



Appeal Decision

Site visit made on 8 August 2017

by David Cliff BA Hons MSc MRTPI

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

Decision date: 6th September 2017

Appeal Ref: APP/M1710/W/17/3172089

Land west of Ludshott End, Headley Road, Grayshott, Hindhead GU26 6JH

- 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 Dr and Mrs Andrew Dowson against the decision of East Hampshire District Council.
 - The application Ref 55801/001, dated 8 June 2016, was refused by notice dated 21 September 2016.
 - The development proposed is erection of forty two bedroom extra care facility (C2) with associated parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. In its appeal statement the Council confirms that it is no longer pursuing its reason for refusal relating to the lack of affordable housing. I will return to this matter in 'Other Matters' later in my decision.

Main Issues

3. The main issues are:
 - i) Whether the site is a suitable location for the proposed development having regard to the Council's development strategy for the area,
 - ii) The effects of the proposal on the gap between Headley Down and Grayshott, and on the character and appearance of the area,
 - iii) The accessibility of the site, including by modes of transport other than the private car,
 - iv) The need for the proposed extra care facility.

Reasons

Background

4. The appeal site is located outside of the Settlement Policy Boundaries for Grayshott and Headley Down. Policy CP19 of the East Hampshire District Local Plan: Joint Core Strategy ('JCS') seeks to generally resist development outside the Settlement Policy Boundaries in order to protect the countryside for its own sake. The proposal does not have a genuine and proven need (such as

farming, forestry or other rural enterprise) for a countryside location and is therefore contrary to this policy.

5. The site is not allocated for development. Policy CP10 of the JCS makes clear that in addition to allocated sites, housing and other small scale development outside settlement boundaries will only be permitted where it meets the four criteria set out within the policy. These will be considered below.
6. Policy CP12 of the JCS refers specifically to extra care housing provision. It states that planning permission will be granted to meet the needs of the aging population within the District provided that the proposed sites and development are in locations to suit the needs of the elderly.

Character and appearance and gap between settlements

7. Policy CP23 of the JCS seeks to protect the generally open and undeveloped nature of gaps between settlements, including the gap between Headley Down and Grayshott. The precise boundaries for the gaps will be identified in Part 3 of the Local Plan.
8. From my observations at my site visit, the area of and around the appeal site generally makes a significant contribution to the separation between the settlements Headley Down and Grayshott. Whilst there are other developments in the locality (including dwellinghouses, the burial ground building and travellers site) there is a general sense of openness which makes a significant contribution to the break between the much more consolidated and denser form of development within the respective settlements. The site and its surrounds therefore appear to me to be part of the gap between the settlements of Headley Down and Grayshott.
9. Given the substantial footprint and size of the proposed building, it would undermine the physical separation between the settlements. The access and parking areas would add to the overall urban form of the proposal and, together with the large building would significantly erode the site's open and rural character. Whilst existing development is located in the vicinity, the addition of the proposal would still serve to undermine the purpose of the gap, along with the general character and appearance of the area. In this respect, policy CP23 makes clear that proposals should not compromise the integrity of the gap, either individually or cumulatively with other existing or proposed development.
10. Whilst the appellants have sought to limit the visual impact of the building though its siting, design, the use of the sloping site and proposed landscaping, it would be a large and substantial building. In spite of the proposed landscaping it would still be likely to be partially visible in some views including from the adjacent land to the west. The proposed access to the site would also open up views of the site from the road adding to the overall urbanising impact. It would lead to a large development on an existing open piece of land. Whilst the building would be located towards the rear of the site, I am in no doubt that it would significantly compromise the integrity of the gap.
11. There is also no compelling evidence that it cannot be located elsewhere. Although the site is immediately available with a known care provider willing to develop and manage the site, it is not clear to me that other sites within the settlements are not available.

12. The appellants refer to the recent approval of development at Applegarth Farm though the circumstances of that case appear to be materially different to the appeal case before me. In any case, I have considered the appeal proposal on its own merits and circumstances and do not find the development approved at Applegarth Farm to outweigh my findings.
13. The proposed development would result in significant harm to the local gap, contrary to policy CP23 of the JCS. In spite of the design measures to minimise its impact, the significant urbanising effect of the proposal would also result in considerable harm to the rural character and appearance of the area, contrary to the landscape protection and design aims of policies CP20 and CP29 of the JCS.

