwise agreed in writing by the Local Planning Authority.
25. No part of the development hereby permitted shall be first occupied until the car parking areas have been constructed and provided in accordance with the approved plans. The car parking spaces shall thereafter be retained at all times for their designated purpose.

Appendix 5

Appeal decision APP/K3605/W/20/3257109



Appeal Decision

Site Visit made on 26 August 2021

by R J Jackson BA MPhil DMS MRTPI MCMi

an Inspector appointed by the Secretary of State

Decision date: 18 October 2021

Appeal Ref: APP/K3605/W/20/3257109

Royal Cambridge Home, 82-84 Hurst Road, East Molesey KT8 9AH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by ST Property Company Ltd & The Royal Cambridge Home against the decision of Elmbridge Borough Council.
 - The application Ref 2019/1813, dated 1 July 2019, was refused by notice dated 14 February 2020.
 - The development proposed is detached building varying in height from four-storey to one-storey to provide a 32 bed Care Home (C2) and 60 Extra Care Age Restricted Apartments (C3), new vehicle access, provision of 30 on-site car parking spaces, buggy and cycle stores with associated landscaping and ancillary works following demolition of the existing buildings.
-

Decision

1. The appeal is allowed and planning permission is granted for detached building varying in height from four-storey to one-storey to provide a 32 bed Care Home (C2) and 60 Extra Care Age Restricted Apartments (C3), new vehicle access, provision of 30 on-site car parking spaces, buggy and cycle stores with associated landscaping and ancillary works following demolition of the existing buildings at Royal Cambridge Home, 82-84 Hurst Road, East Molesey KT8 9AH in accordance with the terms of the application, Ref 2019/1813, dated 1 July 2019, subject to the conditions in the Schedule to this decision.

Preliminary Matters

2. Following a request for consideration by a third party, the Secretary of State has concluded, in line with the original conclusion of the Council, that the proposal would not represent EIA development within the meaning of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) and thus an environmental statement is not required. I have no reason to disagree with the Secretary of State's conclusion on this matter.
3. The appeal was accompanied by two Planning Obligations by Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 (as amended) both dated 20 April 2021, one to Elmbridge Borough Council (the Council) relating to affordable housing and provision of accessible units and the other to Surrey County Council relating to bus-stop works. I will discuss these below.
4. The Council refused the application for two reasons, with the second relating to the fact that provision for affordable housing had not been secured. The Council indicated that "it was involved in the preparation of the legal agreement to secure the affordable housing component of the scheme".

5. As the appeal site is within the East Molesey (Kent Town) Conservation Area (the Conservation Area) and lies within the setting of St Paul's Church, a Grade II listed building, I have had special regard to Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).
6. The proposal would involve the demolition of the existing buildings on site. The main buildings are noted as being "Significant Unlisted Buildings" in the East Molesey (Kent Town) Conservation Area Character Appraisal and Management Plan (the CAA). The Glossary to the National Planning Policy Framework (the Framework) defines heritage assets as including "assets identified by the local planning authority (including local listing)". The Council has not specifically indicated whether it has treated the existing buildings as non-designated heritage assets. The buildings, unlike some others identified in the CAA, are not categorised as "Locally Listed Buildings", but as the definition in the Framework is not exclusive, I have treated them as non-designated heritage assets. As this was the approach of the appellants, they would be not disadvantaged if I were to do so.
7. On 20 July 2021 a revised version of the Framework was published by the Government. The main parties were given the opportunity to make representations on this and I have taken the responses into account.

Main Issue

8. The main issues are:
 - the effect on the heritage assets, being the existing buildings on site, the Conservation Area and its setting, the setting of St Paul's Church, and the setting of the gate piers on Graburn Way; and
 - whether there are any other benefits of the proposal, including the housing land supply position, that would lead to a determination otherwise than in accordance with the terms of the development plan.

Reasons

Heritage assets

9. The appeal site lies in the northwestern corner of the Conservation Area, and fronts Hurst Road, although with a side boundary to Church Road. It consists of a series of buildings which have been joined together to allow their use as a care home with a capacity for up to 28 beds. These were originally two villa-style buildings with associated outbuildings but the two villas and the intervening outbuilding to No 82 were linked by a single storey building approved in 1963.
10. The landform rises gently from north to south, with Hurst Park opposite the site to the north. Hurst Park is an extensive area of open space leading down to the River Thames. To the northeast there is a former racecourse with gate piers (locally listed buildings) on Graburn Way.
11. The Framework defines the significance of a heritage asset as the value of a heritage asset to this and future generations because of its heritage interest.

The national Planning Practice Guidance also notes¹ that 'significance' derives not only from a heritage asset's physical presence, but also from its setting.

12. Paragraph 199 of the Framework indicates that great weight should be given to the conservation of a heritage asset and this is irrespective of the level of harm that may occur. It is also emphasised that the more important the asset, the greater the weight should be. Paragraph 200 of the Framework indicates that any harm to the significance of a heritage asset, or from development within its setting, should require clear and convincing justification.
13. The buildings and streets of what is now the Conservation Area were originally laid out in the mid-nineteenth century, principally for large houses. As part of the expansion of development in the area, a new church, St Paul's, was constructed, with a tower and spire added some thirty years later. The CAA notes that the grid pattern of streets clearly shows that the area was planned. The densities reflect the differences in statuses of the various areas of development, with the higher status being in the northern area. There is commercial development at the eastern end near Hampton Court Railway Station which lies in the Conservation Area.
14. The CAA has identified four areas within the Conservation Area with the appeal site lying in Area 1, Wolsey Road, Palace Road, Arnison Road and Church Road. The key views of St Paul's Church and the tree-lined roads and important historic walls have been identified. Notwithstanding the notation of the buildings as "Significant Unlisted Buildings" there is no specific reference in the CAA to the buildings on the appeal site other than them being in care home use.
15. The significance of the Conservation Area for this appeal lies from its formal grid pattern of tree-lined streets and the large, substantial buildings facing them. The building form is often from the villas that were constructed when the area was laid out, but there has clearly been some replacement and infilling. The scale of building is predominantly two storeys, but there are taller buildings, some with sub-basements. Due to the proximity of the buildings one with another, the grain of development in the area is quite tight, with little space around them. The importance of the church in providing a focal point to the Conservation Area forms part of the significance. Within the Conservation Area, which should be considered as a whole, are the commercial uses and open space, but these elements are of lesser significance for the purposes of this appeal.
16. St Paul's Church is built of Kentish ragstone rubble with a slate roof. In addition to the slightly later tower and spire a more modern 'parish room' extension was added on the north side in the 1970s. The significance of the church for the purposes of this appeal relates to the way that the building acts as a focal point at the end of the vistas of Church Road and Palace Road, with glimpses of the top of the spire above and between buildings in other views.
17. The four gate piers on the north side of Hurst Road mark the entrance to a former racecourse. They are joined by iron gates which are kept open to allow for the free flow of traffic. Their significance for the purposes of this appeal relate to their size and historic nature, even if to the lay-person unaccustomed

¹ Reference ID: 18a-006-20190723

to the history of the area, they do not seem to relate to any feature in the locality.

18. The buildings on the appeal site were constructed as villas with substantial outbuildings. The hierarchy of the two principal buildings and the two ancillary structures can clearly be seen, but the overall composition has been compromised by the various extensions and alterations that have taken place over the years, for example prominent and large downpipes to allow the use as a care home, and the single storey linking extension referred to above, as well as various other small-scale additions. Thus, the significance of the buildings as non-designated heritage assets for the purposes of this appeal lies in their external appearance which has been significantly compromised. From Hurst Road it is still possible to see vegetation in the rear gardens, particularly a prominent cedar tree, which means that there is a sense of space on the site. However, this sense of space is slightly out of keeping with the tighter grain of development on Church Road and Palace Road within the main area of the Conservation Area.
19. The demolition of the existing buildings, and thus their total loss, can only be described as resulting in substantial harm to these non-designated heritage assets. Paragraph 203 of the Framework indicates that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. I will consider this below.
20. Following the demolition of the buildings the proposal is to construct a single building which would be managed in two parts. The western part would provide a 32-bed care home, effectively re-providing the existing use on site, and on the eastern part would be 60 extra-care age-restricted residential apartments.
21. While there would be some single and two storey elements, particularly at the western and eastern sides, the majority of the building would be three and four storeys. The main northern façade would be articulated, with two main four storey elements, a wider eastern one and a slightly narrower western one. For the eastern element the fourth storey would be set back from the front façade to provide a terrace. The linking three storey elements would be roof terraces.
22. There would be three rear 'wings' to the building. The central one in the middle of the site would be four storeys, that on the eastern side facing Church Road would be mostly three storeys, although with a lower section to the rear (south), and the western wing next to No 86 would be single storey. The roof form, apart from the 'linking' terraces would be low pitched roofs, leading to a flat 'crown' roof for the main four storey elements.
23. The architectural style would involve a regular pattern of development of bays, but with the eastern and western front façades exhibiting different approaches. For the extra-care element there would be the provision of balconies on the front elevation and within the courtyard. Other elevations would include Juliet balconies. The building would be predominantly in buff brick, but some sections would contrast in brown brick. The roof would be in slate or similar material. In all cases the precise details would be agreed by condition.
24. The proposed building would be noticeably more massive than that currently on site. The architectural language, which utilises a regularity derived from Georgian and Classical styles, would be in contrast to the Victorian villas with

their Italianate and Arts and Crafts influences predominant in the Conservation Area.

25. Despite the articulation on the Hurst Road elevation, the proposal would appear as a single span of building. When viewed from Church Road the new building would result in the loss of views from the public domain into the space behind the existing building. There would also be the loss of glimpsed views out of the Conservation Area from the rear along Harrow Gardens from Palace Road. All of this would result in some limited harm to the immediate area.
26. Local residents have expressed concerns about the density of the development when compared to the local area and the overall density target of 40 dwellings per hectare set out in Policy CS17 of the Elmbridge Core Strategy (the Core Strategy). However, it seems to me that in the context of this proposal this would be a false comparison. Development which would consist of smaller units, here one-bedroom, will always be at a higher number of units per hectare than larger units. In the context of the Conservation Area, it seems to me that a more appropriate measure is how the overall mass of building relates to the character, appearance and significance rather than how many units might be in a hectare.
27. Taking all this together and remembering that substantial harm is a high test², I conclude that the proposal from its increased mass and scale would result in less than substantial harm to the character and appearance and thus the significance of the Conservation Area to which great weight and special attention should be given, although as the harm is to the Conservation Area as a whole this harm would only be limited. That being the case, paragraph 202 of the Framework indicates this harm should be weighed against the public benefits of the proposal. Again, I will do this below.
28. I have considered the effects on the setting of the Conservation Area, particularly to the north from Hurst Park. As the proposal would have some limited harm to the Conservation Area it would also have some limited harm to its setting. Again, this would represent limited less than substantial harm and will need to be balanced with the public benefits.
29. Turning to the effect on the setting of St Paul's Church, the proposal would have no effect on the main significance of the views along Church Road and Palace Road which would therefore be preserved. However, there would be some loss of glimpsed views above buildings from Hurst Road, which would be from outside the Conservation Area, and therefore I conclude that there would be some harm to the setting of the listed building and its significance but this would be very much less than substantial. This harm should also be weighed against the public benefits of the proposal.
30. In relation to the gate piers, while the site, and thus the proposed development, could be seen together with the gate piers in views from Hurst Park, due to the separation and the intrinsic nature of the asset set on either side of Graburn Way this would not affect the setting or significance of this non-designated heritage asset and thus its significance would be preserved.
31. Overall, the proposal would result in substantial harm to the non-designated heritage assets that are the existing buildings on site, and less than substantial

² See PPG Reference ID: 18a-018-20190723

harm to the Conservation Area and its setting and the setting of St Paul's Church. As such the proposal would be contrary to Policies CS7 and CS17 of the Core Strategy 2011 and Policies DM2 and DM12 of the Development Management Plan 2015 which require development to enhance the local character of the area with specific attention to the Conservation Area and to protect the heritage assets.

Benefits including land supply situation

32. It is not in dispute between the Council and the appellants that the existing buildings are no longer suitable for their current use; I agree. There is no level access from the street, and the buildings have a number of levels, with narrow corridors and a number of short staircases making them unsuited for those with mobility issues. Some of the rooms have en-suite facilities, but others do not and are therefore not to expected modern standards. Some of the bedrooms and bathrooms are sub-standard in size. The communal areas are also sub-standard and there are operational difficulties with the kitchens and the distance to some of the rooms.
33. The appellants have provided a report which indicates that refurbishing the buildings to modern standards would not be viable, and that there would still be issues from the nature of the building. It is also possible that the care home would have to close while the refurbishment took place with associated disruption to the residents, moving to another location and then returning. None of this is disputed by the Council and there is no evidence from local residents to the contrary. Rather some local residents support the redevelopment of the site, but object to the form of the replacement.
34. The provision of purpose designed care accommodation to modern standards is a significant public benefit and would ensure the long-term retention of the facilities. While residents would be required to move, by constructing the western care-home element first, this would only need to be undertaken once thereby keeping disruption to a minimum.
35. The Council seeks to show that there is little short- or medium-term need for older-persons accommodation as supply and demand are approximately in balance. This is based on evidence from its 2016 Strategic Housing Market Assessment. The Council goes on to point out that a 2020 Local Housing Market Assessment has identified a reduced overall need due to different population projections, and thus it argues there is lesser overall need.
36. However, Policy CS20 of the Core Strategy indicates that the Council will support the development of specialist accommodation for older people in suitable locations, and the Council has not sought to show that this policy should no longer apply nor has it been withdrawn. Both the care home and the extra-care accommodation would comply with this policy. I acknowledge that by only providing one-bedroom units in the extra-care accommodation this would not meet the policy requirement for at least 50% to be of two-bedrooms. The provision of an additional 60 extra-care apartments on the site would of itself be a public benefit as well as the improvement to the care home facilities. Paragraph 124 of the Framework indicates decisions should support development that makes efficient use of land and I consider that this would be the case. I give the benefit of providing specialist accommodation substantial weight.

37. Further, the extra-care accommodation would provide 50% of the units as affordable housing and this is secured in the Planning Obligation. This is above the 40% required in Policy CS21 of the Core Strategy and therefore should be given significant additional beneficial weight.
38. There are a number of other public benefits of the proposals in addition to those flowing from the type of the development. These include the closing of the existing access at the junction of Church Road and Hurst Road and its replacement further along Hurst Road, which would be a public benefit to highway safety. The proposal would also involve economic and social benefits from the construction and operation of the facilities. I give the construction benefits limited weight as they would only be temporary in nature, but I give the operational benefits significant weight.
39. The Council acknowledges that it cannot demonstrate a five year supply of land for housing, indicating a supply at just less than four years. The appellant does not dispute this figure. This is a significant, clear and demonstrable deficiency in supply. I will consider the implications of this below.

Other matters

40. Local residents have expressed their concerns about the effect of the proposal on the living conditions of those living on Church Road. Nobody is entitled to a private view and I am satisfied that there is sufficient separation between the proposed buildings and the existing dwellings so that the proposal would not give rise to unacceptable levels of overlooking nor would it result in an overbearing effect.
41. Concerns have also been expressed about the amount of parking provided. I can understand that parking may be an issue, particularly during peak usage of Hurst Gardens. However, I note that there are no parking restrictions in Church Road and that parking would be provided on site. Therefore, I am satisfied that there would be sufficient parking not to lead to an unacceptable impact on highway safety, which is the test set out in paragraph 111 of the Framework if development is to be prevented. The Planning Obligation to the County Council makes appropriate provision for the relocation of the nearby bus stop and is necessary, relates to the development and is proportionate; I am therefore able to take this into account and do so.
42. I am satisfied that, subject to conditions, the proposal would make appropriate provision to ensure the retention of appropriate trees and a comprehensive landscaping scheme.
43. It has been suggested that the proposal may result in contravention of the South Western Railway Act 1913 relating to the height of the proposal. However, this legislation does not form part of the planning system and anyone wishing to construct a proposal would need to ensure that they had all necessary consents in this regard.

Planning Balance

44. The proposal would comply with those elements of the development plan relating to supporting accommodation for the older population and would surpass the policy requirement for affordable housing. However, it would be contrary to those parts of the development plan relating to the design of buildings and their effects on the character and appearance of an area and

their effect on heritage assets. Overall, I conclude that the proposal would not comply with the development plan taken as a whole.

45. While the proposal would result in substantial harm to the non-designated heritage assets of the existing buildings, I am satisfied that due to the nature of the existing accommodation and the unsympathetic extensions that its replacement by the proposals would be acceptable as the public benefits would significantly outweigh that harm. I am also able to conclude that the public benefits 'left over' from this balance would also outweigh the less than substantial harm to the Conservation Area and its setting and the setting of St Paul's Church as identified above even giving those harms great weight and special attention. These benefits provide clear and convincing reasons for harm to the significance of all the heritage assets.
46. That being the case, the lack of a five year supply of housing land means that the tilted balance set out in paragraph 11 d) of the Framework applies. This means that the proposal should be granted unless, the application of policies in the Framework to protect assets of particular importance provides a clear reason for refusing the development proposals or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. For the reasons set out above, the harm to the heritage assets would not represent a clear reason, nor would there be any significant or demonstrable adverse impacts of granting permission.
47. I therefore conclude that while contrary to the terms of the development plan as a whole, there are material considerations that indicate that the appeal should be determined otherwise to its provisions and thus the appeal allowed and planning permission granted.

Conditions

48. I have considered the conditions put forward by the Council against the requirements of the national Planning Practice Guidance and the Framework. The numbers given in brackets (X) refer to the condition being imposed, with the order being prescribed by the time when the condition needs to be complied with. A significant number of the suggested conditions were drafted on the basis that the development would be constructed in two phases, the care home and the extra-care accommodation, identified by a plan. However, that plan was not submitted and does not form part of the application, and consequently I have drafted the conditions on the basis of a single phase of development. I have tried to ensure in dealing with the conditions relating to first occupancy that this would not prevent the development being constructed in two phases should that be how the development is to take place.
49. In addition to the standard timescale condition (1), I have imposed a condition specifying the relevant drawings as this provides certainty (2).
50. In order to ensure that development does not have an adverse effect on highway safety and the free-flow of traffic and in the interests of the amenities of those living in the vicinity of the site, I have imposed a condition requiring approval of details of a construction management plan. This includes matters such as operating hours, but a requirement relating to repair of damage to the public highway during construction falls outside planning powers (3). Due to the location of the site in Flood Zones 2 and 3 I have imposed a condition

relating to the surface water drainage of the site in order to minimise the risk of flooding and to ensure safe access (4). I have also imposed conditions relating to tree protection (5, 6, 7) to ensure the retention, health and longevity of trees on site. In order to ensure that any archaeology is recorded a scheme for this is required (8). All these conditions are required to be pre-commencement conditions in order to ensure that the relevant matters are dealt with either before or throughout the construction period. These have been agreed by the appellants.

51. Reports relating to flood risk mitigation and ecology, including bats, were submitted with the application. These reports included various mitigation measures to be implemented if permission were granted. Conditions are required to ensure that these mitigations take place to mitigate flood risk and adverse effects on bats respectively (9, 10). Where reference is made to climate change, I have ensured that all conditions relate to a 40% exceedance as this represents current best practice.
52. In order to ensure that the materials, landscaping and lighting are in keeping with the character and appearance of the Conservation Area I have imposed conditions requiring relevant details to be submitted and approved (11, 12, 13).
53. In order to protect the living conditions of neighbouring residents and future occupiers in relation to noise and smells, I have imposed conditions requiring details of noise mitigation from fixed plant, kitchen extract systems and internal construction be submitted and approved (14, 15, 16), and the provision of refuse and recycling storage areas shown on the relevant plan (17).
54. To protect the living conditions of the occupiers of adjoining properties, I have imposed conditions relating to obscure glazing in identified locations (18). However, I consider such conditions are unnecessary in respect of balcony screens due to the distances involved.
55. I have imposed a condition requiring a verification report relating to the surface water scheme to be submitted so that the local lead flood authority has the necessary information to ensure the surface water scheme is properly maintained (19) to minimise flood risk in the future.
56. In the interests of highway safety, I have imposed conditions relating to the provision of the new access to Hurst Road and the closing of the existing access immediately thereafter (20) and the delivery of the parking and turning arrangements (21). To facilitate use of non-car modes and electric vehicles, I have imposed conditions requiring the delivery of cycle parking and electric vehicle charging points (22, 23). In similar vein, I have imposed a condition relating to a Travel Plan in the interests of sustainability (24), although reviewing this upon every new occupation would not be practical. I have therefore reworded this condition to requiring an on-going obligation to follow it.
57. In light of the Planning Obligation relating to the bus stop I see no need for a condition relating to this matter.
58. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance.

Conclusion

59. For the reasons given above I conclude that the appeal should be allowed.

RJ Jackson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

AA6351-2000 Rev -	Existing Site Location Plan
AA6351-2001 Rev D	Site Plan
AA6351-2002 Rev D	Ground Floor GA Plan
AA6351-2003 Rev B	First Floor GA Plan
AA6351-2004 Rev A	Second Floor GA Plan
AA6351-2005 rev C	Third Floor GA Plan
AA6351-2006 rev C	Roof Plan
AA6351-2007 rev B	Coloured Elevations – North and South
AA6351-2008 rev D	Coloured Elevations – East and West
AA6351-2009 rev C	Elevations – North and South
AA6351-2010 rev E	Elevations – East and West
AA6351-2011 rev C	Site Sections
AA6351-2012 rev C	Shephard's Trust Site Sections
AA6351-2016 Rev C	Proposed Block Plan
AA6351-2017 rev B	Building Elevations behind boundary
AA6351-2018 Rev B	Proposed Outbuildings
31075/AC/004 Rev F	Proposed site access arrangement - 'New' main access
31075/AC/005 Rev F	Proposed site access arrangement - Existing secondary access

- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction; and
 - vii) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 4) No development shall commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the local planning authority. The design must satisfy the Sustainable Drainage Systems (SuDS) Hierarchy. The required drainage details shall include:
 - i) evidence that the proposed solution will effectively manage the 1 in 30 and 1 in 100 (+ 40% allowance for climate change (CC)) storm events, during all stages of the development (Pre, Post and during), associated discharge rates and storages volumes shall be provided using a maximum staged discharge rate of 0.6 l/s for the 1 in 1 year rainfall event and 2.2 l/s for the 1 in 100 year (+ CC) rainfall event;
 - ii) detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.);
 - iii) a plan showing exceedance flows (for example, during rainfall greater than design events or during blockage) and how property on and off site will be protected;
 - iv) details of drainage management responsibilities and maintenance regimes for the drainage system; and
 - v) details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the site will be managed before the drainage system is operational.
- 5) No development including groundworks and demolition shall take place and no other equipment, machinery or materials brought onto site until the approved tree protection measures have been installed in accordance with the approved tree protection plan(s) ACS (Trees) Consulting Royal Cambridge House Hurst Road East Molesey Tree Protection Plan Drawing No. TPP19_RCH Rev D June 2019. The tree protection measures shall be maintained for the course of the development and development shall thereafter be implemented in strict accordance with the approved details and method statements contained in ACS (Trees) Consulting Arboricultural Report Planning and Development Arboricultural Appraisal and Implications Assessment reference ha/aiaams4/19/RCH.
- 6) No development including groundworks and demolition shall take place until all supporting arboricultural information has been submitted to and approved in writing by the local planning authority. This shall include details of:
 - i) the location and installation of services/utilities/drainage, including services to automated gates;
 - ii) the methods of demolition within root protection areas of retained trees;
 - iii) the construction and installations including methodologies within a root protection area or that may impact on retained trees;
 - iv) the full specification for the construction of any roads, parking areas, driveways, hard surfacing, including details of no dig specification and extent of the areas to be constructed using no dig surfacing;
 - v) the detailed levels and cross sections to show that the raised levels of surfacing, where the installation on no dig surfacing within root protection area is proposed, demonstrating that they can be accommodated; and

- vi) all arboricultural site monitoring and supervision required for the duration of the development.

The development thereafter shall be implemented in strict accordance with the approved details.

- 7) All existing trees, hedges or hedgerows shall be retained, unless shown as being removed on the approved drawings including any plans approved pursuant to conditions hereby imposed. Paragraphs i) and ii) below shall have effect until the expiration of 5 years from the first occupation of the proposed development.
 - i) No retained tree, hedge or hedgerow shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars;
 - ii) if any retained tree, hedge or hedgerow is removed, uprooted or destroyed or dies, another tree, hedge or hedgerow of similar size and species shall be planted at the same place, in the next available planting season.

- 8) No development with the exception of demolition shall take place on the application site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted and approved in writing by the local planning authority. The works shall be undertaken in accordance with the approved details.

Following approval of the written scheme of investigation the results of any subsequent field work and assessment report required shall be submitted to and approved in writing by the local planning authority.

- 9) The development shall be carried out in accordance with the submitted flood risk assessment (Flood Risk Assessment and Drainage Strategy (no. FRA002, project no. 70044416, rev. 4), compiled by WSP (dated August 2019)) and the following mitigation measures it details:
 - i) finished floor levels shall be set no lower than 9.39 metres above Ordnance Datum (mAOD);
 - ii) level for level flood compensation will be provided up to the 1 in 100 year flood level, plus 40% climate change extent (8.92 mAOD);
 - iii) there will be no land raising in new landscaped or car parking areas within the 1 in 100 year flood level, plus 40% climate change extent;
 - iv) soffit levels for the proposed void openings will be set at a minimum height of 8.99 mAOD;
 - v) voids openings will be designed so they are at least 1 metre wide and set every 5 metres.

These mitigation measures shall be fully implemented prior to occupation and subsequently provided in accordance with the scheme's timing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

- 10) The development shall be carried out in accordance with the conclusions and recommendations in Section 7 of the Preliminary Ecological Appraisal (ref RT-MME-128886-01) and Sections 6 and 7 of the Bat Surveys and Mitigation Strategy (ref RT-MME-128886-02).

- 11) No development above existing ground level shall take place until samples of the materials to be used on the external surfaces of the building have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 12) No development above slab level shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the local planning authority. This scheme shall include provision of all hard surfaces, walls, fences, access features, the existing trees and hedges to be retained, together with the new planting to be carried out.

All hard and soft landscaping works shall be carried out in accordance with the approved details. Arboricultural work to existing trees shall be carried out prior to any development above slab level. All hard landscaping shall be completed prior to the occupation of the development. All soft landscaping, that is planting, seeding or turfing, shall be carried out in the first planting and seeding seasons following the occupation of the building.

Any trees or plants, which within a period of five years of the first occupation of the development die, are removed, or become seriously damaged or diseased, shall be replaced as soon as practicable with others of similar size and species.
- 13) No development above slab level shall take place until an external lighting scheme for the development has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented before any of the external lighting is brought into use and thereafter the lighting shall be operated in accordance with the approved scheme and maintained as operational. The scheme shall include the following:
 - i) details of pillar and pole lighting; and
 - ii) the proposed hours of operation of the luminaires.
- 14) No development above slab level shall take place until a detailed scheme for the control of noise from any plant and equipment (including ventilation, refrigeration, air conditioning and air handling units) to be used including a timetable for implementation has been submitted to and approved in writing by the local planning authority. This shall then be installed in accordance with the approved scheme and shall be retained and operated in compliance with the approved scheme.
- 15) No development above slab level shall take place until a detailed scheme setting out how and when the commercial kitchen extraction systems are to be constructed so as to control odours has been submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented in accordance with the approved details and shall thereafter be retained in compliance with the approved details.
- 16) No construction above slab level shall take place until details of sound insulation measures within the building has been submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented.
- 17) Prior to the first occupation, details of the refuse storage area shown on drawing ref AA6351 2001 Rev D must be submitted along with a timetable for its implementation. The approved details shall be constructed and thereafter retained.

- 18) Prior to the first occupation of the extra-care accommodation, the south-facing windows at the southern-most ends of the extra-care accommodation hereby permitted must be glazed with obscure glass that accords with level three obscurity as shown on the Pilkington textured glass privacy levels (other glass suppliers are available) and only openable above a height of 1.7m above the internal floor level of the room to which it is to serve. The windows shall be permanently retained in that condition.
- 19) Prior to the first occupation of the development, a verification report relating to the surface water drainage system shall be submitted to and approved by the local planning authority. This must demonstrate that the drainage system has been constructed in accordance with the agreed scheme, provide the details of management arrangements and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls). Where the development is constructed in phases, such a report may be provided in accordance with those phases.
- 20) Prior to the first occupation of the extra care development, the new accesses to Hurst Road must have been constructed and provided with visibility splays in accordance with the approved plans. Thereafter the visibility splays shall be kept permanently clear of any obstruction over 1.05 m high. Following the opening of the new accesses the existing access from the site to the Hurst Road/Church Road junction shall be permanently closed in accordance with a scheme submitted to and approved in writing by the local planning authority.
- 21) Prior to the first occupation of the development, space must be laid out within the site in accordance with a scheme to be submitted to and approved in writing by the local planning authority for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in a forward gear. Thereafter the parking/turning areas shall be retained and maintained for their designated purposes only.
- 22) Prior to the first occupation of the development, secure and lit cycle parking spaces must be provided in accordance with a scheme submitted to and approved in writing by the local planning authority. Thereafter the approved facilities shall be retained and maintained.
- 23) Prior to the first occupation of the development at least two of the available parking spaces must be provided with a fast charge Electric Vehicle socket, and a further 20% of the available parking spaces must be provided with the power supply to provide additional fast charge sockets in future, in accordance with details submitted to and approved in writing by the local planning authority. Thereafter the said approved facilities shall be retained and maintained.
- 24) The submitted Travel Plan Statement (by TPP dated June 2019 ref 30175/D003c) shall be implemented upon first occupation and thereafter maintained.

END OF SCHEDULE

Appendix 6

Use Class C2 considerations

- 6.1 On the basis that a Housing officer has raised the question over use class definition pertaining to an extra care proposal identified as potential pipeline provision (namely application ref DM/25/3020) I set out below why I consider such uses fall within a Class C2 definition.

Use Class considerations

- 6.2 Use Class C2 is defined within circular 03/2005 Changes of Use of Buildings and Land (formal revision to the Town and Country Planning Use Classes Order 1987) as:

“...use for the provision of residential accommodation and care for people in need of care (other than a use within class C3 (dwelling houses)).”

- 6.3 Care is defined within Article 2 of the Order as:

“personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder, and in class C2 also includes the personal care of children and medical care and treatment.”

- 6.4 Personal care is not further defined but is one of the categories of registration by the Care Quality Commission (CQC) which recognises that providers of personal care must by law be registered by the CQC.

- 6.5 The above definition makes a clear distinction that the determining factor is based upon the provision of care and accommodation, and not solely on the provision of care. It does not prescribe or limit the form the accommodation element may take. The provision of a significant element of care on site as a core function/aim of the development will make it C2.

- 6.6 Care Homes fall to be assessed in line with CQC standards where both the level of care and accommodation are assessed and form part of the relevant registration for the home. The care provided is intrinsically linked to the operation of the care home such that residents receive both accommodation and care from the same operator. That does not apply in the same way for extra care as it is only the care provision through a domiciliary care agency that is registered with no such requirement for accommodation. Similarly, there is no obligation for residents to receive the care provision from any agency linked to the operator of the scheme, that is to say that residents are free to purchase a care package from any registered domiciliary care provider. This therefore means that there would not need to be any physical or

operational link between the extra care accommodation and the care home for them both to provide a level of care commensurate with a Class C2 use.

6.7 Occupation of the extra care units would be restricted to households meeting a minimum age limit of 65 (that applies either to individuals or one member of the household) and having been assessed on entry to require at least 2 hours of personal care per week. This level of care will cover all of the following personal care activities:

- Visits by registered nurses to provide nursing care and administer drugs and general medical support;
- Wellbeing checks, such as blood pressure;
- Advice on health generally, including diet and encouragement to undertake physical exercise;
- Organised rehabilitation, either physical or mental, following a hospital visit or health event;
- Assistance with bodily functions such as feeding, bathing and toileting;
- Assisting a person to get out of bed, dress and move;
- Assistance with personal hygiene;
- Time spent with the wellbeing navigator to organise and ensure the provision of housekeeping, property maintenance and personal affairs is kept under control;
- Time spent with the wellbeing navigator to manage and arrange the delivery of prescription medication or meals to the door;
- Time spent with the wellbeing navigator to organise and facilitate external visits;
- Use of the transport services for trips out of the village;
- Time spent with the wellbeing navigator to plan and arrange domestic assistance which could include cleaning, laundry and other domestic support; and
- Advice, encouragement and supervision relating to the above activities.

6.8 The care provision will be provided through a registered domiciliary care service based on site.

6.9 The Minimum Care Package provides residents with access to the following:

- 24 hr emergency response
 - To provide attendance at residence if required;
 - To provide comfort, reassurance, and peace of mind to residents and their family;
 - To facilitate/greet/liase with emergency services if called;

- Pre-arranged activities on and off-site including weekly art and music classes, weekly games events, monthly cultural excursions, weekly shopping trips and gardening club;
- A variety of technological and digital care solutions, including pinpoint alarms, fall prevention and detection systems, call systems and thermal control and lighting systems, algorithmic passive monitoring, health and wellbeing monitoring etc.
- Communal facilities;
- A full range of support personnel, who undertake housekeeping, property maintenance, personal affairs, arranging and facilitating external visits, etc; and
- Domestic assistance which could include cleaning, laundry and other domestic support.

6.10 All of the above details are set out within the draft s106 Agreement to demonstrate

6.11 It is therefore evident that within the extra care development the provision of care is an intended and permanent feature of the use. The unit of accommodation forms part of a larger whole including other units of accommodation and care is provided to residents. That care may be provided to people in their accommodation or in other spaces provided for the purpose or more likely a combination of the two.

6.12 Assessed against the definition of use class C2, there is therefore no difference between extra care and a residential care home: both provide accommodation and care to people in need of care and thus fall within class C2. All modern residential care homes provide en suite bathrooms, and some provide suites of rooms with all the necessary facilities for occupation as a dwelling house, but these remain C2.

6.13 The issue was debated in respect of a scheme for 51 apartments for people aged 55 and over in Portishead (APP/D0121/A/12/2168918 from 2012). In this appeal the sole issue of dispute related to whether or not the scheme fell within a Class C2 or C3 use and thus triggered the need for affordable housing. The Inspector noted that at paragraph 14 that the Council accepted that:

“Through the operation of the pre-admission assessment mechanism undertaken by the care providers and the terms of the unilateral undertaking, the proposed occupiers of the development would be “people in need of care” as defined in the Order...”

6.14 In this appeal the Council’s argument was that each of the proposed 51 apartments was a self-contained unit of accommodation within Class C3 and that the communal

facilities provided fell within a separate planning unit. The Inspector drew specific attention to this point at paragraph 20 stating:

"I have no doubt that each of the apartments is capable of being seen as falling squarely within Use Class C3, because they would provide all the necessary attributes of a separate dwelling. However, it is necessary to look at the interrelationship between the apartments and the rest of the building, and this goes beyond the physical arrangement, and involves an examination of the use of the separate parts and the building as a whole." [my emphasis]

6.15 The Inspector commented at paragraph 21 that:

"It seems to me that the provision of care pervades the whole of the development, and this is demonstrated in a number of ways. Occupiers pay for between 2 and 4 hours of personal care per week, whether they need or want it, although the assessment undertaken by MHA prior to occupation is designed to establish that prospective residents are in need of the kind of care offered in a HwC [Housing with Care] scheme of this type."

6.16 This again emphasises the point that within such schemes the service charge together with a pre-assessment ensures that residents only move into such a scheme when they are in need of care.

6.17 Ultimately in determining the appeal the Inspector commented at paragraph 29 that:

"I find that the primary purpose of the building as a whole is to provide residential accommodation and care to people in need of care, as the care element is the reason people choose to live there, and is an integral part of everyday life."

6.18 He therefore concluded that:

"I consider that it would be wholly artificial to regard the apartments as being so independent of the rest of the facilities as to amount to one building in separate planning units – the whole of the building is used for residential accommodation with care to people in need of care, and thus falls within Class C2."

6.19 The classification of extra care housing was again discussed at length in relation to a development in Ticehurst (APP/U1430/A/08/2091935 - 2009) to provide 25 extra care apartments with on-site care and retail. In this appeal the Inspector took a slightly different approach firstly to considering the use by defining the difference between a Class C2 scheme to those within either Class C1 or C3. The inspector noted at paragraph 7 that the characteristics setting apart Class C2 from C1 was the provision

of personal care and treatment and that C2 differed from C3 on the basis that the residents and staff do not form a single household. He went on to comment that:

“The provision of care is therefore important in determining the appropriate use class.”

6.20 The Inspector further commented at paragraph 8 that:

“Occupation of the proposed leasehold apartments would be restricted by the section 106 planning obligation to persons aged 65 years or more (and their partners sharing accommodation) and suffering from permanent illness or disablement such as to be in need of personal care and who have committed to subscribe to at least the basic care package, including provision per week of at least four hours of personal care.”

6.21 Ultimately, the Inspector concluded at paragraph 13 that:

“I conclude that the proposed development would fall within class C2 of the Use Classes Order and so Policy HG1 does not apply and there is no requirement to provide any units of affordable housing.”

6.22 Of course, the above appeals are more dated, and it is therefore relevant to consider how the matter has been addressed more recently. There is an abundance of recent appeal cases where use class has continued to be an issue in early stages between appellants and the council, or where an Inspector has been clear in their decision. The following are therefore not an exhaustive review but reflect the trend.

6.23 The matter of use class was relevant in the context of an appeal in West Malling (APP/H2265/W/18/3202040 – December 2018) given that at the time of refusing the application the council stated that they considered the extra care development was a C3 use and therefore required the provision of affordable housing.

6.24 By the time of the appeal the council had changed its position accepting of the C2 nature such that the inspector noted at paragraph 5:

“In accordance with the use as defined in the completed Section 106 legal agreement the Council now accepts that this would be a Use Class C2 development (Residential Institution) and not a Use Class C3 development (Dwellinghouses).”

6.25 The issue was again live in the context of a scheme in Lower Shiplake (APP/Q3115/W/19/3220425 – October 2019) relating to up to 65 units of extra care

described as C2 in the description of development but again contested by the council in the reasons for refusal.

6.26 The inspector noted at paragraph 45 that:

“The proposed development is agreed to be C2. That is a residential institution in the context of the Use Classes Order...However the development proposed is more than the provision of individual units it is the collection of a number of units the occupation of which is restricted and which the occupants have access to communal facilities and which require occupants to have a level of care need; hence the C2 classification. It would be inappropriate to dissect the development into its constituent parts and conclude that one element triggered the affordable housing threshold. The policy refers to the site. The site in this case incorporates the whole development. The development consists of an extra care development of up to 65 units comprising of apartments and cottages (Use Class C2) and associated communal facilities. Parts of the development could not be implemented independently, the communal facilities and extra care is an integral component of the development. In this regard I am of the view that the development does not result in a net gain of three or more dwellings but results in the provision of an extra care development of up to 65 units comprising of apartments and cottages (Use Class C2) and associated communal facilities, as the description of development confirms.”

6.27 Of course, shortly after this decision came the outcome of another scheme in South Oxfordshire (APP/Q3115/W/19/3228431 – October 2019) where the matter of use class and implications for affordable housing arose.

6.28 The inspector noted at paragraph 11 that:

“There was some discussion at the Inquiry as to the nature of the proposal. The appellants and the Council are agreed that the proposal would fall within Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (the UCO) on the basis that it would constitute a use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses) but then disputed matters that flow from this. In order to conclude on some of the other disputed issues in the appeal it makes sense to deal with this matter first.”

6.29 Ultimately the inspector then concluded at paragraph 20 that:

“I acknowledge the occupancy restriction and the communal facilities here proposed. However, I can see nothing in the communal facilities here which means that those living in the units require use of those communal facilities or that those running the facility need to use that building. I note, for example, that there is no on-site office for care staff or those who might manage the site. The care staff could readily arrive on site, visit the occupants and leave with no interaction with the communal accommodation. It is also a separate building which mean that the facilities there could readily be used by those living off-site. There is no restricted access to the communal accommodation building and it could be readily accessed from what would be public open space. From the evidence in front of me I conclude that there are differences between the Lower Shiplake scheme and that in front of me.”

6.30 In that particular case the inspector therefore deemed that whilst the overall scheme was a C2 use, the accommodation was an ancillary element. This case is therefore the anomaly in that the operational matters for the site were not clear to the Inspector and the communal facilities were considered to function separate to the accommodation, hence the conclusion that the site was a mixed use per se.

6.31 It is also relevant to consider how the Council themselves have recently considered the matter in respect of several schemes.

6.32 The first relevant case is that of the Former Hazeldens Nursery (DM/19/1001) which related to an outline application for 84 extra care units. In the committee report it noted the following matters:

“MSDC Housing: Consider that the units fall into Use Class C3 and therefore there is a requirement for 30% affordable housing.

Mid Sussex applies a 'self-containment test' to determine whether a unit is C2 or C3, with C3 being self - contained, based on the DCLG definition of self-containment i.e. that a dwelling is a self contained unit with a lockable front door, which has its own bathroom and kitchen.

From the information supplied to support the application it is not clear if all the units within the scheme are capable of independent living and therefore could fall within the C3 use class.

The applicant has since confirmed that all of the units would be self-contained and this has reinforced the Policy Officer's view that the use would fall within Class C3.”

6.33 The application was subsequently refused included a reason for refusal relating to the failure to provide affordable housing linked to the alleged C3 use.

6.34 That refusal was appealed (ref: APP/D3830/W/19/3241644) with the appeal decision noting at paragraph 5 that:

“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.”

6.35 It continued at paragraph 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.”

6.36 It therefore follows that where schemes seek to utilise the model s106 agreement approach advocated by ARCO, primarily restricting occupation by reason of age and being in need of a specified amount of care provision amongst others, they will be treated as being a C2 use.

6.37 In the context of the Imberhorne proposals (ref: DM/23/2699) this related to up to 150 units within what was described as a care village in C2 use. The committee report was silent on the matter of discussing use class, indeed the completed s106 agreement lacks the basic provisions to ensure that the retirement dwellings are restricted by reason of age and receipt of care. The definitions define what is meant by the term retirement dwelling and care community. However, there is no standard schedule that relates to the wider aspects of delivering a specialist C2 development unlike for the former Hazeldens nursery scheme.

- 6.38 More recently the council has considered the matter of extra care provision within Phase 1c of the Burgess Hill Northern Arc scheme (DM/25/1986) where it included for the provision of 60 units. Notably the housing officer comments from 29 January 2026 commented that:

“WSCC have advised that they would not be able to support the Extra Care facility in its current form as the age restriction is in direct contradiction to the Position Statement made by WSCC regarding the future of Extra Care provision within the County. They have advised that with the age restriction in place, they would do not believe they have the client base to occupy the facility. This, however can be overcome by applying for DoV to the S106 agreement requesting the removal of any age restriction in relation to the Extra Care facility. Housing Enabling would support the request for the DoV as would WSCC.”

- 6.39 The Northern Arc case is not of assistance given that when the original outline consent was granted in 2019 subject to a legal agreement that agreement defined affordable extra care as being available to persons aged 55 and over and in receipt of care, but importantly it was deemed to be a Class C3 use.
- 6.40 In all of the above cases for a Class C2 use to have been supported it has been necessary to restrict occupation of the units by way of a s106 agreement to those aged 65 and over and for at least one resident in each unit to sign up to receive the minimum care package, assessed by way of a healthcare assessment prior to occupation and then reviewed annually.
- 6.41 All of these elements are appropriately controlled within the draft s106 agreement that has been prepared in support of this appeal, following the approach adopted in the model s106 agreement prepared by ARCO, so as to demonstrate that this is a Class C2 proposal. Any extra care provision as part of the scheme would therefore function in the same manner as the Hazelden nursery scheme which the Council have previously accepted as being a Class C2 use, as well as all of the above appeals where Inspectors have accepted them to be a Class C2 use.
- 6.42 It is also relevant to consider how the communal facilities would operate relative to the extra care in order to determine whether it is to be seen as a single planning unit, as opposed to considering them as a series of individual properties as with the Rectory homes scheme. The appeal proposals are clear that the communal facilities defined within the draft s106 agreement are provided as part of the operation of the extra care element and are to be paid for through a service charge for the enjoyment of those

residents. That separates the scheme from the Rectory homes site and is more in keeping with the other retirement models referenced in the appeals.

- 6.43 It is on that basis that it is clear that the extra care element being delivered through the appeal scheme is clearly one that falls within the accepted Use Class C2 approach.

Appendix 7

POPPI data

POPPI Data for Mid Sussex

This appendix to the assessment focuses on the specific over 65 characteristics that relate to propensity for specialist accommodation for older people. The data in this section has been obtained via POPPI (Projecting Older People Population Information), which only looks at the specific needs of the over 65s age group.

As with the main assessment this information considers the impacts both in terms of the immediate term (2026 to 2030) and the longer term (2025 to 2045).

2026-2030

1. Care home occupancy

These figures show an expected increase of 171 additional residents to be living within some form of care home accommodation by 2030 against the 2025 baseline data, which is a 16.5% increase on current levels.

	2026	2027	2028	2029	2030
People aged 65-74 living in a care home with or without nursing	64	65	67	68	70
People aged 75-84 living in a care home with or without nursing	311	318	320	318	320
People aged 85 and over living in a care home with or without nursing	660	686	725	777	816
Total population aged 65 and over living in a care home with or without nursing	1,035	1,069	1,112	1,163	1,206

2. Dementia

These figures show an increase of some 330 additional people expected to suffer from dementia by 2030 when measured against the current baseline, which is a 12.4% increase on current levels.

	2026	2027	2028	2029	2030
People aged 65-69 predicted to have dementia	143	146	151	154	158
People aged 70-74 predicted to have dementia	229	229	235	241	244
People aged 75-79 predicted to have dementia	463	439	415	415	415
People aged 80-84 predicted to have dementia	632	710	743	743	743
People aged 85-89 predicted to have dementia	580	580	615	686	721
People aged 90 and over predicted to have dementia	625	660	660	684	719
Total Population Aged 65 and Over Predicted to have Dementia	2,670	2,763	2,819	2,923	3,000

3. Living alone

These figures show an increase of 993 people aged 75 and over to be living alone by 2030, otherwise expressed as a 9.2% increase on current levels.

	2026	2027	2028	2029	2030
Males aged 65-69 predicted to live alone	812	832	851	871	891
Males aged 70-74 predicted to live alone	704	704	724	744	744
Males aged 75-79 predicted to live alone	753	710	667	667	667
Males aged 80-84 predicted to live alone	635	711	737	737	737
Males aged 85-99 predicted to live alone	420	420	452	517	549
Males aged 90+ predicted to live alone	298	298	298	340	340
Females aged 65-69 predicted to live alone	1,094	1,118	1,166	1,191	1,215
Females aged 70-74 predicted to live alone	1,180	1,180	1,210	1,239	1,269
Females aged 75-79 predicted to live alone	1,562	1,488	1,414	1,414	1,414
Females aged 80-84 predicted to live alone	1,530	1,721	1,816	1,816	1,816
Females aged 85-99 predicted to live alone	1,074	1,074	1,130	1,243	1,300
Females aged 90+ predicted to live alone	732	788	788	788	845
Total population aged 65 and over predicted to live alone	10,791	11,042	11,252	11,566	11,784

4. Hospital admissions from falls

These figures show an increase of 162 people likely to require hospital admission as a result of falls by 2030, which is a 14% increase.

	2026	2027	2028	2029	2030
People aged 65-69 predicted numbers of hospital admissions due to falls	77	79	81	83	86
People aged 70-74 predicted numbers of hospital admissions due to falls	107	107	112	113	114
People aged 75-79 predicted numbers of hospital admissions due to falls	181	172	167	165	167
People aged 80 and over predicted numbers of hospital admissions due to falls	788	854	898	927	949

Total population aged 65 and over predicted numbers of hospital admissions due to falls	1,154	1,212	1,257	1,288	1,316
--	--------------	--------------	--------------	--------------	--------------

5. Mobility tasks

These figures show that there are likely to be a further 734 residents aged 65 and over unable to undertake on basic task themselves due to mobility issues by 2030, representing an increase of 11%.

Such basis tasks (although not exhaustive) can include:

- going out of doors and walking down the road;
- getting up and down stairs;
- getting around the house on the level;
- getting to the toilet; and
- getting in and out of bed

	2026	2027	2028	2029	2030
People aged 65-69 unable to manage at least one activity on their own	733	750	776	793	810
People aged 70-74 unable to manage at least one activity on their own	990	990	1,016	1,042	1,058
People aged 75-79 unable to manage at least one activity on their own	1,302	1,236	1,170	1,170	1,170
People aged 80-84 unable to manage at least one activity on their own	1,378	1,548	1,624	1,624	1,624
People aged 85 and over unable to manage at least one activity on their own	2,265	2,350	2,470	2,605	2,740
Total Population aged 65+ Unable to Manage at Least One Activity on Their Own	6,668	6,874	7,056	7,234	7,402

6. Self-care activity

These figures show that that by 2030 an additional 893 people aged 65 and over will need help with at least one self-care activity, representing a growth of 9.3%. Separately, there will be an additional 793 people aged 65 and over with an unmet need for help with at least one self-care activity, representing a growth of 9.5%.

Such self-care activities relate to personal care and mobility (although not exhaustive) can include:

- Having a bath or shower;
- Using the toilet;
- Getting up and down stairs;
- Getting around indoors;
- Dressing or undressing;
- Getting in and out of bed;
- Washing face and hands;
- Eating, including cutting up food; and

- Taking medicine.

	2026	2027	2028	2029	2030
Males aged 65-69 who need help with at least one self-care activity	681	697	714	730	747
Males aged 70-74 who need help with at least one self-care activity	693	693	713	733	733
Males aged 75-79 who need help with at least one self-care activity	886	835	784	784	784
Males aged 80+ who need help with at least one self-care activity	1,646	1,795	1,907	1,945	1,982
Females aged 65-69 who need help with at least one self-care activity	837	856	893	911	930
Females aged 70-74 who need help with at least one self-care activity	896	896	918	941	963
Females aged 75-79 who need help with at least one self-care activity	1,252	1,192	1,132	1,132	1,132
Females aged 80+ who need help with at least one self-care activity	2,726	2,939	3,067	3,152	3,238
Total Population Aged 65+ who need help with at least one self-care activity	9,616	9,903	10,129	10,329	10,509
Males aged 65-69 with unmet need for at least one self-care activity	582	596	611	625	639
Males aged 70-74 with unmet need for at least one self-care activity	522	522	536	551	551
Males aged 75-79 with unmet need for at least one self-care activity	819	772	725	725	725
Males aged 80 and over with unmet need for at least one self-care activity	1,478	1,613	1,714	1,747	1,781
Females aged 65-69 with unmet need for at least one self-care activity	653	667	696	711	725
Females aged 70-74 with unmet need for at least one self-care activity	768	768	787	806	826
Females aged 75-79 with unmet need for at least one self-care activity	1,033	984	935	935	935
Females aged 80 and over with unmet need for at least one self-care activity	2,483	2,677	2,794	2,871	2,949
Total population aged 65+ with unmet need for at least one self-care activity	8,338	8,599	8,798	8,972	9,131

7. Domestic tasks

These figures show that that by 2030 an additional 1,010 people aged 65 and over will need help with at least one domestic task, representing a growth of 10.3%. Separately, there will be an additional 573 people aged 65 and over with an unmet need for help with at least one domestic task, representing a growth of 10.3%.

Such domestic tasks relate to activities which are fundamental to living independently and (although not exhaustive) can include:

- Doing routine housework or laundry;
- Shopping for food;
- Getting out of the house; and
- Doing paperwork or paying bills

	2026	2027	2028	2029	2030
Males aged 65-69 who need help with at least one domestic task	545	559	572	585	599
Males aged 70-74 who need help with at least one domestic task	595	595	612	629	629
Males aged 75-79 who need help with at least one domestic task	658	620	583	583	583
Males aged 80+ who need help with at least one domestic task	1,632	1,781	1,892	1,929	1,966
Females aged 65-69 who need help with at least one domestic task	914	934	974	995	1,015
Females aged 70-74 who need help with at least one domestic task	836	836	857	878	899
Females aged 75-79 who need help with at least one domestic task	1,151	1,096	1,041	1,041	1,041
Females aged 80+ who need help with at least one domestic task	3,251	3,505	3,658	3,759	3,861
Total Population Aged 65+ who Need Help with at Least One Domestic Task	9,582	9,926	10,189	10,399	10,592
Males aged 65-69 with unmet need for at least one domestic task	320	328	335	343	351
Males aged 70-74 with unmet need for at least one domestic task	427	427	439	451	451
Males aged 75-79 with unmet need for at least one domestic task	406	383	360	360	360
Males aged 80 and over with unmet need for at least one domestic task	977	1,066	1,132	1,154	1,177
Females aged 65-69 with unmet need for at least one domestic task	509	520	542	554	565
Females aged 70-74 with unmet need for at least one domestic task	492	492	504	517	529
Females aged 75-79 with unmet need for at least one domestic task	647	616	585	585	585
Females aged 80 and over with unmet need for at least one domestic task	1,773	1,911	1,994	2,050	2,105
Total population aged 65 and over with unmet need for at least one domestic task	5,550	5,742	5,893	6,014	6,123

8. Limiting long-term illness

These figures are split between those who will be affected to a small degree but a long-term illness, and those who will be affected a lot. There is a growth of 569 for those affected slightly (a 9.5% change), compared with 541 for those affected a lot (a 12.2% change).

	2026	2027	2028	2029	2030
People aged 65-74 whose day-to-day activities are limited a little	2,336	2,365	2,438	2,496	2,554
People aged 75-84 whose day-to-day activities are limited a little	2,504	2,560	2,579	2,560	2,579
People aged 85 and over whose day-to-day activities are limited a little	1,171	1,217	1,286	1,378	1,447
Total Population Aged 65+ with a Limiting Long-Term Illness whose Day-To-Day Activities are Limited a Little	6,011	6,143	6,303	6,434	6,580
People aged 65-74 whose day-to-day activities are limited a lot	1,053	1,066	1,098	1,125	1,151
People aged 75-84 whose day-to-day activities are limited a lot	1,732	1,771	1,784	1,771	1,784
People aged 85 and over whose day-to-day activities are limited a lot	1,661	1,726	1,824	1,954	2,052
Total Population Aged 65+ with a Limiting Long-Term Illness whose Day-To-Day Activities are Limited a Lot	4,445	4,562	4,706	4,849	4,986

2026 to 2045

9. Care home occupancy

These figures show an expected increase of 643 additional residents to be living within some form of care home accommodation by 2045 against the 2026 baseline data, which is a 62.1% increase on current levels.

	2026	2030	2035	2040	2045
People aged 65-74 living in a care home with or without nursing	64	70	76	77	76
People aged 75-84 living in a care home with or without nursing	311	320	323	362	397
People aged 85 and over living in a care home with or without nursing	660	816	1,036	1,101	1,204
Total population aged 65 and over living in a care home with or without nursing	1,035	1,206	1,435	1,540	1,678

10. Dementia

These figures show an increase of some 1,407 additional people expected to suffer from dementia by 2045 when measured against the current baseline, which is a 52.7% increase on current levels.

	2026	2030	2035	2040	2045
People aged 65-69 predicted to have dementia	143	158	164	164	161
People aged 70-74 predicted to have dementia	229	244	277	289	289
People aged 75-79 predicted to have dementia	463	415	457	524	547
People aged 80-84 predicted to have dementia	632	743	688	754	887
People aged 85-89 predicted to have dementia	580	721	923	868	979
People aged 90 and over predicted to have dementia	625	719	872	1,155	1,214
Total Population Aged 65 and Over Predicted to have Dementia	2,670	3,000	3,382	3,753	4,077

11. Living alone

These figures show an increase of 4,046 people aged 75 and over to be living alone by 2045, otherwise expressed as a 37.5% increase on current levels.

	2026	2030	2035	2040	2045
Males aged 65-69 predicted to live alone	812	891	931	931	931
Males aged 70-74 predicted to live alone	704	744	844	884	884

Males aged 75-79 predicted to live alone	753	667	731	839	882
Males aged 80-84 predicted to live alone	635	737	686	762	889
Males aged 85-99 predicted to live alone	420	549	678	646	711
Males aged 90+ predicted to live alone	298	340	425	553	595
Females aged 65-69 predicted to live alone	1,094	1,215	1,264	1,264	1,215
Females aged 70-74 predicted to live alone	1,180	1,269	1,446	1,505	1,505
Females aged 75-79 predicted to live alone	1,562	1,414	1,562	1,786	1,860
Females aged 80-84 predicted to live alone	1,530	1,816	1,673	1,816	2,151
Females aged 85-99 predicted to live alone	1,074	1,300	1,695	1,582	1,808
Females aged 90+ predicted to live alone	732	845	1,013	1,351	1,408
Total population aged 65 and over predicted to live alone	10,791	11,784	12,948	13,917	14,837

12. Hospital admissions from falls

These figures show an increase of 540 people likely to require hospital admission as a result of falls by 2045, which is a 46.8% increase on current levels.

	2026	2030	2035	2040	2045
People aged 65-69 predicted numbers of hospital admissions due to falls	77	86	89	88	87
People aged 70-74 predicted numbers of hospital admissions due to falls	107	114	132	136	134
People aged 75-79 predicted numbers of hospital admissions due to falls	181	167	181	208	217
People aged 80 and over predicted numbers of hospital admissions due to falls	788	949	1,036	1,116	1,255
Total population aged 65 and over predicted numbers of hospital admissions due to falls	1,154	1,316	1,438	1,548	1,694

13. Mobility tasks

These figures show that there are likely to be a further 3,001 residents aged 65 and over unable to undertake on basic task themselves due to mobility issues by 2045, representing an increase of 45%.

Such basis tasks (although not exhaustive) can include:

- going out of doors and walking down the road;
- getting up and down stairs;
- getting around the house on the level;
- getting to the toilet; and
- getting in and out of bed

	2026	2030	2035	2040	2045
People aged 65-69 unable to manage at least one activity on their own	733	810	844	844	826
People aged 70-74 unable to manage at least one activity on their own	990	1,058	1,204	1,256	1,256
People aged 75-79 unable to manage at least one activity on their own	1,302	1,170	1,290	1,476	1,542
People aged 80-84 unable to manage at least one activity on their own	1,378	1,624	1,501	1,642	1,935
People aged 85 and over unable to manage at least one activity on their own	2,265	2,740	3,535	3,755	4,110
Total Population aged 65+ Unable to Manage at Least One Activity on Their Own	6,668	7,402	8,374	8,973	9,669

14. Self-care activity

These figures show that that by 2045 an additional 3,636 people aged 65 and over will need help with at least one self-care activity, representing a growth of 37.8%. Separately, there will be an additional 3,222 people aged 65 and over with an unmet need for help with at least one self-care activity, representing a growth of 38.6%.

Such self-care activities relate to personal care and mobility (although not exhaustive) can include:

- Having a bath or shower;
- Using the toilet;
- Getting up and down stairs;
- Getting around indoors;
- Dressing or undressing;
- Getting in and out of bed;
- Washing face and hands;
- Eating, including cutting up food; and
- Taking medicine.

	2026	2030	2035	2040	2045
Males aged 65-69 who need help with at least one self-care activity	681	747	780	780	780
Males aged 70-74 who need help with at least one self-care activity	693	733	832	871	871
Males aged 75-79 who need help with at least one self-care activity	886	784	860	987	1,037

Males aged 80+ who need help with at least one self-care activity	1,646	1,982	2,169	2,356	2,655
Females aged 65-69 who need help with at least one self-care activity	837	930	967	967	930
Females aged 70-74 who need help with at least one self-care activity	896	963	1,098	1,142	1,142
Females aged 75-79 who need help with at least one self-care activity	1,252	1,132	1,252	1,430	1,490
Females aged 80+ who need help with at least one self-care activity	2,726	3,238	3,578	3,834	4,345
Total Population Aged 65+ who need help with at least one self-care activity	9,616	10,509	11,536	12,368	13,252
Males aged 65-69 with unmet need for at least one self-care activity	582	639	667	667	667
Males aged 70-74 with unmet need for at least one self-care activity	522	551	626	656	656
Males aged 75-79 with unmet need for at least one self-care activity	819	725	796	913	959
Males aged 80 and over with unmet need for at least one self-care activity	1,478	1,781	1,949	2,117	2,386
Females aged 65-69 with unmet need for at least one self-care activity	653	725	754	754	725
Females aged 70-74 with unmet need for at least one self-care activity	768	826	941	979	979
Females aged 75-79 with unmet need for at least one self-care activity	1,033	935	1,033	1,181	1,230
Females aged 80 and over with unmet need for at least one self-care activity	2,483	2,949	3,259	3,492	3,958
Total population aged 65 and over with unmet need for at least one self-care activity	8,338	9,131	10,025	10,758	11,560

15. Domestic tasks

These figures show that that by 2045 an additional 3,829 people aged 65 and over will need help with at least one domestic task, representing a growth of 40%. Separately, there will be an additional 2,193 people aged 65 and over with an unmet need for help with at least one domestic task, representing a growth of 39.5%.

Such domestic tasks relate to activities which are fundamental to living independently and (although not exhaustive) can include:

- Doing routine housework or laundry;
- Shopping for food;
- Getting out of the house; and
- Doing paperwork or paying bills

	2026	2030	2035	2040	2045
Males aged 65-69 who need help with at least one domestic task	545	599	625	625	625
Males aged 70-74 who need help with at least one domestic task	595	629	714	748	748
Males aged 75-79 who need help with at least one domestic task	658	583	639	733	771
Males aged 80+ who need help with at least one domestic task	1,632	1,966	2,152	2,337	2,634
Females aged 65-69 who need help with at least one domestic task	914	1,015	1,056	1,056	1,015
Females aged 70-74 who need help with at least one domestic task	836	899	1,024	1,066	1,066
Females aged 75-79 who need help with at least one domestic task	1,151	1,041	1,151	1,315	1,370
Females aged 80+ who need help with at least one domestic task	3,251	3,861	4,267	4,572	5,182
Total Population Aged 65+ who Need Help with at Least One Domestic Task	9,582	10,592	11,628	12,452	13,411
Males aged 65-69 with unmet need for at least one domestic task	320	351	367	367	367
Males aged 70-74 with unmet need for at least one domestic task	427	451	512	537	537
Males aged 75-79 with unmet need for at least one domestic task	406	360	394	452	476
Males aged 80 and over with unmet need for at least one domestic task	977	1,177	1,288	1,399	1,576
Females aged 65-69 with unmet need for at least one domestic task	509	565	588	588	565
Females aged 70-74 with unmet need for at least one domestic task	492	529	603	627	627
Females aged 75-79 with unmet need for at least one domestic task	647	585	647	739	770
Females aged 80 and over with unmet need for at least one domestic task	1,773	2,105	2,327	2,493	2,825
Total population aged 65+ with unmet need for at least one domestic task	5,550	6,123	6,725	7,202	7,743

16. Limiting long-term illness

These figures are split between those who will be affected to a small degree but a long-term illness, and those who will be affected a lot. There is a growth of 2,046 for those affected slightly (a 34.9% change), compared with 2,105 for those affected a lot (a 46% change).

	2026	2030	2035	2040	2045
People aged 65-74 whose day-to-day activities are limited a little	2,336	2,554	2,771	2,800	2,771
People aged 75-84 whose day-to-day activities are limited a little	2,504	2,579	2,598	2,918	3,201
People aged 85 and over whose day-to-day activities are limited a little	1,171	1,447	1,837	1,952	2,135
Total Population Aged 65+ with a Limiting Long-Term Illness whose Day-To-Day Activities are Limited a Little	6,011	6,580	7,206	7,670	8,107
People aged 65-74 whose day-to-day activities are limited a lot	1,053	1,151	1,249	1,262	1,249
People aged 75-84 whose day-to-day activities are limited a lot	1,732	1,784	1,797	2,018	2,213
People aged 85 and over whose day-to-day activities are limited a lot	1,661	2,052	2,605	2,768	3,029
Total Population Aged 65+ with a Limiting Long-Term Illness whose Day-To-Day Activities are Limited a Lot	4,445	4,986	5,651	6,048	6,491

Appendix 8

Population data 2026 to 2030

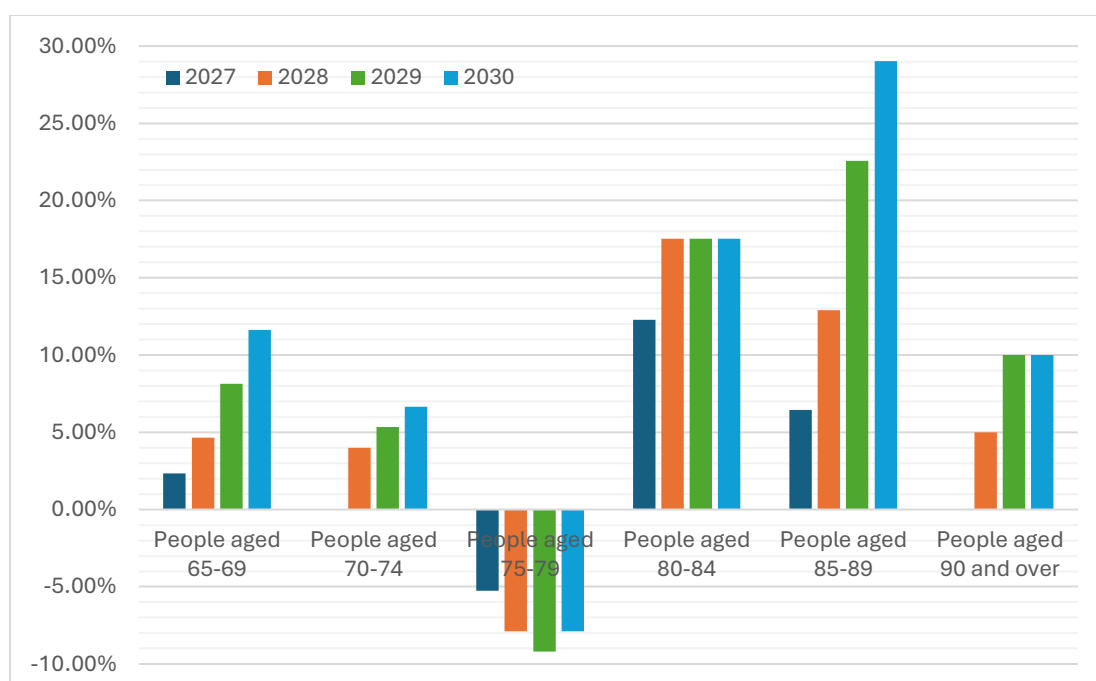
Appendix 9

Requirement between 2026 and 2030

8.1 Population projections for the over 65 age group within Mid Sussex are also provided by POPPI as included in Appendix IW7, showing the over 75s population to be 18,400 in 2026 and increasing to 19,900 by 2030.

8.2 The growth is represented as below:

Figure 8.1: Population Change between 2026 and 2030 (over 75s)



8.3 Having identified the current position (namely that set out in table 6.2 of the Proof of Evidence), it is relevant to project the need through to 2030 which, as per the data in Appendix IW7, identifies a further 1,500 people.

Table 8.1: Projected Levels of Provision of Various Forms of Accommodation for Older People 2026-2030, for Mid Sussex

	Housing in Later Life Benchmarks	Increase in Units Required to Meet Housing in Later Life Benchmarks (2026-2030)
Extra Care (rent)	15	22.5
Extra Care (Leasehold)	30	45
Total extra care units	45	67.5
Personal Care	65	97.5
Nursing Care	45	67.5
Total care beds	110	165

(Source: <http://www.eac.org.uk> and Housing in Later Life)

8.4 The total need for 2026 to 2030 therefore must include the current unmet need together with the future requirement from table 8.1 above, making alterations to account for the pipeline supply (see table 6.3 in Proof of Evidence). This demonstrates that over the

5-year period there would be a need to provide an additional 67.5 extra care units plus a cumulative total of 165 care beds.

Table 8.2: Cumulative Projected Levels of Need up to 2030, for Mid Sussex

	2026 requirement	2026 to 2030 requirement	Total number required up to 2030
Extra Care (rent)	+127	+22.5	+149.5
Extra Care (Leasehold)	+336	+45	+297
Total extra care units	+363	+67.5	+446.5
Personal Care	+536	+97.5	+431.5
Nursing Care	+3	+67.5	+70.5
Total care beds	+539	+165	+502

(Source: <http://www.eac.org.uk> and *Housing in Later Life*)

- 8.5 The total requirement for additional specialist accommodation by 2030, when accounting for the pipeline, amounts to 446.5 extra care units and 502 bedspaces. As noted in section 4 though, this does not take into account the current provision that fails to meet the single person occupancy within en-suite accommodation.
- 8.6 Of the present supply just under 80% of the personal care beds provided are single occupancy, en-suite rooms (526 of the total 660 beds provided), whilst for nursing care provision the figures are lower at just under 65% (this amounts to a total of 535 of the total 825 beds when applying the same ratio to the 3 homes that have not provided details of en-suite provision).

Table 8.3: Cumulative Projected Levels of Need up to 2030, for Mid Sussex (single, en-suite rooms only)

	2026 requirement ¹	2026 to 2030 requirement	Total number required up to 2030
Extra Care (rent)	+127	+22.5	+149.5
Extra Care (Leasehold)	+336	+45	+297
Total extra care units	+363	+67.5	+446.5
Personal Care	+670	+97.5	+565.5
Nursing Care	+293	+67.5	+360.5
Total care beds	+963	+165	+926

(Source: <http://www.eac.org.uk> and *Housing in Later Life*)

- 8.7 Under the qualitative approach the overall need for care beds would increase to 926 beds, representing a 45.8% increase in need.

Dementia provision

- 8.8 In addition to normal care home provision, the need for specialist dementia care provision also needs to be considered. There is no specific means of identifying the current level of provision however within these homes as all beds could be used for those with dementia, similarly none could be in use. It is therefore only realistic to

¹ This being based on the population of 18,400 and a need of 1,196 personal care beds and 828 nursing beds minus the current single occupancy en-suite provision

consider what the future requirements would be above and beyond the current levels as of 2026.

- 8.9 Having identified the current position, it is relevant to project the need through to 2030 based upon the population projections set out above.

Table 8.4: Cumulative Projected Levels of Dementia Need up to 2030, Mid Sussex

	Housing in Later Life Benchmarks	Current Requirement to Meet Housing in Later Life Benchmarks (2026)	Increase in Units Required to Meet Housing in Later Life Benchmarks (2026-2030)	Total number required up to 2030
Dementia care	6	110.4	9	119.4

(Source: *Housing in Later Life*)

- 8.10 The total need for 2026 to 2030 therefore must include the current unmet need as well as the future requirement through to 2030. This is set out in table 6.4 above, indicating a need for 150.6 specialist dementia beds within the care home sector.

Conclusion for 2026 to 2030 need

- 8.11 The data indicates that on a quantitative assessment by 2045 there would be a need for an additional provision of:
- 149.5 extra care units for rent;
 - 247 extra care units for leasehold;
 - 431.5 personal care beds;
 - 70.5 nursing beds; and
 - 119.4 dementia beds.
- 8.12 If the qualitative assessment were used the supply extra care units and dementia beds would remain constant but there would be a requirement over the identified shortfall of a further:
- 134 personal care beds; and
 - 290 nursing beds.

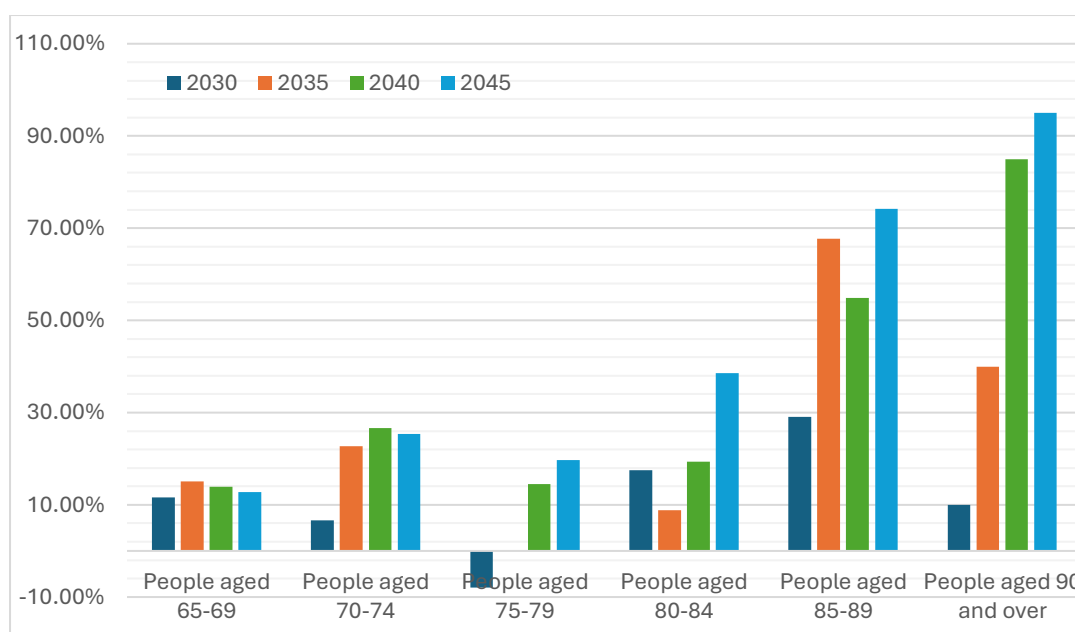
Population data 2026 to 2045

Requirement between 2026 and 2045

9.1 Population projections for the over 65 age group within Mid Sussex are also provided by POPPI as included in Appendix IW7, showing the over 75s population to be 18,400 in 2026 and increasing to 26,300 by 2045.

9.2 The growth is represented as below:

Figure 9.1: Population Change between 2026 and 2045 (over 75s)



9.3 Having identified the current position, it is relevant to project the need through to 2045 based upon the population projections set out above. This sets out that between 2026 and 2045 the 75+ age group was projected to increase by 7,900 to a total of 26,300 people aged 75+. Future provision would be calculated using the same benchmark figures used in table 6.2 as set out in the main Proof of Evidence.

9.4 The total need for 2026 to 2045 therefore must include the current unmet need as of 2026 and the future requirement through to 2045, as well as taking account of the pipeline supply (see table 6.3 in Proof of Evidence). This is set out in table 9.1 below.

Table 9.1 Cumulative Projected Levels of Need up to 2045, for Mid Sussex

	2026 requirement	2026 to 2045 requirement	Total number required up to 2045
Extra Care (rent)	+127	+118.5	+245.5
Extra Care (Leasehold)	+336	+237	+489
Total extra care units	+363	+355.5	+734.5
Personal Care	+536	+513.5	+847.5
Nursing Care	+3	+355.5	+358.5
Total beds	+539	+869	+1,206

(Source: <http://www.eac.org.uk> and Housing in Later Life)

- 9.5 This demonstrates that up to 2045 there would be a need to provide a further 734.5 extra care units plus 1,206 care beds, with the significant growth in the personal care provision.
- 9.6 As with the consideration of need to 2030, if only considering single occupancy ensuite provision, then by 2045 there would still be a significant demand for new care home bed provision.

Table 9.2: Cumulative Projected Levels of Need up to 2045, for Mid Sussex (single, ensuite rooms only)

	2026 requirement	2026 to 2045 requirement	Total number required up to 2045
Extra Care (rent)	+127	+118.5	+245.5
Extra Care (Leasehold)	+336	+237	+489
Total extra care units	+463	+355.5	+734.5
Personal Care	+670	+513.5	+981.5
Nursing Care	+293	+355.5	+648.5
Total beds	+963	+869	+1,630

(Source: <http://www.eac.org.uk> and *Housing in Later Life*)

- 9.7 Under the qualitative approach the overall need for care beds would increase to 926 beds, representing a 26% increase in need.

Dementia provision

- 9.8 Having identified the current need, that set out in table 8.4 of Appendix IW8, it is relevant to project the need through to 2045 based upon the population projections set out above. As set out in table 9.3 below, this results in the need for a further 46.3 specialist dementia beds.

Table 9.3: Cumulative Projected Levels of Dementia Need up to 2045, Mid Sussex

	Housing in Later Life Benchmarks	Current Requirement to Meet Housing in Later Life Benchmarks (2026)	Increase in Units Required to Meet Housing in Later Life Benchmarks (2026-2045)	Total number required up to 2045
Dementia care	6	+110.4	+47.4	+157.8

- 9.9 The total need for 2026 to 2045 therefore must include the current requirement as set and the future requirement through to 2045, indicating a need for 157.8 specialist dementia beds within the care home sector, in addition to those numbers identified in table 7.3 above.

Conclusion for 2026 to 2045 need

- 9.10 The data indicates that on a quantitative assessment by 2045 there would be a need for an additional provision of:

- 245.5 extra care units for rent;
- 489 extra care units for leasehold;
- 847.5 personal care beds;
- 358.5 nursing beds; and
- 157.8 dementia beds.

9.11 If the qualitative assessment were used the supply extra care units and dementia beds would remain constant but there would be a requirement over the identified shortfall of a further:

- 134 personal care beds; and
- 290 nursing beds.

Appendix 10

Extra care summaries

Scale of need for specialist housing

Site	Date	Pins ref:	Nature of scheme	Weighting
Land to the rear of 237-259 London Road, West Malling	19/12/2018	APP/H2265/W/18/3202040	79 extra care units	Substantial weight
Beechmoor Garden Centre, Whitchurch Road, Great Boughton	17/07/2019	APP/A0665/W/18/3203413	110 extra care units	Very substantial weight and/or significant weight
Land to the east of Reading Road, Lower Shiplake	14/10/2019	APP/Q3115/W/19/3220425	65 extra care units	Significant weight
Land to the rear of Burston Garden Centre North Orbital Road, Chiswell Green	09/01/2020 31/01/2022	APP/B1930/W/19/3235642 APP/B1930/W/21/3279463	64 bed care home and 125 extra care units 124 extra care units	Substantial weight Very substantial weight
Homebase Site, New Zealand Avenue, Walton on Thames	21/06/2021	APP/K3605/W/20/3263347	222 extra care units	Considerable weight
Little Sparrows, Sonning Common	25/06/2021	APP/Q3115/W/20/3265861	266 extra care units	Significant weight
Homebase Site, Pines Way, Bath	02/09/2021	APP/F0114/W/21/3268794	Extra care units	Substantial weight
Royal Cambridge Home, 82-84 Hurst Road, East Molesey	18/10/2021	APP/K3605/W/20/3257109	32 bed care home and 60 extra care units	Substantial weight
Kent & Surrey Golf Club, Crouch House Road, Edenbridge	02/11/2021	APP/G2245/W/21/3271595	Extra care units	Very significant weight
163-187 High St, Bottisham	07/04/2022 13/02/2024	APP/V0510/W/21/3282241 APP/V0510/W/23/3324141	Extra care units	Substantial weight Very substantial weight
Land South of Arlesey Road, Stotfold	31/08/2022	APP/P0240/W/21/3289401	Extra care units	Significant weight
Land at Sandown Park, Royal Tunbridge Wells	02/09/2022	APP/M2270/W/21/3289034	180 extra care units	Positive weight
Land off Coombe Road, Norbiton	02/11/2022	APP/Z5630/W/22/3293957	128 extra care units	Substantial positive weight
Land West of Wroslyn Road, Freeland	18/01/2023	APP/D3125/W/22/3301202	160 extra care units	Significant weight
Land off Ellesmere Road, Hencote	02/03/2023	APP/L3245/W/22/3306381	75 bed care home and 164 extra care units	Substantial weight
Land to the south & east of the former Chimes Garden Centre, Nazeing	11/11/2024	APP/J1535/W/24/3342224	65 extra care units	Significant weight
Land East of Vicarage Road, Sunbury-on-Thames	22/11/2024	APP/Z3635/W/24/3342657	60 bed care home and 164 extra care units	Very substantial weight
Land South of Leighton Road, Stanbridge	24/12/2024	APP/P0240/W/24/3347529	66 bed care home and 99 extra care units	Moderate weight
Former North Hill Sawmill Yard,	04/03/2025	APP/C1760/W/23/3328784	65 bed care home or 48 extra care,	Positive weight

Baddesley Road, Chandlers Ford			and 101 extra care units	
Former Hook Estate and Kennels, Coopers Lane Road/Firs Wood Close, Northaw	25/03/2025	APP/C1950/W/24/ 3354772	Extra care units	Substantial weight
and at School Road, Elmswell	15/10/2025	APP/W3520/W/25/33 64061	66 bedroom care home, 37 extra care bungalows	Significant weight
Woodford Garden Village Extension, Former Woodford Aerodrome, Woodford, Stockport	13/03/2026	APP/C4235/W/25/33 73210	75 extra care units	Substantial weight
Lingfield House, East Grinstead Road, Lingfield, Surrey	17/04/2026	APP/M3645/W/25/33 71917	107 extra care units	Substantial weight

In the case of St Albans (APP/B1930/W/19/3235642) the Inspector noted at paragraph 72 that:

“In light of the current shortfall in C2 accommodation, there can be no doubt that the development could make a very significant contribution towards meeting such local needs and based on the evidence supplied, this would be likely to be achieved within the next 5 years...I thus consider the benefits relating to general and C2 housing need to be very significant which weighs substantially in favour of the development.”

This is similar to the assessment made by the Inspector for the appeal at West Malling (APP/H2265/W/18/3202040) where the Inspector concluded that based on the evidence presented to him for the appeal that:

“there is a local need for residential accommodation of this type and tenure for which the current and emerging development plan does not make adequate provision and that the development would make a significant contribution towards meeting such needs.”

When undertaking the planning balance, the Inspector gave substantial weight to the Green Belt harm. However, he concluded at paragraph 65 that:

“I accord substantial weight to the contribution that the development would make towards the need for specialist extra care housing for sale to older people which was not accurately estimated in the SHMA and for which the current and emerging development plan does not make adequate provision.”

In the case of Beechmoor Garden Centre (APP/A0665/W/18/3203413) the Inspector considered the evidence submitted for the appellant and noted at paragraph 39 that:

“While there may be some scope for error in the appellant’s figures, there is no clear

evidence that they are wholly unreasonable. I also note that they relate specifically to the need for the type of facility being proposed here. There are therefore likely to be separate 'needs' for different types of specialist housing and care models. The presence of other care homes or existing extra care facilities does not alter the fact that further provision may be required. Furthermore, it is unlikely to be the case that other forms of housing will necessarily meet the demand the appellant has identified."

When going on to consider the matter of weighting the Inspector commented at paragraph 40 that:

"Nevertheless, even if other housing or care models could help meet some of this need, it still seems likely that a specific need for this form of extra care housing would remain. The fact that the development would make a sizeable contribution to help meeting these demands is something to which I have attributed very substantial weight."

When undertaking the planning balance, the harm to the green belt and encroachment into the countryside was afforded substantial weight, whilst a failure to provide affordable housing was afforded additional weight. However, at paragraph 50 the Inspector again noted that:

"I have attached significant weight to the contribution the development would make to meeting the needs for specialist housing in the area for older people and the associated social and economic benefits it would bring. I have also given substantial weight to the evidence relating to alternative available sites and the likelihood of the needs identified being met in the short to medium term by development within defined settlements."

In the case of the Walton-on-Thames appeal (APP/K3605/W/20/3263347) the Inspector concluded at paragraph 89 that:

"in respect of future housing provision the appeal proposal would make a significant contribution to this specific area of housing need to which I give considerable weight."

In the case of an appeal at Sonning Common (APP/Q3115/W/20/3265861) the Inspector commented at paragraph 27 that:

"Clearly the need for specialist accommodation for older people is recognised in the SOLP, which promotes the identification of suitable sites in the neighbourhood planning process and the inclusion of specialist accommodation on strategic sites, and favours specialist housing for the elderly over conventional housing on unallocated sites."

The Inspector then went on at paragraph 31 to note:

“Plainly, when compared with Government guidance, the development plan is left wanting in terms of addressing a need for extra care. There is no reference in Policy STRAT 1 to the PPG insofar as assessing the needs of older people. There is no reference in Policy STRAT 2 to the accommodation needs of those local residents who will make up more than a quarter of the total population of South Oxfordshire by 2035. Policy H13 in the SOLP expressly deals with specialist housing for older people. It covers all forms of specialist housing for older people, but it is completely generic as to provision. No attempt is made to differentiate between types and tenure of specialist housing for older people, nor to address the need for each.”

On the basis that the appeal scheme was major development in the AONB the relevant test was to consider whether there were exceptional circumstances to support the scheme and that the development was also in the public interest (the now paragraph 177 test of the NPPF). The Inspector undertook that assessment in detail from paragraph 107 onwards. This then fed into the planning balance from paragraph 130 onwards with the Inspector concluding at paragraph 132 that:

“the circumstances in this case are exceptional and that the grant of planning permission would be in the public interest.”

In the case of an appeal in Bath (APP/F0114/W/21/3268794) for a retirement proposal the Inspector undertook the heritage balance due to the setting of the site and concluded at paragraph 82 that:

“I am mindful of the fact that the PPG has identified that the need to provide housing for older people is ‘critical’ because their proportion of the overall population is increasing. It emphasises that offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems. Bearing this in mind, as well as the established unmet need, I give this public benefit substantial weight.”

In the case of an appeal for 60 extra care units in East Molesey (APP/K3605/W/20/3257109) the Inspector concluded at paragraph 36 that:

“Paragraph 124 of the Framework indicates decisions should support development that makes efficient use of land and I consider that this would be the case. I give the benefit of providing specialist accommodation substantial weight.”

In the case of a scheme at Stapleford (APP/W0530/W/21/3280395) the Inspector commented at paragraph 69 that:

“Government advice is that housing need alone does not amount to the very special circumstances required to justify inappropriate development within the Green Belt but, in this case, that housing need is combined with a lack of effective action to meet the need.”

He went on to comment at paragraph 73 in respect of the planning balance that:

“Overall, but particularly through the supply of extra care housing, needed but not otherwise being met, biodiversity enhancements to Green Belt land sought by local plan and national policy but not being delivered and recreational provision, sought by national policy on Green Belt land, the benefits of this proposal would clearly outweigh even the disproportionate harms to the Green Belt and its openness which would result from the scheme.”

In the case of a scheme in Bottisham (APP/V0510/W/21/3282241) the Inspector concluded at paragraph 73 that:

“due to the acute, growing, and unmet need for older persons accommodation generally, and extra care accommodation specifically, as well as the additional benefits of retirement care village on improved health for occupiers, I place substantial positive weight on the proposed use class C2 accommodation.”

In the case of the Lingfield House appeal the inspector noted at paragraph 35 that:

“it is common ground that substantial weight should be given to the provision of extra care accommodation...”

They also then went on to separately note:

“The contribution to 5-year HLS is significant given the chronic and continuing shortfall in the supply of housing which the emerging plan will take some time to remedy given its early stage of preparation. I also note from the SoCG that the most recent results of the Housing Delivery Test show that the Council is providing just 38% of its housing requirements. Taken together with the 1.92-year supply, I find this to be a particularly dire situation that 107 new dwellings would help to address in no small measure. Consequently, I find that this benefit carries substantial weight in favour of the development.”

On the basis of the approach from previous appeals, the matter of specialist provision should be afforded substantial weight in favour of the proposals. It also shows that in situations where there is a lack of 5-year HLS this can be counted as an additional benefit in favour of a scheme.

Health and wellbeing benefits

The role of extra care housing in meeting the healthcare and wellbeing needs of older people, whilst also delivering savings on the NHS/Social care bill for authorities cannot be underestimated. As opposed to creating a financial burden from the concentration of older people in certain locations, research indicates that schemes result in wider savings as set out above.

In the context of an appeal in West Malling the Inspector noted at paragraph 43 that:

"I acknowledge the Appellant's evidence, which the Council does not dispute, that the development would be likely to provide health and well-being benefits including: the care package; monitoring of the residents' well-being; facilities to encourage activity and mobility; and reduced isolation. The on-site support would be likely to reduce the need for residents to make use of primary health care services or social services as well as relieving pressure on hospital bed-spaces. Whilst local residents report current pressures on GP services in West Malling, the Appellant's evidence suggests that such pressures are to be addressed as part of new provision of services at Kings Hill, whether or not the appeal proposal goes ahead."

The Inspector then went on to state at paragraph 66 that:

"I accord significant weight to the health and well-being benefits for the future occupiers of the development."

In a later appeal for a scheme at Lower Shiplake the Inspector noted at paragraph 59 that:

"In terms of the benefits that derive from the provision of extra care housing these are not significantly challenged. There would be an advantage to the future residents of the development as the specialist housing would provide for a range of lifestyle facilities for social, cultural, educational and recreational activity. There is access to a range of services and care that can respond flexibly to the needs of the residents. There are advantages to health providers as the care needs of residents can be changed dependant on circumstances which can facilitate earlier discharge from hospitals as support in the home can be easily organised, this has obvious cost advantages. Care provision at this point can also reduce the need for admissions to hospital and other pressures on GP and A&E services...Given the reasonable scale of this development I give these benefits derived from the occupation of this development significant weight."

In the context of the Sonning Common appeal, the Inspector there commented at paragraph

112 that:

"the health and well-being benefits of the appeal proposal should also be recognised and given significant weight. Such benefits to elderly people are entirely obvious. I accept that such health and care benefits apply and also that they are separate from housing delivery. The benefits specialist housing for older people can bring include addressing concerns about suitable supervision, frailty, care, assistance, recreation, loneliness and isolation."

In the context of the St Albans appeal case the inspector noted at paragraph 70 that:

"The previous Inspector gave substantial weight to health and well-being benefits and the parties both maintain this same weighting. A number of documents have been provided with this appeal setting out the various benefits of specialist extra care accommodation. This includes supporting the physical and mental health of residents, providing independence for longer, and reducing financial and resource burdens on the health system. All of these benefits can be achieved with this development and so I concur that substantial weight can be given to this consideration."

In a more recent case of a scheme in Bottisham the Inspector considered the matter of need and health/well-being in the round and concluded at paragraph 73 that:

"Overall, due to the acute, growing, and unmet need for older persons accommodation generally, and extra care accommodation specifically, as well as the additional benefits of retirement care village on improved health for occupiers, I place substantial positive weight on the proposed use class C2 accommodation."

The matter of health and wellbeing benefits is therefore capable of being afforded significant weight in the overall planning balance.

Freeing up of family housing

In the context of the West Malling appeal the Inspector noted at paragraph 42 that:

"As the Government has recognised in paragraphs 4.42 to 4.44 of the White Paper 'Fixing our broken housing market', helping older people to move at the right time and in the right way can help their quality of life as well as freeing up more homes for other buyers. Under-occupied homes could then be released onto the market where they would be particularly attractive to those in younger age groups in need of larger houses to raise families. The provision of specialist housing more suited to the needs of older persons is likely to encourage them to move and would make a valuable contribution to overall housing needs which should be weighed in the balance."

When considering the balance, the Inspector concluded at paragraph 64 that:

"I accord significant weight to...the likely consequential release on to the market of family housing as older residents move to the proposed development."

In the Lower Shiplake appeal the Inspector concluded at paragraph 80 that:

"The benefits associated with the scheme are substantial, including the consequent benefits of freeing up under occupied properties..."

In the Sonning Common appeal the Inspector commented at paragraph 111 that

"it is important to recognise the fact that extra care accommodation, together with all other forms of specialist housing for older people can assist in 'freeing up' existing family and other housing by allowing them to 'right size' by moving to more appropriate accommodation. This type of specialist housing could significantly contribute towards the easing of the present housing crisis in this District where under occupancy amongst older households is greater than for England as a whole. The sale of the 133 units in the appeal proposals would release 133 family houses of three bedrooms or more. The appeal scheme would be likely to free up 39 family dwellings locally but it could be as high as 64. Significant weight can be given to this."

In the Lower Shiplake appeal the Inspector concluded at paragraph 80 that:

"The benefits associated with the scheme are substantial, including the consequent benefits of freeing up under occupied properties..."

In the St Albans appeal the inspector concluded at paragraph 71 that:

"It is accepted that the provision of specialist accommodation for the elderly can free up other parts of the housing market including family-sized dwellings. This benefits other people on the property ladder. The previous Inspector acknowledged this benefit as part of her finding of substantial weight in favour of addressing general and specialist housing needs."

In the Bottisham appeal the inspector stated at paragraph 74 that:

"It is not possible at this stage to precisely predict the number of future occupiers of the proposed use class C2 accommodation that would come from current occupiers of these homes, but there would undoubtedly be some, and potentially a high proportion of the future occupiers would be drawn from this pool. The release of some of these family-sized homes would benefit other demographics in the housing market, and the overall fluidity of the market. I place significant weight on this

benefit."

In the Lingfield House appeal the inspector notes at paragraph 35 that:

"it is common ground that ...that significant weight should be given to the release of under-occupied housing...After careful consideration of the facts, I see no reason to reach a different conclusion in relation to these matters."

It is also relevant to note the County Councils Network 'Planning for Retirement: How Retirement Communities can help meet the needs of the ageing population' (June 2020) states:

"As Retirement Community housing frees up larger houses (each move to a one bedroom apartment in a Retirement Community frees up on average 2.25 bedrooms elsewhere), enables a whole sequence of further moves down the chain." The release of under-occupied housing freeing up the housing chain, would reduce surplus bedrooms, allowing households to live in suitable accommodation to meet their needs and which would generate revenues in the form of stamp duty land tax."

On the basis of the approach from previous appeals, and the recognition of such benefits within the NPPG, the matter of freeing up under occupied family housing is similarly capable of being afforded significant weight in favour of the proposals.

Employment creation

In the context of the Lower Shiplake appeal the Inspector commented at paragraph 61 that:

"The proposal would also result in wider economic benefits through construction jobs and local investment during construction, expenditure in the local economy following occupation, and employment at the facility. I give these benefits moderate weight given the nature and scale of development."

When considering the Sonning Common appeal the Inspector noted at paragraph 113 that:

"I do accept that the proposal would deliver economic benefits to the local economy and jobs as well".

I consider that this is a factor that is capable of being afforded moderate weight in favour of the application proposals.

Appendix 11

Care home summaries

Appeal Ref: APP/P1425/W/23/3326282

Date: 11 January 2024

Address: Florence House, Southdown Road, Seaford BN25 4JS

Proposal: New care home

26. Spatial Policy 2 of the LPP1 confirms a requirement for a minimum of 185 dwellings to be delivered in Seaford, and the main parties agreed that the proposal would deliver the equivalent of 33 new homes towards the Council's HLS. However, while I acknowledge the general need for modern, energy efficient and appropriate accommodation for the older population generally as set out in Policy CP2 (2) of the LPP1, and that national Planning Policy Guidance says that housing for older people is 'critical', I heard that there is no policy basis proposed within the Council's emerging local plan that would relate to specifically to care homes. Therefore, while there may well be need for care homes in the wider area, such as Eastbourne, Polegate, Willingdon and Hailsham, including for people with dementia, I am not persuaded that care home accommodation is a priority for the Council or that, given the stated 'medium luxury' standard of the scheme, it would be attractive or affordable to local people to enable them to free up general needs housing in the nearby area. Therefore, while mindful of Paragraph 63 of the Framework, I can only afford this benefit moderate weight.

27. Economic benefits arising from the proposal would include employment opportunities connected to the construction of new homes, as well as employment opportunities related to the operation of the care home. There would also be potential cost savings to the NHS through the provision of bedspaces. I afford these benefits minimal weight as some of the employment opportunities are likely to be short-term, and the number of bedspaces provided would be relatively small when balanced against NHS provision as a whole.

28. Social benefits of the development would include the well-being of residents in a communal setting with an outside space. The scheme would also be located in a settlement boundary with public transport links to enable friends and relatives to visit. I attribute this some limited weight.

Appeal Ref: APP/Z3635/W/22/3312221

Date: 15 January 2024

Address: 280, 282 and 284 Staines Road East, Sunbury-on-Thames TW16 5AX

Proposal: 47 bed care home

25. Set against the harm identified there would be some limited social and economic benefits associated with the proposal. In particular through the creation of jobs during construction and operation, I also note that the appeal scheme would result in the redevelopment of the currently unsightly property, no.280. I saw at the site visit that the site is considerably overgrown and the building vacant and deteriorating. I also saw evidence of what I took to be antisocial behaviour around the property.

26. I note that it is not at dispute between the parties that there is a need for homes for elderly people in the borough. The appeal scheme would result in the provision of a 47-bedroom care home on an urban site that is accessible to local services, cycle routes and public transport and would result in a more efficient use of urban land. The scheme would make a little difference to the overall supply of housing in the borough both through the creation of additional accommodation in itself and in allowing elderly residents to vacate their current housing for accommodation that would presumably better meet their current needs.

27. These are material considerations that weigh in favour of the appeal scheme, and I afford them some weight.

29. The appeal scheme would also provide a much-needed care facility that would contribute to the choice of accommodation available to prospective occupiers, delivering housing to meet the needs of an aging population.

30. As such, the proposed 47 units, for the loss of three dwellings, would contribute to addressing the recognised shortfall. I accept, although it has not been quantified or qualified in evidence before me, that there would also likely be a consequential freeing-up of existing, potentially under-occupied, housing to the general market as older people move into the redeveloped site. These considerations weigh in favour of the scheme and I afford them significant weight.

31. The evidence provided by the appellant indicates that the proposal would make a contribution to the local economy during construction, but there is little substantive evidence in this regard and the benefits would be primarily short term. The operation of the care home would result in approximately 47 full time jobs, with some part-time jobs. These matters are afforded some weight and weigh in favour of the scheme.

Appeal Ref: APP/Y0435/W/23/3321221

Date: 17 January 2024

Address: Linford Lakes, Wolverton Road, Milton Keynes MK14 5AH

Proposal: 70 bed care home plus extra care, retirement bungalows and residential.

47. Extra care housing is considered as a component of general housing need for the purposes of the Local Plan. While the number of extra care units built is currently less than the need forecast in the most recent Strategic Housing Market Assessment, I was also presented with evidence that there are vacancies in extra care schemes that have recently been completed and are available for occupation. It is ultimately a matter for the market to determine whether there is demand for such schemes and to deliver them. There is no dispute that the Council is able to demonstrate a five-year housing land supply. One of the purposes of having a five-year housing supply is to ensure that there is sufficient deliverable and developable land to enable the housing market to operate effectively and respond to demand as required. I am therefore satisfied that the need for extra-care housing can be met within the land identified for development in the Local Plan.

48. For nursing home accommodation, the Local Plan sets a separate target to that for general housing. On the Council's evidence, current supply meets some 55% of the need identified in the SHMA, and as the Local Plan is approximately halfway through its plan period this demonstrates that need is being met for nursing home space. The calculated supply does not distinguish between nursing home spaces aimed at the elderly as opposed to other specialist care, does not include closures of existing nursing homes, and includes permissions that have not yet been implemented. However, the element of bed spaces aimed at non-elderly specialist care would appear to be relatively small, and I consider it reasonable to include permitted but not yet built schemes, since if there is demand for such schemes it is likely that they will be built in due course. In addition, further nursing home accommodation is likely to come forward as part of strategic housing allocations elsewhere in Milton Keynes which have yet to be started. Taking all those matters together, I consider that supply is largely meeting the forecast demand for nursing home accommodation, and that the housing land supply in the Local Plan provides adequate opportunity to meet demand over the remaining plan period.

64. There would not be an overconcentration of residential institutional development, either on the site or within the context of the wider area. Neither is there an undersupply of such specialist housing in the Milton Keynes area. On balance, there would be adequate accessibility to services and facilities subject the transport improvements included in the

scheme being implemented. There is no need for additional visitor car parking. All these matters are of neutral weight in the planning balance.

65. Set against the harm are the benefits that would accrue from the scheme. Although the Council is able to demonstrate a five-year housing land supply, the provision of a large amount of residential development would nevertheless be beneficial in helping to meet the need for housing, including specialist housing for the elderly. The same applies to the affordable housing, which would help meet the needs of those who are unable to secure housing in the open market. Given that there is a five-year housing land supply, I give these benefits moderate weight.

66. There would be economic benefits arising from construction activity in the short term, and the spending power of future occupants in the longer term. There would also be economic benefit arising from employment opportunities associated with the nursing home, extra-care units, and management of the linear park. I give these benefits moderate weight too.

Appeal Ref: APP/V1505/W/23/3326612

Date: 23 January 2024

Address: 41, 65 and land adjacent Potash Road, Billericay, Essex CM11 1DL

Proposal: 50 bed care home and 150 dwellings

49. The 2022 SEHNA assessed the need for specialist housing for older people (acronym: SHOP) over the period 2020-2040. This was based on 2011 Census prevalence rate of Basildon residents living in communal establishments and the projected increase in that age cohort. This produced a future prevalence rate of 34 per 1000 population requiring care home accommodation and an additional need of 380 bedspaces over the period 2020-2040 (19 per annum).

50. The appellant did not dispute the older population growth-rate. However, a projection based on stable care home occupancy rates was considered to risk perpetuating an under-supply in SHOP provision and frustrate an objective to lift this relative to an ageing population. The appellant provided prevalence rates derived from the PPG-endorsed SHOP@ tool and a 2017 Greater Cambridge Study. The Council's prevalence rate of 34 is very low compared to 110 in 1,000 people aged 75+ expected to live in residential care and nursing home accommodation, as derived from the SHOP@ tool. From this, the appellant derives a current need figure in Basildon of 970 care bedspaces, rising to 1,845 by 2043.

51. The proposed care home would meet a growing demand from self-funded occupiers, linked to the increased nursing and specialist dementia care requirements of an aging population and not fully off-set by advances helping people live at home longer. Although ECC believes current care home provision in Basildon to be under-used, it recognises that the appeal scheme is aimed at this self-funded market and is responding to commercial demand. The appellant's evidence would support this, both through the Care Home Survey and significant differences in the demographic and socio-economic character of the Billericay catchment area, compared to Basildon as a whole.

53. Given the appellant's evidence of need, market demand and consented supply, there is no question in my mind that the benefits of the 50-bed care home should be given relative weight equivalent to the market and affordable dwellings proposed. In the light of the housing evidence discussed above, a 50-bed care home, along with the 150 dwellings, including the 47 to be delivered as affordable, would amount to social benefits that attract very substantial positive weight in the ensuing balance.

Appeal Ref: APP/M1520/W/23/3320925

Date: 14 February 2024

Address: Garden World Plants Ltd, Canvey Road, Canvey Island, Essex SS8 0QD

Proposal: 55 bed care home

24. The appellant's evidence identifies a significant shortfall in the Council's supply of housing land, standing well below the five years required in the Framework. I have not been presented with any evidence to the contrary. However, the appeal proposal would deliver slightly fewer bedspaces than the fallback scheme. This would translate into a slightly smaller contribution to housing supply, in terms of the equivalent number of homes released in the housing market. On that basis, having concluded that the fallback scheme is likely to be implemented, the reduced scale of the proposal is a disadvantage in terms of housing supply. However, the difference would be marginal, and I have accordingly given this disbenefit limited weight.

25. While the appeal proposal would provide slightly fewer bedspaces, it would provide a range of enhanced features for future occupiers, compared to the fallback scheme. These would include an enhanced range of social and communal spaces, improved circulation space, additional rooms adaptable for occupation by couples, and some with kitchenettes to support more independent occupation. A higher proportion of the ground floor rooms would have direct access to the patio. The proposal would also support an improved range of care provision, including accommodation suitable for people with dementia and/or milder physical disabilities.

26. The Framework is supportive of boosting the supply of homes, including housing for different groups in the community. Paragraph 63 makes clear that policies for the delivery of housing should cater for older people and the December 2023 revision to the Framework expanded its wording to specifically mention specialist accommodation, including care homes. Evidence from both parties highlights Census data identifying a significant increase in the number of older residents locally between 2011 and 2021, and a related increase in demand for specialist housing. In that context, the fact that the appeal proposal would provide enhanced accommodation, catering for a wider range of needs than the fallback scheme, is a benefit to which I have given moderate weight.

37. There is furthermore persuasive evidence of a fallback position comprising implementation of an extant planning permission for a 60-bed nursing home. The fallback scheme would have a slightly greater effect on openness. With that in mind, I have given the fallback position very substantial weight.

38. The appeal proposal would also deliver enhanced accommodation compared to the fallback scheme, including specialist accommodation suitable for a wider range of occupiers. To that extent, it responds well to the increasing local demand for specialist care accommodation. It would provide a better environment and range of facilities for future occupiers. These qualitative advantages outweigh the proposal's marginally smaller contribution to housing land supply, and I have accordingly given them moderate positive weight.

Appeal Ref: APP/V1505/W/23/3328758

Date: 16 February 2024

Address: Land east of Ilfracombe Avenue, Bowers Gifford SS13 2DT

Proposal: 70 bed care home plus assisted living and retirement living

27. It is common ground that the Council can only demonstrate a housing land supply of 1.85 years. There would be 125 units (Use Class C2) arising from the proposed development. The National Planning Practice Guidance (PPG) outlines that for residential institutions, to establish the amount of accommodation released in the housing market, authorities should

base calculations on the average number of adults living in households, using the published Census data.

28. The appellant has provided evidence to indicate that the Census shows that there are an average of 1.23 older people for each house in the Borough. Notwithstanding this, the guidance contained within the PPG does not precisely indicate the means by which this figure can be used to extrapolate the number of dwellings which would be released/vacated (and therefore contribute to HLS) as a result of the proposed development. Indeed, it stands to reason that an understanding of the proportion of single occupancy households comprising older adults would need to be established in order to determine the precise likely number of dwellings released as a result of the proposal. This evidence is not before me.

29. Notwithstanding this, there would plainly be a significant proportion of dwellings released to the market as a result of older adults moving to the care home or assisted living units. Indeed, the appellant points to a recent appeal decision where it was acknowledged that an 80 bed care home contributed an equivalent of 44 units to the Council's HLS. Given the number of units proposed under this proposal, it is reasonable to conclude that it would make at least a similar contribution to the Council's HLS.

30. On that basis, I consider that the proposed development would result in a significant contribution to addressing the Council's housing land supply shortfall. 'Significant', not least because of the severe extent of the shortfall. This is therefore a social and economic benefit of the development which can be afforded substantial weight.

31. The appellant presented a wide variety of evidence asserting a need for assisted living and care home provision within the Borough. Notwithstanding this, even the Council's evidence indicates a need for additional care home bedspaces and specialist housing between 2020 and 2040. Based on the Council's assessment of the South Essex Housing Needs Assessment (SHMA) dated June 2022, there is a need for 19 care home bed spaces per annum and 65 units per annum of specialist accommodation over the period up to 2040.

32. The Council has cited a number of recent planning permissions granted for care homes in the Borough. However, all of these permissions are factored into Table 2 of the Appellant's Statement of Case, which shows that even taking them (and other permissions) into account, since 2018 there has been a net increase of just five care home bedspaces. Over the plan period referred to in the SHMA there has been a net increase of just 45, which is still short of the 57 bedspaces which should have been provided over that period based on the SHMA.

33. Table 1 of the appellant's statement of case, which is based on data from the Council's own Annual Monitoring Reports, demonstrates that just 4 units of specialist accommodation for older people were completed between 2014 and 2022.

34. It is not clear whether or not the SHMA has factored in the past under-delivery described above in reaching figures for annual need. However, looking forward, despite the Council's assertion that schemes like this are best dealt with through the plan-making process, the new Local Plan is not scheduled to be adopted until 2027. On that basis alone and taking into account the significant amount of land in the Borough which is within the Green Belt, it is very difficult to see how the Council will meet the aforementioned need as expressed within the SHMA up until 2027.

35. There is some suggestion that there are high vacancy rates in existing care homes, however, there could be numerous reasons for this and it is not clear what a normal vacancy rate would constitute. In any case, the proposed care home would provide market-standard accommodation (with wet rooms) which the evidence indicates is lacking. Indeed, the planning

permissions highlighted indicate that many care homes are undergoing demolition and replacement to bring them up to market standards, in many cases resulting in a reduction in the number of bedspaces despite the increase in the standard of accommodation. Clearly the proposal will provide a significant benefit in providing a significant quantum of market-standard accommodation.

36. The Council has also queried the catchment area used in Knight Frank's Planning Needs Assessment (2023). However, demand for housing for older people would not likely be constrained by administrative boundaries and therefore this is not a factor which weighs against the findings of the assessment. In any case, as outlined above - even putting the findings of the appellant's assessment to one side - based on the Council's own data and estimates of demand/need there clearly remains a significant unmet need for housing for older adults in the Borough. The proposed development would make significant inroads into meeting existing and future need in this regard. The social benefits can therefore be afforded substantial weight within this context.

38. The development would also comprise health and wellbeing benefits. In particular, it would combat loneliness, provide a basis for older people to maintain their independence and facilitate better access to healthcare. There would also be social benefits arising from the provision of a car park for parents collecting children from the nearby St Mary's C of E Primary School. Indeed, local residents have highlighted that there is significant disruption caused by on-street parking of vehicles during drop-off and pick-up times.

39. There would be economic benefits associated with permanent employment. With 95 to 120 jobs proposed. In addition, there would be more limited economic benefits associated with support for employment during the temporary construction period.

43. There would however be extensive and wide-ranging benefits as a result of the proposed development. These benefits are primarily derived from the contribution of the proposal to freeing up existing housing (within the context of a severe housing land supply shortfall) and the contribution of the proposal to meeting the existing and future need for specialist accommodation for older people. There would be several other social, economic and environmental benefits as I have identified in this report. Collectively, these benefits can be afforded even greater weight than that which I have afforded to the harm to the Green Belt. Indeed, in this instance, the extent of the harm I have identified would be clearly outweighed by other considerations. Therefore, the very special circumstances necessary to justify the development exist.

Appeal Ref: APP/H1515/W/23/3324416

Date: 22 March 2024

Address: Heron Court, 198 Brentwood Road, Herongate, Essex CM13 3PN

Proposal: Extension to existing care home (22 extra beds)

14. The proposed extension would increase the footprint of the building by 140% and the overall bulk and mass by more. This would result in a clearly disproportionate extension to the original building and would have a greater impact on openness of the Green Belt than as existing. The proposal would therefore be inappropriate development in the Green Belt by reason of inappropriateness and the effect on openness.

15. However, the current accommodation in Heron Court is sub-standard. The proposal would result in a more efficient and higher quality layout with better facilities. It would also create a larger care home that meets the critical mass to provide high quality care facilities in this location. The need for additional care home beds within the catchment area of Heron Court has been demonstrated. As set out above, there would be an enhancement to the character

and appearance of the locally listed building, the Herongate CA, and the wider area. The Council consider these other considerations clearly outweigh the harm to the Green Belt and therefore that 'very special circumstances' exist. I agree with this assessment and the proposal therefore complies with Paragraph 153 of the Framework.

Appeal Ref: APP/B1550/W/22/3313730 & APP/B1550/W/23/3324879

Date: 12 April 2024

270 Eastwood Road, Rochford, Essex, SS6 7LS

Proposal: New care home and later living dwellings

23. There is a dispute between the parties as to the level of need for future care home provision but I have been provided with details of a number of other care home sites that are under construction, having been granted planning permission over the past 5 years. These new care homes will go some way to both meeting current need for care home beds and addressing any previous undersupply.

24. This approach was accepted by the Inspector in APP/B1550/W/20/3251565, where it was stated that much of the district's needs would be likely addressed by the development at Rocheway and/or other care homes. That appeal permitted a care village with a range of different accommodation types, including a 93 bed care home, further adding to the Council's supply.

25. This shows that the lack of a local policy specifically for specialist housing for older people is not preventing the provision of this type of accommodation. Furthermore, the appellant confirmed at the hearing that the market homes included in the appeal scheme are not intended to meet the definitions of age restricted general market housing, retirement living or sheltered housing or extra care housing or housing with care. This limits the weight that can be given to this part of the scheme.

26. Even if I were to accept the appellant's case that in that appeal the Inspector may not have had the same level of evidence before them and that the evidence before me demonstrates there is a significant unmet need for care homes in the Rochford District, the timetable for the Local Plan indicates the new plan will be adopted by Q2 of 2026, so within two years time.

27. The new Local Plan would be able to identify sites for any future needs identified through the South Essex Housing Needs Assessment (SEHNA). It is important that a strategic approach to delivery of all types of housing is properly planned for. This ensures future provision is allowed to be considered on the basis of a proper evidence base, tested as part of the Local Plan examinations. I am therefore satisfied that the District Council will be able to respond to any levels of higher need as identified by the appellant, through the Local Plan process.

28. Furthermore, evidence provided by the consultation response of Essex County Council indicates that current care home provision in Rochford is under used, with average occupancy levels of 75% and on this basis they have not identified Rochford as a current area for growth in the sector.

29. However, I accept that the planning practice guidance sets out that the need to provide housing for older people is identified as being critical and that this proposal would go some way to meeting future need within the District. As such I have given the need for the development significant weight.

Appeal Ref: APP/Q3820/W/23/3332033

Date: 10 May 2024

Address: 1066 Balcombe Road, Crawley RH10 3NL

Proposal: 64 bed care home

59. The 2019 SHMA sets out that there was a shortfall of 437 Older Persons' Care Bedspaces in 2019 and that this would increase to 1,029 by 2039. Other than the closure of Penn Court, thereby reducing the supply, I have not been made aware of any new facilities having subsequently opened. The Council consider the favoured approach is to retain people in their own homes for as long as possible and provide extra care facilities but no clear figures for this or evidence contrary to the 2019 SHMA have been put before me.

60. Several permissions and applications for forms of care provision were highlighted in the Council's appeal statement. Notwithstanding this, from the evidence provided at the Hearing, the nature of the provision in many of those are not directly comparable to the care home provision the appeal scheme proposes. There was also uncertainty over whether some of these permissions are still extant and no confirmation as to any having commenced. Consequently, unlike the appeal scheme, they would not quantitatively address the current or future shortfall.

61. The presence of a 5-year supply of housing land has not been disputed. A need for affordable units in general and that the Borough has population characteristics that could influence the type of overall care and older person provision is not questioned. However, there is still an identified need and shortfall for the type of provision the appeal scheme would provide.

62. That there are allocations in the adopted and emerging Plans that could potentially come forward in the future, does not alter that at present, this has not been reflected in implemented planning permissions. A letter from Oculus, provided at the Hearing, indicates that there is a developer in place to deliver the appeal scheme.

63. While most of the existing care bed rooms in the area have en-suite facilities, not all do. There is also said to be some variation in the amount and quality of on-site facilities at the existing care homes in the area. The indicative plans indicate the provision of several communal facilities. In addition, en-suite bedrooms are proposed, and a condition imposed to ensure these are provided. Qualitatively the proposal would also be beneficial.

64. Given that the supply has only reduced from the 312 stated in the 2019 SHMA, a 64-bed care home would represent a sizeable increase. The provision of a modern facility would also aid in enhancing the quality of the accommodation. Extra provision would assist in reducing the need for occupiers to remain in hospital and therefore free up bed spaces. In light of the above factors, I give the contribution towards care home provision substantial weight.

65. The appeal site is located in a residential area, designated for development with reasonable access to public transport, services and facilities. The proposal would align with local and national policy aims to make efficient use of land and maximise densities. It would bring social and economic benefits to the area associated with the construction, operation and occupation of the proposal. This includes to employment. Due to the scale of the scheme, I give these factors moderate weight.

66. In terms of harm, I give minor weight to the harm to the character and appearance of the area. The lack of appropriate living conditions for future occupiers attracts moderate weight. There are conditions imposed and further details that would be provided as part of reserved matters submissions that would relate to these issues and could be assessed at that stage.

The proposal would be contrary to the development plan as a whole. Notwithstanding this, in favour of the scheme there is substantial weight for care home provision and moderate weight for the other benefits of the scheme.

67. In this instance, the proposed development would conflict with the development plan, but material considerations indicate that a decision should be made other than in accordance with it.

Appeal Ref: APP/X1355/W/24/3339936

Date: 22 May 2024

Address: Land South of South College, The Drive, Durham DH1 3LD

Proposal: 74 bed care home

7. It is suggested that there is an oversupply of residential and nursing care home bedspaces, and the Council's Adult and Health Services question the need for the proposal. My attention has been drawn to a Market Sustainability Plan (MSP). While there is not any detailed statistical evidence within it the plan states that there is around 85% under occupancy in the older peoples care homes market and it is indicated that care home operators have highlighted concerns regarding a lack of placements. There are said to be no significant issues with quality or capacity in existing care homes, and two care homes have recently closed owing to under occupancy. In addition, two new care homes previously granted permission have been constructed.

8. Nonetheless, the minutes from the meeting of the planning committee suggest that one of the closures was in a different area of County Durham to the appeal site and the new care homes are similarly in different parts of the county. Moreover, I have not been presented with any details regarding the type of provision at these establishments and as such I am unable to determine whether or not they are comparable to the appeal scheme. The appellant's position is that there is a need for care home beds in the local area.

9. Notwithstanding that there is no policy requirement for an assessment of need to be undertaken to justify proposals for specialist housing for older people, even if I were to accept the Council's view that there is currently an oversupply of bedspaces there is no clear evidence that the proposal is of such a scale that it would result in a significant over provision of specialist older peoples housing, to the extent that it would be detrimental to the local business needs of existing providers.

10. In coming to this conclusion, I have taken into account that the MSP states that it is not anticipated the current under occupancy would cause significant or overall market failure. Furthermore, I share the view of the Inspector in their decision relating to a care home for older people in Cheltenham that it is not the role of the planning system to manage the care home market.

11. The supporting text to Policy 15 of the CDP indicates that in considering future housing needs other forms of specialist accommodation may be more appropriate than conventional sheltered housing to rent. The MSP sets out the Council's and wider care partnership's strategic direction of travel for the provision of older people's services which is a preventative and 'home first' approach to reduce the need for care home placements, in line with national best practice. I also acknowledge the responsibilities of the Council under The Care Act (2014).

12. Nevertheless, the definition of older people for planning purposes in the Framework recognises the diverse range of needs that exist. The Planning Practice Guidance (PPG) states that the health and lifestyles of older people will differ greatly, as will their housing

needs, which can range from accessible and adaptable general needs housing to specialist housing with high levels of care and support.

13. The Council's home first approach is a county wide strategy and there will no doubt be variations in the needs of older people at the local level given the complexities of the differing health needs and lifestyles of older people. In meeting older peoples' housing needs it is therefore my view that there is a role for specialist care home facilities such as the proposal to operate alongside interventions and packages to enable a home first approach. The proposal would contribute to the choice of accommodation to suit older people's changing needs and there is no substantive evidence that in doing so it would undermine wider opportunities for development, including the Council's efforts to implement alternative models of service delivery on a strategic level or diminish the ability of businesses to invest, expand and adapt.

14. To conclude, the proposal would not have a harmful effect on existing older peoples housing provision or providers, with regard to supporting economic growth and local business needs and wider opportunities for development. The proposal therefore accords with Paragraph 85 of the Framework which states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Appeal Ref: APP/P5870/W/23/3330511

Date: 14 June 2024

Address: Land at Woodcote Green Garden Centre, Woodmansterne Lane, Wallington SM6 0SU

Proposal: 70 bed specialist neurological nursing home

38. The scheme proposes a 70-bed care home comprising accommodation designed to support the needs of those with neurological conditions. It would cater for patients of all ages who are unable to be discharged into a home environment due to their profound and complex conditions.

39. The appellant's Neurological Care Need Statement indicates that nationally 1 in 6 people are living with at least one neurological condition. There is an under provision of dedicated specialist neurological care facilities across the country with the vast majority of patients inappropriately placed in care homes that cater for the elderly.

40. At borough level the appellant contends that Sutton has some of the highest prevalence rates of long-term neurological conditions in London. The appellant indicates that between 2012 and 2016 there were around 100 admissions per year to local specialist neurological wards. The appellant cites academic research which indicates that between 12% and 20% of individuals are discharged to specialist nursing homes following a hospital visit. Taking 16% as the midpoint of those needing specialist care and based on hospital admissions the appellant contends that there is a minimum need for 16 specialist neurological bedspaces per year. This equates to a minimum need for 256 specialist neurological bed spaces over the whole plan period.

41. In addition, the appellant has produced a Supplementary Need Assessment which analyses the demand and supply for specialist dementia care home spaces within a 5-mile catchment area of the site. The assessment indicates a current undersupply of bedspaces of at least 417 worsening to 566 by 2025.

47. Throughout the appeal proceedings the Council have questioned the need for a specialist neurological care home highlighting SLP Policy 11 which indicates that there is an oversupply

of bedspaces. Whilst there may be an oversupply currently, the policy does not set a moratorium in respect of developments for care homes or specialist facilities and indicates that by 2026 there will be an undersupply of bedspaces in care homes. In any event, the proposal would meet a specific need for which there is no specialist facility in the area rather than adding to the pool of elderly care home bedspaces.

48. Having regard to the information before me there is no compelling evidence to suggest the appellant presented the proposed development on the basis that it would only serve the needs of the residents of Sutton, despite the Council's assertions. The appellant's reports in respect of need clearly set out the national context and highlight local need. The appellant's approach to establishing need based on the geographical location of the appeal site and the administrative area of the local planning authority seems a sensible and reasonable one to me. Given its specialist nature it is reasonable to assume that it would draw patients from a wider area.

52. It is evident that the key concern of the ASC is the affordability of spaces. However, the nuances of the care market and the affordability of bedspaces are matters that fall outside of the planning regime and in turn what I can consider as part of my assessment of a Section 78 appeal.

53. I have no reason to dispute the quality of care provided in existing care homes. However, in my view, it would be reasonable to assume that individuals would benefit from being placed in a specialist environment that caters for their specific needs rather than pepper potted in non-specialist care homes.

54. I acknowledge that predicting with certainty the precise need figure is not an exact science. However, the appellant's assessment of need for specialist bedspaces including those suffering from dementia does not appear to be unrealistic based on the evidence base and methodology presented. Whereas I have significant concerns about the data provided by the Council. As such, I find the appellant's evidence more reliable in terms of demonstrating need.

55. To sum up I find that the proposed development would provide a specialist care facility for which there appears to be a need currently and in the future. An uplift in the number of bedspaces would assist in addressing any shortfall generally and the scheme would result in improved health facilities for individuals with specialist neurological conditions irrespective of their financial status or age.

Appeal Ref: APP/Y3615/W/23/3326567

Date: 1 July 2024

Address: Springfield Manor Nursing Home, Hogs Back, Puttenham, Surrey GU3 1AQ

Proposal: Extensions and alterations to existing care home

29. The PPG sets out that the need to provide housing for older people is identified as being critical. The development would contribute 20 additional bed spaces to the identified local need for care home rooms; albeit this is not considered to be urgent by the Council, nor is the contribution to overall need significant.

30. However, while I note that the existing provision meets with Quality Care Commission (QCC) requirements, following my site inspection, I do not doubt that the proposal would provide an uptick to the fabric, internal layout and the general facilities of Springfield Manor nursing home. Moreover, the provision is currently well-used by Surrey County Council residents. The proposed development would also enable a range of more specialist care and up to date staff facilities. As such, I afford the development considerable weight.

31. In addition, I give the short-term economic benefits and increased employment opportunities associated with the construction of the scheme some moderate weight. There would also be some increased but limited social benefits for new residents and their visitors. Minimal environmental benefits related to new landscaping and tree planting are also given weight.

Appeal Ref: APP/Z0116/W/24/3342055

Date: 19 August 2024

Address: 8-10 Station Road, Shirehampton, Bristol BS11 9TT

Proposal: New care home

21. The appeal scheme would see a derelict site within an accessible location put to productive use, providing 56 specialist units of care home accommodation, and in turn releasing 22.76 dwellings onto the market. The linked social and economic benefits would be amplified by a pronounced unmet local need for specialist homes, and the Council's shortfall in deliverable housing sites, the demonstrable supply of which currently stands at 3.75-years. These benefits would however be directly compromised by the scheme's failure to provide acceptable living conditions for some of its occupants, and its adverse effect on those of neighbours. That being so I attach only limited weight to the otherwise modest social and economic benefits of the scheme.

Appeal Ref: APP/A1530/W/24/3339756

Date: 24 September 2024

Address: Land West of Stanway Western Bypass and South of Church Lane, Stanway, Colchester, Essex, CO3 8WD

Proposal: 72 bed care home

23. The Planning Practice Guidance (PPG) states that the need to provide housing for older people is critical¹, as people are living longer and the proportion of older people in the population is increasing. Essex County Council (ECC) is the relevant local authority for the commissioning of adult social care, including care home provision, and was represented at the hearing.

24. The appellant's UNA is set within the context of the increasing numbers of people over 65 in Essex, which is predicted to rise from 21% at present, to 25% by 2040. The UNA is based on a 5 mile catchment area from the appeal site, and on the Colchester Borough administrative area. To 2027, there is an excess of 304 market standard care home beds in the catchment area and 81 in the local authority area, but in relation to dementia care beds, a shortfall of 8 in the catchment and 103 in the local authority areas respectively.

25. When assessed against the benchmark of full market standard bedrooms which incorporate ensuite wetrooms, levels of need rise to 413 for the catchment and 691 for the local authority area to 2027, the earliest date on which the scheme could be operational.

26. ECC's Market Shaping Strategy (MSS) places greater emphasis on supporting people at home and increasing extra care housing for older people, with fewer residential care placements. Whilst not disputing the levels of need set out in the UNA, the Council's position is that there is an oversupply of C2 residential care in Colchester. In support of that view, the Council points to the fact that average occupancy in Colchester stands at 88%, whereas for long term viability, occupancy needs to be around 95%. The Council also takes issue with the use of market standard bedrooms as a factor in assessing levels of need.

27. ECC's latest Market Position Statement does, however, acknowledge that there is a need to increase the number of nursing care homes across Essex to ensure that there is capacity

for short periods of intervention for those with complex needs, within the overall context of keeping people in their community for as long as possible. The immediate short term need is for dementia care beds, and whilst no breakdown of the appeal proposal between general care and dementia care has been given, that will be informed at the reserved matters stage by the operator's commercial decision and any updated evidence of need.

28. The Council's position is that care homes are expected to be delivered on the sites allocated in the development plan and that a Local Plan review is underway through which sites may also be identified for such provision. A site at Wivenhoe came forward through the Neighbourhood Plan for supported living accommodation, and other accommodation may come forward on sites identified through the Plan review. In the interim, there is nothing in the evidence to indicate that the appeal proposal would result in a significant excess in the provision of care home and dementia beds in the area, or that it would undermine the 'home first' approach in the MSS.

29. The Framework and the PPG recognise that a diverse range of housing is needed to meet the needs of older people. There is clearly a level of uncertainty about future levels of need post pandemic, and as older people's needs become more complex. The proposal would contribute to the choice of accommodation in the catchment and the local authority area, and there is nothing to suggest that it would undermine the development of allocated sites that may be identified for C2 use in the future through a Plan led approach.

30. Overall, a quantitative need for dementia beds in the short term and a need for care beds in the longer term is identified in the appellant's evidence. A qualitative need has also been demonstrated. The provision of LPS2 Policy DM10 to demonstrate a proven need for specialist housing is satisfied.

Appeal Ref: APP/X0360/W/23/3336000

Date: 26 September 2024

Address: Oak Dale, Lower Wokingham Road, Crowthorne, Wokingham RG45 6BX

Proposal: New care home

123. Policy CP 2 of the Core Strategy requires development to contribute to the provision of sustainable and inclusive communities to meet long term needs, and states permission will be granted for proposals that address the requirements of, amongst other matters, an ageing population. This aim is carried through in Policy TB09 of the Local Plan which indicates an in principle support of proposals for accommodation to provide for peoples' needs over a lifetime, which includes, extra care homes, dementia extra care units, enhanced sheltered schemes and proposals that allow the elderly and those with disabilities to remain in their own homes or purpose built accommodation.

124. In this respect the current development plan generally reflects the provisions of the Framework that the needs of groups with specific housing requirements are addressed and also the Planning Practice Guidance (PPG), which says strategic policy-making authorities will 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.

125. The proposal would provide a residential care home capable of providing a high level of care, that could support future residents with dementia. There is dispute between the main parties as to the extent of need for this type of accommodation in the borough.

126. In this regard, the Council draws attention to the updated Local Housing Need Assessment. The Council contends that residential placements is not increasing in the area, and asserts, in respect of projected need for care homes in the borough, that Standard Methods produce results that are unfeasibly high. It is highlighted that local demographic factors permit residents to stay in their homes longer in this borough, and that this preference for individuals to remain in their homes in older age mitigates the identified need for care home spaces in the borough.

127. In respect of existing residential care home provision, Appendix 7 of the Council's appeal statement shows, in March 2024, that from 22 locations there was a combined availability of 114 beds vacant in the borough. This Appendix was updated during the appeal process and showed, in July 2024, the locations increased to 23 while the number of vacant beds decreased slightly to 103. In any event, while lower than the 90% occupancy rate prior to the pandemic, the most up to date data indicates that the occupancy rate is only just short of that figure, being at 88% in July of this year.

128. This aside, the Council's evidence indicates, for the period 2021-2040, there would be a need for an additional 464 care home bedspaces in the borough. The Council advances, in light of the above available capacity, local factors and trends, that caution is required when planning for accommodation for older people. It is contended that demand for care home services has fluctuated in the borough. However, while the evidence for the past four years shows some fluctuation over this period, it does not show a significant decline in the demand for residential and nursing home care placements over the period March 2022 to June 2024.

129. National guidance indicates there may be exceptional circumstances, including the particular demographic characteristics of an area, which justify an alternative approach to assessing housing need. Also, the Council draws my attention to the recently approved care home provision in the borough. Be this as it may, even if I accept the Council's criticisms about the appellant's planning need assessment, the evidence advanced in this case shows that there will be a total need of 1062 care beds in 2035; this equates to a shortfall in bedspaces of 158 over the current available beds in existing care homes in the borough.

130. Moreover, while there may be a local preference for people to receive care in their own homes, I find no compelling evidence that this would be a reasonable and practicable option for all older people in the borough. Indeed, as clarified in the Framework's Glossary, housing for older people can encompass a diverse range of need. Reflective of this, even adopting the Council's conservative assumptions of population growth and taking account of local factors, evidence shows, assuming a 95% occupancy rate, that there will be the need for a new large care home around 2026, 2030 and 2034 in the borough.

131. Crowthorne and the appeal property are close to the administrative boundary of the borough, and concerns are raised that there would be no certainty that provision at the appeal property would address the borough's need. This may be so, but this would likely be the case for residential care homes in neighbouring Council areas and need could extend across boundaries such that this would not be a justification for failing to address the identified need for this type of accommodation in Wokingham borough. In any event, this does not change the factor that there is a current local need and identified future need for residential care home provision in the borough.

132. This proposal would contribute to the local need for residential care home accommodation. As a 60 bedroom care home, the development would significantly work towards addressing this local need and would in turn support the aims of Policy CP2 of the Core Strategy and Policy TB09 of the Local Plan.

139. The proposal would result in a net gain of residential units, and this would positively contribute to the Government's objective to significantly boost the supply of much needed homes in this area. Moreover, catering for older people, this development would address an identified local housing need for different groups in the community. This amounts to considerable benefit, and in turn I attach considerable weight to these benefits in this appeal.

140. As a windfall site the development could be built relatively quickly. There would be economic benefit through the construction phase. The development would result in employment opportunity. The Council states that this would not be unique to this scheme. Be this as it may, the evidence advanced indicates that there would be 48 direct jobs created. While some of these would be parttime positions, this is still not an inconsequential contribution to local employment opportunities.

Appeal Ref: APP/V4250/W/24/3342859

Date: 1 October 2024

Address: Kings Park Christian Centre, Leigh Road, Leigh WN7 1UB

Proposal: 66 bed care home

22. The proposal would be a purpose-built care home with 66 beds in single rooms with ensuite wet rooms. Generous communal space would include gardens, cinema room, hairdressers, café and library. It would provide a high standard of care and quality of life for its self-funded residents, anticipated to be at least 70 years old and in need of 24/7 supervision. The proposal would provide for roughly equal amounts of general residential and residential dementia care.

23. The Framework and the Planning Practice Guidance (the PPG) stress the importance of addressing the requirements of groups with specific housing needs, including older people. There is a critical need for older people's housing due to the increasingly ageing population and a requirement for a better choice of accommodation to suit people's changing needs.

24. The PfE sets out the significant predicted population growth across Greater Manchester, and particularly Wigan, in those aged 65 and over. It identifies the need for a diverse range of new provision to meet the needs of older people. In this regard, Wigan Borough Supported and Specialist Housing Prospectus December 2021 notes that there will be an increasing number of people living with dementia requiring specialist residential and/or nursing care provision.

25. The Carterwood Planning Need Assessment (April 2023) estimates that, at the earliest the care home could be available, there will be a significant net need for minimum market standard care home beds and dedicated dementia beds in the catchment and the local authority area. The numbers are expected to rise over time, reflecting the sustained and escalating nature of need. Moreover, those moving into care homes in future are increasingly likely to require high dependency nursing and dementia care provision.

26. Carterwood report that the need for care homes may be reduced by alternative forms of care, such as underpin the Council's specialist housing strategy. This aims to support people in their own homes or in Extra Care accommodation until their needs can no longer be met by home-based care and support. At that point, the greatest need for additional C2 residential care provision is for nursing and residential homes, particularly those with nursing dementia capacity. On the basis that the Council's strategy is working well, it is expected to continue to reduce the demand for general care home beds in this area.

27. The proposal would not provide high dependency nursing or dementia care. It would cater for people manageable in the care home setting, whose needs were compatible with existing residents and the business. The care home would aim to be a home for life for existing

residents, but those with increasingly complex needs would be likely to move on to more specialist care. The complex health issues and challenging behaviours that cannot be managed at home would not be met by the proposal. The proposal would contribute quantitatively to the supply of older people's housing, but it would not contribute to meeting the identified significant and increasing demand for higher dependency care.

28. Irrespective of the economics of the different types of care, there are clear benefits in terms of health outcomes and quality of life associated with supporting people in their homes or in Extra Care housing. Moreover, the Council's strategy appears to reflect the wishes of elderly people as reported by household surveys where the majority of those aged 65 and over want to stay in their homes with support, while less than 10% would consider entering a residential care home. This tallies with the evidence that most people enter care homes not through choice but because their needs can no longer be met at home. I have no reason to think this would vary between those requiring affordable beds or those self-funding their care.

29. The appellant points out that comparable care homes in the area are full and have waiting lists, evidencing a demand for private care beds. The PfE acknowledges that there are some prosperous housing areas and that private provision plays an important role in the supply of housing. Nevertheless, there are over 70000 people on local authority housing waiting lists across the region and there is a need for a major boost in the supply of affordable housing.

30. The Council's capacity tracker does indicate that current care bed places are effectively at full capacity, but this is apparently due to the repatriation of elderly people previously placed outside the area and the Council is not aware of people in this area waiting to move into care. Moreover, only around 12% of care beds are occupied by self-funders, which is apparently representative of the local socio-economic demographic. While I do not dispute that similar private care homes may have waiting lists, there is little substantive evidence of any significant local demand for self-funded, lower dependency care beds.

31. That being said, I acknowledge that there will likely remain some demand for more general residential and self-funded care beds, as part of the overall increased need due to the rapidly growing elderly population. Nevertheless, taking into account the particular circumstances including the Council's strategy, future trends and socio-economics, the proposal would occupy a limited niche between the choice of supported independent living and the need for higher dependency nursing and dementia care. Moreover, it would be targeted towards, and affordable by, only a small proportion of the population.

32. LNT is a well-established developer and operator of care homes, confident that the proposal would be commercially viable as are its other care homes. Moreover, the business could be flexible, or it could close, if the proposed private residential care provision proved unviable. However, I must take into account what is proposed rather than what theoretically could happen in future. On the basis that the proposal would not contribute to meeting the significant identified demand for affordable, higher dependency nursing and dementia care, the proposed care beds carry modest weight in favour of the scheme.

33. The proposed beds would equate to around 35 dwellings, which would contribute to the government's objective of significantly boosting the supply of homes. As such, while the Council can demonstrate over a 5 year supply of deliverable housing sites (5YHLS), this does weigh in favour of the proposal.

34. The operation of the care home would create 50 to 60 new employment opportunities, the majority of which would be filled by people living locally. Staff would be employed at above minimum wage and offered training and opportunities for career progression. A Training and

Employment Management Plan, to promote training and employment opportunities for local people, could be secured by planning condition.

35. There would be economic benefits both short-term during construction and during the operation of the care home. There would be limited additional spend from care home residents, visitors and staff who already live locally, but future occupiers of the equivalent 35 dwellings would provide additional support to the local economy. Collectively the employment and economic benefits weigh to a moderate degree in favour of the scheme.

Appeal Ref: APP/N4720/W/24/3343107

Date: 22 November 2024

Address: Mercure Hotel, Wetherby Road, WETHERBY, LS22 5HE

Proposal: New care home with senior living homes and foodstore

4. The scheme would include 84 dementia care home units and 8 independent senior living homes and would play an important role in helping to meet the growing need for older persons' housing in the area. The 2017 SHMA predicted a 75% increase in the requirement for older persons' specialist accommodation and a particular need to increase the provision of enhanced sheltered housing and extra care support. The latest SHMA of 2024 expects a need for around an additional 8,800 units of accommodation by 2040 to cater for the elderly population. The City Council recognises that there is an undersupply of nursing dementia and nursing beds in Leeds and, to a lesser extent, residential dementia care. There is currently a heavy reliance on homes converted from alternative uses, and on ageing purpose-built accommodation, and 26 homes have closed over the last 10 years. Leeds City Council's most recent monitoring report states that only 58 and 66 older persons' housing units were completed in 2019/20 and 2020/21 respectively. In this context the scheme would appear much needed. It would be aligned with the National Planning Policy Framework and Policy H4 of the Core Strategy, which recognise the need to provide homes for older persons, and Policies HG2-20 and HG4 of the Leeds Site Allocations Plan, which indicate that the appeal site is suitable for older persons' housing and independent living.

8. In conclusion, the scheme would not materially harm the housing land supply position in Leeds and would have a very positive effect on the delivery of homes to meet the growing need for housing for older people, in accordance with the objectives of Core Strategy Policies H4, Site Allocations Plan Policies HG2 and HG2-20 and the National Planning Policy Framework. It would not impair the ability to deliver the housing requirement set out in Core Strategy Policy SP6 or the distribution of housing in Policy SP7. It would make the best use of brownfield land within the urban area in accordance with Core Strategy Policy SP1.

Appeal Ref: APP/Z3635/W/24/3342657

Date: 22 November 2024

Address: Land East of Vicarage Road, Sunbury-on-Thames TW16 7LB

Proposal: 60 bed care home and 164 extra care

32. There are benefits in favour of the appeal. Most significant of these is the provision of 'housing with care' and a care home. The Council agree there is a significant level of need for 'housing with care' in the Borough. There is also an agreed need for care home bedspaces. It is also of note that there are currently no other such developments in the pipeline nor any proposed allocations in the emerging plan for this type of development. It is further agreed that the need figures for both will continue to rise in the future.

33. The need to provide housing for older people nationally is critical as set out in Planning Practice Guidance. There is no doubt that there is a clear and pressing need for this type of development in Spelthorne. In my view agreeing absolute figures for need in this case is purely

academic, as even using the Council's more conservative figures, the proposed development would still leave a significant deficit in the provision of both types of housing in the borough. I therefore afford the provision of housing with care and a care home in this case very substantial weight.

Appeal Ref: APP/W1525/W/24/3345164

Date: 22 November 2024

Address: Field North of Montpelier Farm, Main Road, Little Waltham CM3 3PA

Proposal: 58 bed care home, 45 care suits and 100 care apartments

75. The parties agree that there will be an ongoing need to provide new SRA for the elderly and that there is a growing awareness of the benefits of extra care housing of the type that has been proposed. The estimates derived from three different models were not disputed and the Council notes that its own estimates do not differ greatly as to the broad quantum of need in the future, as agreed by the appellant's witness.

76. The SHNA indicates that by 2041 there would be an estimated need for 1,520 additional dwellings with support or care across the plan area, with a need for 886 additional nursing and residential care bed spaces. Using a standard multiplier of 1.8 bed spaces per dwelling for older persons accommodation, it equates this to around 492 dwellings. It consequently forecasts a total need for around 2,012 units up to 2041 or 106 per annum.

77. The appellant forecasts a total need of 1,803 units by 2042 which is not dissimilar but takes issue with the existing supply of 189 beds because only one private extra care scheme has been identified comprising just 58 beds. Using the Council's own analysis, the existing shortfall for housing with care consequently rises to 441 units according to the appellant. This broadly aligns with its own use of the SHOP model which demonstrates a shortfall of around 345 private extra care units.

78. The appellant also highlights supply pipeline issues which are informed by a comparative table that was submitted by the Council during the course of the Inquiry. Again, there is no great difference between the parties on this matter and the Council accepts that the current pipeline comprises 211 beds. The appellant estimates that by 2029 there would be an unmet need for 202 care beds and 846 private extra care units if no care bed closures are assumed. The basis for this calculation is undisputed and the Council was unable to identify any other schemes likely to come forward in this timeframe when questioned, despite a number of pre-application discussions having taken place. The predicted need, according to the appellant, is equivalent to three to four new 60-bed care homes and seven new 120-unit retirement schemes by 2029.

79. In terms of past delivery, the appellant points out that the Council has only consented 80 care beds and 60 private extra care units in the last 5 years. The Council highlights the fact that the implementation of the LP is still at an early stage, having been adopted less than five years ago. Consequently, it suggests that it is too early to determine whether policy DM1 of the LP is working. It points out that the major allocations upon which it relies for SRA, through policy DM1, are yet to be delivered. I also note that the Council is considering whether it would be appropriate to identify a percentage of the housing allocation to meet a range of older persons accommodation types on new site allocations in a preferred option topic paper on housing.

80. The current position, as well as the one likely to be present in 2029, can only be described as a sustained market and policy failure in relation to the provision of SRA for older people despite the relatively young age of the LP. Irrespective of the differences between the parties, the SHNA identifies a current shortfall of 310 market housing with care units and 289 care

beds. Set within the context of the persistent under delivery of SRA over the last five years, this alone demonstrates the failure. It is also telling that the Council is considering setting numerical targets to remedy this situation as well as its acknowledgement that not all of the allocated sites would be suitable for the delivery of such housing which introduces further uncertainty regarding the timely delivery of SRA to meet the identified need.

82. It is clear that the proposal would meet an immediate SRA need in terms of providing private care bed and extra care facilities. This is an urgent and pressing need that the Council does not dispute. The scheme would make a substantial contribution to the supply pipeline over the next five years. For those reasons, I give this benefit significant weight.

Appeal Ref: APP/C1435/W/24/3339112

Date: 26 November 2024

Address: Land at Coopers Green Road, Ringles Cross, Uckfield TN22 3AA

Proposal: New care home

31. There is an acute need for care home accommodation, based on both the Council's and appellant's evidence and there is a high proportion of elderly residents in the district. The appellant claims there to be a need for 121 en-suite bed spaces now, rising to 189 by 2025. The Council presents no solution to this, with the Council's own Housing Needs Assessment concluding there was, at that time, likely to be a shortfall of 993 residential and nursing care bed spaces by 2039.

32. The proposal would provide 50 bed spaces for older people and would also provide an element of specialist dementia care, making a valuable contribution to an acute national need for such accommodation. This weighs substantially in favour of the scheme.

33. Furthermore, the proposal would free up larger family sized homes for rent or sale by older persons moving to the care home. Given the Council's lack of a 5 year housing land supply, this weighs significantly in favour. It is also undisputed that the scheme would provide a high standard of care and support for older peoples, in a purpose built environment that includes communal facilities, logically laid out spaces, wheelchair accessibility and safety measures. This has the potential to reduce costs to health and social services (including local GP practices) by providing specialist and dedicated in-house care and support; and reducing the need for residents (who might have previously lived alone) to call in existing local services. This weighs moderately in favour.

Appeal Ref: APP/V4630/W/24/3343105

Date: 2 December 2024

Address: Pelsall Villa Football Club, Walsall Road, Pelsall, WS3 4BP

Proposal: 66 bed care home

35. The Planning Practise Guidance states that the need to provide housing for older people is critical. Furthermore, The Council's development plan acknowledges that the demographic of Walsall is ageing and the large increase in the number of very elderly people will require some degree of care or specialist housing. The Council's SAD considers such developments should be "directed to locations that enjoy good access to public transport and services such as shops." The provision of the proposal would provide a facility for which there is acknowledged need and demand in an accessible location. It would also enable the release of about 47 houses back into the housing market at a time when the Council is unable to demonstrate a five year housing land supply. These figures are not disputed by the Council. These are significant social objectives of the Framework.

36. The proposal would deliver economic benefits in the form of construction jobs and from 50-60 new full time and part time jobs for the running of the care home.

Appeal Ref: APP/P0240/W/24/3347529

Date: 24 December 2024

Address: Land South of Leighton Road, Stanbridge, Bedfordshire LU7 9HW

Proposal: 66 bed care home, 99 extra care units, 43 affordable homes

32. With regard to extra care, the appellant's Need Assessment took an average from a variety of methodologies to estimate the likely need for extra care dwellings over the next decade, accounting for existing and planned supply. It suggests that there is currently an undersupply of just over 1000 units and that by 2034 this would be a little under 1500 units, based on revised figures given at the hearing. The Council's corresponding figures are that there would be an undersupply in 2035 of around 450 extra care units. The difference between the two would appear, at least in part, to be a result of the Council's figures assessing the need from people over 75 years of age only, whereas two of the three methodologies used by the appellant includes people over 65.

33. With respect to care home bed spaces, the appellant's Need Assessment suggests that whilst there is no immediate need, by 2034 there would be a need for about 700 en-suite bed spaces. The Council's corresponding figure is around 450 bed spaces in 2035.

34. All these figures relate to the whole of the central Bedfordshire district. The appeal site is in the far southwest of the district and so it is reasonable to consider that the development would not be likely to meet the demand from persons living in the far eastern side of the district. Indeed from the information provided by the Council, which is broken down into 4 sub areas, the shortfalls in both extra care and care home spaces were less in the Leighton Buzzard (within which the appeal site is located) and Chiltern Vale sub areas, than in the other two sub areas which stretch to the east. That said, it is also reasonable to consider that the development could meet demand from beyond the district, given it is only a few miles to the neighbouring authority.

35. Overall, with regard to extra care, I consider that the Council's figures are limiting based on the age profile used. Even accounting for the fact that the demand in Leighton Buzzard is only likely to be a small proportion of the demand over the whole district, the need is considerable and the proposed 99 extra care units would therefore make a significant contribution to meeting the local need. With respect to care home spaces, even if I were to accept the appellant's figure for central Bedfordshire, the proportion of the demand local to the site is not great and may well be exceeded by the proposed 60 bed care home. However these need figures should not be ceilings, and clearly the development could meet demand from neighbouring areas within, and beyond, central Bedfordshire. Taken together, I afford moderate weight to the provision of extra care and care home spaces.

38. The development would generate a significant number of jobs both during the temporary period of its construction, and in the long term at the care home and the other ancillary facilities. This carries moderate weight.

Appeal Ref: APP/N5090/W/24/3345445

Date: 15 January 2025

Address: Heathside High Preparatory School, 84 West Heath Road, Barnet, London, NW3 7UJ

Proposal: 3 storey care home

41. The benefits of the proposed development would include making effective use of a previously developed site in C2 use within a borough with limited land and resources. Furthermore, it would assist in achieving the Government's aim of significantly boosting the supply of housing. In particular, there is a shortage of suitable housing for our ageing population and the proposed development would provide accommodation for over 60 elderly residents.

42. The Knight Frank Assessment (May 2024) considers current care home supply within a 2.5 mile catchment area and finds a need for 1,555 bedspaces in modern purpose-built care homes within that catchment to 2033, 1,310 of which are needed prior to 2028. Given existing and future planned supply, there is demand for 954 additional bedspaces to 2033, 709 of which are required before 2028. A similar exercise has been undertaken for dementia care with a demand of 749 bedspaces in the same area, and an expected undersupply of 137 bedspaces to 2028 which would increase to 253 bedspaces to 2033.

43. Where care homes are provided, this frees up houses within the local market, including larger houses suitable for families. Furthermore, care home provision can save on adaptation of unsuitable housing and can assist in reducing pressure on in-home care provision. Care home residency can also be positive in reducing social isolation for older people. Additionally, the proposed development would provide local employment...

45. Taken together, the proposed development's benefits have substantial weight.

Appeal Ref: APP/L3245/W/24/3351748

Date: 05 February 2025

Address: Former Phoenix Garage, Paul Atkins Farm Services, Great Hales Street, Market, Drayton, Shropshire TF9 1JW

Proposal: 60 bed care home

32. The appeal scheme would address a need for this type of residential accommodation in the Market Drayton area. The provision of a care home would have wider benefits including improved quality of life for most future residents and reduced pressure on, and associated cost savings for, health and social care services. The proposal would contribute to the overall supply of housing in the area within a location that is highly accessible by public transport and to a wide range of services and facilities. The scheme would utilise a brownfield site and make efficient use of land. It would also provide employment and contribute to the local economy during construction and in subsequent occupation directly and indirectly. In these regards, I note the Framework supports the development of small and medium sized sites in sustainable locations to make efficient use of previously developed land and significantly boost the supply of a mix of homes. Due to the scale of the scheme, I give these factors moderate cumulative weight in favour of the proposal.

Appeal Ref: APP/P1560/W/24/3344547

Date: 12 February 2025

Address: The Oaks, Clacton Road, Weeley, Essex, CO16 9EF

Proposal: 2 storey 66 bed care home

26. The proposal would provide 66 residential care home beds for older people, providing both general purpose and dementia care. The average age of future residents of the care home would be 80+ years and each would be assessed as being in need of 24-hour care and supervision.

27. I also note that the care home would be compliant with necessary modern standards, and would provide amenity areas and services including a cinema and hairdressers. The appellant would apply for Care Quality Commission (CQC) registration, and it is stated that all of the appellant's other care facilities are highly rated by the CQC. The proposal would also provide generous, high quality external amenity areas which could be utilised by both residents and staff.

28. The appellant's Planning Need Assessment identifies a 'demonstrable need' for 489 additional standard wetroom care home beds within the market catchment area and 698 within the local authority catchment area. These shortfalls are anticipated to increase by 2036.

29. Furthermore, the appellant indicates that no sites are specifically allocated for the provision of care homes within the local plan. Suitable sites are increasingly difficult to find due to competition and demand from residential developers who, it is indicated, are able to pay higher land values. Where care homes are provided, this frees up houses within the local market, including larger houses suitable for families. Furthermore, care home provision can save on adaptation of unsuitable housing and can assist in reducing pressure on in-home care provision. Care home residency can also be positive in reducing social isolation for older people. The proposed care home will contribute to the mix of housing within the immediate area and contribute to a socially inclusive community.

30. The need to provide housing for older people nationally is critical as set out in the National Planning Practice Guidance (PPG). There is no doubt that there is a clear and pressing need for this type of development in Tendring District. Consequently, the cumulative benefits associated with the provision of a care home providing general needs and dementia care are afforded substantial weight.

Appeal Ref: APP/N0410/W/24/3348677

Date: 14 February 2025

Address: Land at Wilton Park, Gorell Road, Beaconsfield, HP9 2RJ

Proposal 75 bed care home and assisted living units

60. Evidence also demonstrates that there are shortfalls in the wider Buckinghamshire area. There is also an acknowledged need for homes suitable for older people, currently amounting to 707 sheltered or retirement homes in South Bucks alone, with a forecast need for 1,270 homes by 2040.

61. The current Local Plan runs until 2026 and the emerging local plan is at a very early stage. Even if the Council were to submit the emerging plan for examination in 2026, the examination process and the other requirements of the planning process would result in a considerable time lag before site allocations could start to deliver homes. Until then, there will be no means of redressing the housing land supply position through the plan-making process.

62. Against this background, the scheme would deliver a substantial number of new homes for older people in need of care. Evidence suggests that this would release some 134 under-occupied homes on to the market. The scheme would therefore have the important double benefit of providing specialist housing for those in need of care and improving the availability of homes on the general market.

67. The scheme would deliver urgently needed new dwellings consisting of specialist housing for older people and would help to release homes, including under occupied dwellings, on to the general market...

Appeal Ref: APP/J2210/W/24/3351458

Date: 06 March 2025

Address: Land adjacent to Old Thanet Way, Whitstable CT5 3EH

Proposal: New build Care home

16. The appellant has set out a compelling case in respect of registered care accommodation need in both the entire district and the more immediate locality. A Care Home Need Assessment has been submitted, produced by Healthcare Property Consultants (HPC).

17. This document sets out a district-wide need, at the time of the assessment, of 274 ensuite bedrooms. This is broken down as 151 in the locality. In both cases, this is set to increase this year with an aging population. It is noteworthy that the district has a population of over 85s that is 19% above the national average, and increasing. The appellant's consultant from HPC confirmed at the hearing that, in his view, the need for older people's accommodation in the district is critical.

18. From the evidence before me, current facilities are clearly not sufficient to deal with the need now, and arising, in this housing category. Moreover, I note that a proportion of the existing care homes within the district are not purpose-built accommodation.

19. The Council argues that a good level of care accommodation is being provided and, in the pipeline, as acknowledged in HPC's assessment. The Council also sets out that from 2020/21 to 2023/24 there have been 167 bedspace completions, with extant planning permission for a further 245 spaces. I accept that there is evidence of positive planning activity providing consent for this type of accommodation. However, it is reasonable to conclude that there is no certainty that all, or any, of these schemes will be implemented. Moreover, those that are implemented would, in part, replace bedrooms that have already been lost in recent years.

20. Overall, the district is in a gloomy position in respect of registered care provision. From the evidence before me, this is set to continue, with only limited provision completed or in the pipeline. Accordingly, I am satisfied that demonstrable need for the proposed development has been adequately provided, and that this outweighs the harm that arises from the loss of the existing open space. The proposed development would therefore be in accordance with the relevant provisions of criterion c) of LP Policy OS9.

31. I have set out above some of the social benefits of the proposed development. In particular, that the proposed development would contribute to providing desperately needed care accommodation in the district. I give this public benefit substantial weight. Moreover, the Planning Practice Guidance sets out that the provision of 1.8 care beds is equivalent to a single dwelling. This means that the proposed development would provide the equivalent of 42 dwellings towards the Council's housing shortfall. I give this public benefit substantial weight. Additionally, there would be other benefits, including through employment during construction and following completion of the development. I give this public benefit moderate weight.

Appeal Ref: APP/V1260/W/24/3350004

Date: 14 May 2025

Address: Long Close Rest Home, 23 Forest Road, Poole BH13 6DQ

Proposal: Replacement care home

54. The Council is unable to demonstrate a 5 year supply of housing. The proposed 15 additional care home bedroom spaces would contribute towards the Council's housing delivery targets by 8 additional units³. This would attract significant weight.

55. The proposal would also deliver 15 additional care home bed spaces, which would go towards meeting an identified housing need, despite the Council submitting that 'there is currently a good supply of beds in residential care homes similar to those provided at this care home across BCP'. This would also attract significant weight.

56. There would also be economic benefits contributing to building a stronger, responsive, and competitive economy, supporting growth with construction and post-construction benefits. This would include investment of the site, job creation during construction and the support of facilities and services within the local area by new residents. There would be social benefits through the provision of improved care home facilities and an increase in care home bed spaces within the borough.

Appeal Ref: APP/C3620/W/24/3351839

Date: 21 May 2025

Address: Murreys Court, 10 Agates Lane, Ashted, Surrey, KT21 2NF

Proposal: Care home and assisted living

59. Paragraphs 4.35-4.37 of the LP set out the demographic changes in the district that are likely to result in a considerable need for more housing for older people in the coming years⁹. As a result, Policy H6 of the LP supports the provision of accommodation for older people but does not set a target. The examining Inspector was content with this approach. In addition, the need must also be considered through the prism of the Public Sector Equalities Duty and in this respect Policy EN5(6) of the LP requires appropriate weight to be given to meeting the needs of those with a protected characteristic, which in this case would include age and potentially disability. In this context, the appellants suggest substantial weight be given to the delivery of housing for older people.

60. Following discussions at the hearing the Council did not want to be as definitive as the appellants. The Council took a more nuanced position and suggested that there was a need for extra care accommodation, including residential care homes, but not for nursing homes. Consequently, it provided a range from moderate to substantial weight depending on how much nursing care would be provided (the weight reducing as the level of nursing care increases). Evidence provided by Surrey County Council¹⁰ supports the Council position by demonstrating that local nursing care bed provision is relatively high compared to the national average.

61. The appellants have not finalised details of the level of care that would be provided but its submissions confirm that the care home would function as both a residential and nursing home. It would not be practical to impose a condition prohibiting the provision of nursing accommodation because residents may move from residential to nursing care. Moreover, the provision of nursing care is still a benefit of the scheme. The local over provision just tempers the benefit a little. Overall, I afford the provision of accommodation for older people significant weight as a benefit.

62. In addition to this, the provision of accommodation for older people will free up existing homes, including sheltered/retirement and unoccupied homes, as residents move into the appeal scheme. The Council advised at the hearing that under occupation of housing was an issue in the district. The examining Inspector also recognised this at Paragraph 118 of their report. Accordingly, this would be another significant benefit.

Appeal Ref: APP/W1905/W/24/3354867

Date: 20 June 2025

Address: 303 Ware Road, Hoddesdon, Hertfordshire SG13 7PG

Proposal: 75 bed care home

13. A number of reports have been submitted which provide advice on the supply and demand and general need for care home provision in the local area, across Broxbourne Borough and Hertfordshire. These include a Market Analysis by Carterwood, Catchment Report by Cushman and Wakefield, two recent monitoring reports by Broxbourne Borough Council and Older Persons and Adult Disability Care Housing Need Model by Iceni for Hertfordshire County Council.

14. Whilst these reports and studies each deliver slightly different results and have varying scopes and extent of geographical areas, there are a number of themes and this includes a general indication of there being a present surplus of residential care home provision in the local area. Indeed, this is reflected in the comments of the County Council in their response to the planning committee where it is identified (in line with the Iceni Report) that there are projected to be a surplus of residential care spaces by 2042 in the order of 193 bed spaces. Whilst the time frames differ in the Carterwood Report, the results are not entirely inconsistent as this shows a shorter-term surplus of en-suite accommodation within a 5-mile radius of the site albeit that there is a much more substantial shortfall in bed spaces with wet room provision.

15. These results do focus on residential care however, as opposed to the more specialist care which is proposed to be operated within much of the proposed facility. The appellant has indicated that residential care would be provided on the ground floor with the memory care/dementia care on the first floor and nursing care on top floor. This represents a broad split of one third for each type of care with the opportunity for residents to enter at any level and/or progress through these as required in the same location.

16. The requirement for specialist care, which includes memory care/dementia and nursing care remains high and the varying reports broadly indicate that there is a present shortfall and this is likely to increase in the period to 2042. The County Council's response does reflect this, and it indicates that it did not support the provision of residential care. The County Council was nevertheless supportive of the other forms of care which represent two thirds of the proposed facility.

17. I am mindful here that the operating model for this facility is one that allows for an evolution of care in-situ depending on the needs of the individual resident. The residential care and specialist care are therefore somewhat inalienable in this context.

18. Therefore, whilst it has not been shown that there is demonstrable unmet need for residential care, I am satisfied that there is a clear and demonstrable unmet need for specialist care. Given that the two are inextricably linked in this instance, and that the latter makes up the majority of the care home offering, I am satisfied that this meets the test of paragraph 155 b of the Framework.

Appeal Ref: APP/A1720/W/24/3347627

Date: 8 July 2025

Address: Land South of Longfield Avenue, Fareham

Proposal: 80 bed care home plus up to 1200 new homes, primary school etc

Secretary of State Decision

36. The Secretary of State agrees with the Inspector at IR11.164 that the proposal would provide considerable economic environmental and social benefits including the delivery of affordable housing, extra care accommodation and market housing.

48. Weighing in favour of the proposal are housing (market housing, affordable housing, self and custom build housing and specialist housing);

Appeal Ref: APP/P0240/W/24/3357260

Date: 16 July 2025

Address: 91 London Road, Sandy, Bedfordshire, SG19 1DH

Proposal: 80 bed care home

47. It is common ground between the parties that the appeal proposal would equate to the release of 42 homes back into the housing market. This figure has been calculated on a 1:1.9 ratio as adopted by the Council in response to the Housing Delivery Test Measurement Rule Book, and I have no reason to disagree with it. However, as the extant planning permission¹ for housing on the site would not be deliverable should the appeal proposal come forward, and having regard to the loss of the current dwelling on the appeal site, the net increase to the overall supply would be reduced to 34 dwellings. Nevertheless, this represents a moderate contribution to the level of overall supply, and being mindful of the Government's stated desire to significantly boost the supply of housing set out at paragraph 61 of the Framework, this is a benefit of the proposal.

48. The Council's most recent evidence indicates that there are currently 576 nursing and care home spaces for older people in the area, with demand rising to 641 over the period to 2030. The appellant's Care Home Needs Assessment identifies that there would be a shortfall of 146 care home bedspaces by 2030.

49. While there is some difference in the extent of the expected shortfall, the parties agree that there is a significant need for additional care home bed spaces in the area, and the 80 care home spaces which the appeal proposal would provide would represent a significant contribution towards addressing any shortfall. This is a further benefit of the proposal.

50. Additionally, the proposal would deliver short term economic benefits during construction, and longer-term benefits following occupation in terms of servicing needs and employment.

51. Therefore, even if I were to find that the Council cannot demonstrate an adequate five-year supply of housing land, there are no adverse effects which would significantly and demonstrably outweigh the benefits of granting planning permission in this instance.

Appeal Ref: APP/M3645/W/25/3359711

Date: 09 September 2025

Address: The Grasshopper Inn, Westerham Road, Westerham, Surrey TN16 2EU

Proposal: 63 bed care home

38. The proposal would provide 63 residential care home beds for older people, providing both general purpose and dementia care, with 24-hour care and supervision for residents aged 65+

years. The proposal would also provide generous, good quality internal and external amenity areas which could be utilised by residents.

39. The appellant's Planning Need Assessment identifies an estimated under-supply of 87 additional standard wetroom care home beds within a five mile market catchment area. The shortfall is anticipated to increase to 148 by 2032. It is outlined that the proposal would address nearly 75% of the shortfall up to 2027.

40. The need to provide housing for older people nationally is critical as set out in the National Planning Practice Guidance (PPG). There is no doubt that there is a clear need for this type of development in Tandridge. Consequently, the cumulative benefits associated with the provision of a care home providing general needs and dementia care are afforded substantial weight.

41. The proposal would create employment, and would also give rise to some economic benefits during the construction phase and would provide support to local services. Therefore, the economic benefits are afforded moderate weight. The appellant has referred to environmental benefits, however as these have not been quantified I have afforded them limited weight.

47. The proposal would provide 63 care beds, addressing a need for this type of residential accommodation in the Tandridge area. The appellant states that the Council's Housing Land Supply is

1.57 years. This suggested figure has not been challenged by the Council and is a notable shortfall against the five year housing land supply sought by the Framework.

Appeal Ref: APP/U1430/W/24/3354261

Date: 29 September 2025

Address: Moorhurst, Main Road, Westfield TN35 4SL

Proposal: 64 bed care home

11. Set against this windfall approach to care home provision is the established need for care homes in the district. The Council's planning committee report indicated that including figures up to the end of 2023, there were planning permissions for 154 care home bed spaces within the market catchment area/local authority area and even if these permissions were all completed, there would still be a need for more care beds. This is supported by paragraph 4.52 of the DASA which states that the East Sussex Bedded Care Strategy and Integrated Estates Strategy 2018 estimates a net need of 250 beds for residential/nursing care to 2027. The appellant also refers to the Housing and Economic Development Need Assessment (updated in 2024) which identifies a need for all types of housing for older people, including an expected need for a further 961 care bed spaces by 2040. The appellant's own Planning Need Assessment is based on the local authority area and a 'market catchment area' based on completed and planned care homes, concludes that there would be a need for additional care beds within the area. I have no substantive evidence before me to the contrary.

39. It has been established that there is a need for additional care-home beds within the district. Framework paragraph 63 states that in the context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. The groups identified include older people, with specific reference to care homes, amongst other forms of accommodation.

40. In accordance with the ratio in the housing delivery test rulebook referred to by the main parties, the scheme would provide the equivalent of 36 dwellings. This would make a

meaningful contribution to the Council's housing land supply and would be in line with the Government's objective of significantly boosting the supply of housing and supporting the use of previously developed land. The proposed accommodation would respond to an established need and would expand the choice of specialist accommodation available in the area. It would provide high quality accommodation in excess of Care Quality Commission standards. It would release underoccupied properties for re-occupation and would relieve pressure on publicly funded care homes and care services. Taken together, these benefits attract significant weight in the overall planning balance.

41. There would be moderate economic benefits through the provision of up to 65 FTE jobs directly and indirectly from the proposed development through nursing, care, maintenance and administration. There would be additional temporary economic benefits through the construction process. I attribute this moderate weight in the planning balance.

Appeal Ref: APP/M1520/W/25/3363353

Date: 03 October 2025

Address: 186 Canvey Road, Canvey Island, Essex SS8 0QP

Proposal: New Nursing home

44. The Castle Point Local Housing Needs Assessment 2023 (LHNA) indicates that there were 46 units of older persons housing for every 1,000 older persons in the district aged 75 years or more. This is one of the lowest levels in the country, significantly less than the national average of 120 units per 1,000 people aged 75 or older. The LNHA outlines that there will be a significant increase in the number of people in the district in this age group by 2043, calculating a need for 423 units of dedicated older persons accommodation when applying a rate of 120 units per 1,000 older people. Another care home has recently been built on a former garden centre site nearby, but the proposed nursing care home would provide a further 20 bedrooms, contributing towards the provision of older persons accommodation in an area where there is substantial need. I accord this benefit significant weight.

46. There would also be some economic benefits during the construction phase and once occupied when the development would create jobs and opportunities for local businesses. Given the scale of the scheme relative to the wider borough economy, this benefit carries little weight.

47. I have found that the delivery of nursing care home accommodation carries significant weight in favour of the proposal. There would be more modest benefits in terms of its contribution to housing land supply and limited benefits to the local economy. On the other hand, I have found that the proposal would cause harm to the significance of the grade II listed Dutch Cottage and recognise that this must be given great weight. However, the effect would be limited. In terms of the balance required by paragraph 215 of the Framework, I consider that the public benefits would outweigh the less than substantial harm to the heritage asset.

Appeal Ref: APP/T3725/W/25/3362421

Date: 10 October 2025

Address: Land to the south of Birmingham Road, Hatton Park, Warwick, Warwickshire, CV35 7DZ

Proposal: 75 bed care home

29. Within the district, the appellant's Dementia Care Home Statement (DCHS) details a substantial shortfall of extra care beds of between 506 and 781 bed spaces for 2020. With an aging population, this shortfall will increase to between 1,341 and 1,616 bed spaces by 2040. Within north Warwickshire, there is no extra care home facilities and for 2020, a shortfall of some 179 spaces is projected. The recent Coventry and Warwickshire Housing and Economic

Development Needs Assessment (HEDNA) estimates a lower requirement of 243 beds by 2032. It takes a different approach in predicting future bed space requirements by assuming a greater focus on providing care within homes. The appellant's DCHS review considers the HEDNA prevalence rate used (people needing beds with nursing) and the assumptions about a higher rate of delivery, for housing with care, to be lacking evidence based justification. Critically, it is unclear how dementia care needs have been assessed which contrasts with DCHS, that utilises specific evidence from Dementia UK. On this later point, it is therefore of greater weight in assessing need for the proposed care home, with its focus on dementia.

30. An Alternative Site Assessment (ASA)⁹, analyses alternative sites but concludes none are suitable and available for development. In the absence of contrary evidence, the ASA further reinforces the need justification for the proposal. The proposal for 75 care beds would make a positive contribution towards meeting need for specialist housing for older people as an identified in the Council's Strategic Housing Market Assessment 2012 under WDLP Policy H5. Planning Practice Guidance (PPG) indicates that the need for elderly persons housing is critical. The proposal would address needs of groups with specific housing requirements under Framework paragraph 61. Taking into account the DCHS evidence, significant weight is attached to the provision of 75 care beds in contributing to need.

32. The care home would reduce the demand on the use of publicly funded hospitals, GP services, publicly funded care homes, social services and health authorities. Residents would benefit from improvements in their health which would reduce service demand and time spent in hospital. Based on research, the provision of 75 bed care home could result in Council care budget savings of £225k per annum and NHS savings £500k per annum. Such a benefit would attract moderate weight.

34. Construction and care home jobs on a range of salaries and scales would be created. Such jobs, along with servicing requirements for the home and its residents, would result in financial spend within the local economy. Given the extent of development, this economic benefit would attract moderate weight.

39. Set against this, there would be significant weight attached to the number of care home beds being created. The proposal would boost housing supply attracting moderate weight and the reduced demand on social and health services and associated cost savings would attract moderate weight. Similar weight would be attached to the economic benefit of the proposal...

40. Therefore, whilst the benefits of the proposal would cumulatively be great and weigh heavily in favour of the proposal, they would not outweigh the heritage harm for each of the balances for the Conservation Area and listed building...

44. The provision of care home beds would attract significant weight. The benefits of housing, economy, reduced demand on social and medical services and associated cost savings would each attract moderate weight. The benefits on people wellbeing and the creation of a footpath would each attract small weight.

47. The benefits of the provision of care home beds, housing, economy, reduced demand on social and medical services with associated cost savings, people wellbeing and the creation of a footpath would weigh heavily in favour of the proposal. Limited weight would be given to the proposal not conflicting with Green Belt purposes a and b. However, in addition to the harm to the Green Belt, there is 'less than substantial harm' to the Conservation Area and the setting of a listed building which individually attract considerable weight.

Appeal Ref: APP/W3520/W/25/3364061

Date: 15 October 2025

Address: Land at School Road, Elmswell IP30 9NL

Proposal: 66 bed care home and extra care

28. The development would provide such benefits through the provision of a range of specialist elderly housing, some of which would be affordable, which would meet an identified and critical need. I appreciate the difficulties in delivering this type of housing and the Inquiry was told this is the only pending application of its type currently in the District. This development would also result in wider public benefits of better health and wellbeing and freeing up family housing. A minibus service, communal facilities and a healthcare facility could also be secured for the use of future residents. Such benefits carry significant weight having regard to the scale of development proposed.

30. There would be economic benefits stemming from the development through job creation, both short- term and long-term, and from additional spending to the local economy. The scheme could also secure a high level of environmental benefits through a secured biodiversity net gain. New hedgerows, as a heritage benefit, however, as discussed above, I give limited weight for the reasons already given.

Appeal Ref: APP/C3240/W/25/3364927

Date: 17 November 2025

Address: Land adjacent to The Three Fish, Stafford Road, Newport, Telford and Wrekin

Proposal: 74 bed care home

19. The Council's position is that there is currently no need for the proposed development. For its assessment of need it relies on a Supplementary Planning Document – Homes for All: Providing accessible, supported and specialist housing in Telford and Wrekin, dated January 2022 (the SPD). This sets out at Table 3, a Summary of the need which for Nursing care is 200 bedspaces by 2025, 300 by 2030, 400 by 2035, and 500 by 2040. As such, there will clearly be an increasing need for nursing care beds in the future. It is also accepted by the Council that the general population, as reflected in Telford is an ageing one.

20. Within the statement of case, the Council highlight that since the publication of its Specialist Housing Strategy in 2020, a number of developments have been granted planning permission and/or are under construction and it is stated that this amounts to approximately 250 nursing/residential bed spaces. It is also highlighted that another 515 extra care/retirement living units are operational or under construction since the assessment of need was undertaken. However, extra care and other accommodation are subject to their own individual assessments of need in the SPD and thus the provision of this other type of accommodation does not to my mind mean that the need in respect of nursing care will be further added to. Thus, while I note that approx. 250 spaces have been or will be provided, this accounts only for the need sometime between 2025 and 2030. Between that time and 2040, a further 250 bedspaces are required. As such, I find that there is, and will be in the future, a need for the development that is proposed and the nature of the accommodation it would provide.

Appeal Ref: APP/T0355/W/25/3373207

Date: 16 December 2025

Address: Lawnfield House, Westmorland Road, Maidenhead

Proposal: Erection of a residential care home

38. Whilst the Council's local needs assessment indicates that there are sufficient Class C2 bedspaces in the borough in the short term, a number of these do not include wet room / en suite facilities for each resident as is proposed in the appeal scheme. The appellant has

provided two studies which look further into the future, also taking account of qualitative considerations – for example, it has identified local care homes where the quality of accommodation was a factor in their closure as well as other similar-quality homes which are still open. Thus, as well as providing full market standard care bedrooms, the appeal scheme could help to replace dated or sub-standard accommodation elsewhere. Furthermore, there is evidence of a growing need for dementia care, and a need for providers who can enter into block contract arrangements with the Council to provide suitable space to enable it to support older people. Despite this, the BLP does not identify any sites for Class C2 uses. Overall, and based on all of the evidence that has been submitted, I find there to be a clear need for the proposed Class C2 use.

40. As well as creating temporary employment during the construction phase, the appeal scheme would create between 50 and 60 full-time equivalent jobs.

49. However, given the Council's housing land supply position I attach significant positive weight to the proposed Class C2 accommodation which would be previously-developed land. I also attach a moderate amount of positive weight to the role that the appeal scheme would play in meeting the need for specialist accommodation in the borough...Furthermore, the appeal scheme would create new jobs, a matter to which I attach a moderate amount of positive weight.

Appeal Ref: APP/K3605/W/25/3368457

Date: 16 January 2026

Address: Weybridge Bowling Club, 19 Springfield Lane, Weybridge, Surrey

Proposal: 44 bed care home

37. Clearly the proposed development meets the definition of either residential care or a nursing home. The Council highlight that although there is a shortfall in nursing bed capacity, the borough already has a relatively high level of residential care provision compared to the national average. As they consider that the appellant has not demonstrated that there is a demand for residential care units, they do not support the proposed use.

38. Notwithstanding the description of development included on the application form, at the application stage the appellant indicated that as a bare minimum the entire top floor would be set aside for dementia care. I accept that there was some inconsistency between the planning statement and other submissions made by the appellant. However, I am satisfied that it was always their intention to provide nursing type care on the top floor. This element would help to meet the shortfall highlighted by the Council. Moreover, the appellant has indicated in their appeal statement that the entire facility could be used for nursing care and would be content for such a requirement to be imposed by condition.

39. While a greater level of detail would have been helpful, and ultimately it may have been necessary to ensure that certain facilities such as the proposed lifts are able to accommodate wheelchairs and wheeled beds, I am satisfied that there is adequate space within the proposed building to provide the required number of nursing care units without materially changing the layout or appearance of the proposal as defined above.

40. I also accept that if in all other respects the proposal had been acceptable the imposition of an appropriately worded condition could have ensured that the most appropriate accommodation was provided. Moreover, the fact that a care provider has not been identified at this stage does not weigh against the proposal. Overall, I am satisfied that the proposal would provide needed C2 accommodation within the borough and the appeal site is in a suitable location for such accommodation.

41. I therefore conclude that there is a demonstrable need for the proposed C2 accommodation at the appeal site. Consequently, the proposal would comply with Policy CS20 of the CS and Policy DM9 of the DMP which supports the development of specialist accommodation for older people and social and community facilities that meets an identified local need in suitable locations.