Accessibility

14. As noted above, the site is located in the open countryside between the settlements of Headley Down and Grayshott. Given the considerable distance to the services and facilities in either settlement, coupled with the lack of a footway on the main road leading to the site, pedestrian access is not at all realistic for the occupants of the development. Staff working at the facility and visitors would also be likely to be predominantly reliant on the private car to get to and from the development.
15. The provision of two bus stops along with a minibus would go some way to alleviating these accessibility concerns along with a limitation of residents' parking spaces. I also acknowledge that some communal facilities would be provided on the site, although a site closer to local facilities might allow the residents to walk to them should they so wish. Furthermore, there would still be a large parking area and I expect that visitors and staff would be likely to use the private car for a significant amount of journeys, in spite of the proposed bus stops which are unlikely to adequately serve the destinations of all staff and visitors.
16. Consequently, in spite of the proposed measures seeking to improve accessibility, I consider that the proposal would result in a considerable dependence on the use of the private car for staff and visitors in particular. It would also not be well located for pedestrian access by occupants to local facilities. I therefore find that the proposal would result in moderate harm in this respect and would be contrary to the relevant accessibility aims of policies CP2, CP12 and CP31 of the JCS, and the National Planning Policy Framework.

Need for the proposed facility

17. The Council states that allocations to meet the needs of the elderly will be made through Part 3 of the Local Plan: Development Management Policies and Other Allocations, with public consultation expected to be carried out in March 2018 followed by envisaged adoption in October 2019. Given its very early stage of development this can be afforded very little weight at the current time.
18. The appellants' evidence in the Carterwood report and subsequent update indicates that there is a shortfall of 368 private extra care units within the market catchment area and 276 private extra care units within the East Hampshire District Council area. Taking account of an approved scheme at The Malt House in Alton (which the Council states has commenced construction)

this would reduce the shortfall in the district to 226 private extra care places. This shortfall is predicted by the appellant to increase further as a result of demographic change, though the Council points to other schemes that would increase provision.

19. I have considered the Council's argument that the appellant's need projections have not satisfactorily assessed general local need including the consideration of waiting lists at existing facilities. In response, the appellant states that there are no existing extra care facilities within a 5 mile catchment area and the assessed need based on smaller catchment areas still indicates a smaller but still considerable need.
20. Notwithstanding the appellants' case that there is a significant demand for the proposed extra care facility, it has not been robustly demonstrated that the necessary provision could not be accommodated within the built-up area, contrary to one of the criteria set out in policy CP10 of the JCS. Whilst the appellants say that it is highly unlikely that there would be sufficient space within the built-up area for the units required, no persuasive evidence is provided to demonstrate this.
21. The Carterwood report recognises that there are difficulties in assessing demand for extra care. Based on the evidence before me, despite other schemes coming forward, it appears that there is a considerable need for extra care facilities in the area. The Council is seeking to address this through Part 3 of the Local Plan, though this is some way off being adopted meaning that the implementation of any resulting facilities may not likely for some time. I have therefore given considerable weight to the need for new extra care facilities which I carry forward to my planning balance later in this decision.

Planning Balance

22. Located outside of the settlement boundaries the proposed development would be contrary to CP19 of the JCS. Whilst providing an extra care facility seeking to meet local need, it does not meet the remaining criteria in policy CP10 setting out the circumstances where development can be permitted outside settlement boundaries. Although providing the type of development generally sought by policy CP12, the benefits are countered by the inconvenient location of the site away from local services and facilities. Furthermore, harm would result from the likelihood of a large proportion of journeys by visitors and staff being undertaken by the private car.
23. I have also found significant harm to arise from the adverse impact of the proposal on the integrity of the gap between Headley Down and Grayshott, with adverse impacts resulting upon both the physical and visual separation between settlements. It would also be harmful to the character and appearance of the area.
24. The development would result in short term economic benefits from its construction along with some support for local services and facilities, though the latter would be limited by the site's location away from the settlements. Notwithstanding its location, considerable benefits would accrue from the provision of an extra care facility helping to meet the need for different forms of elderly accommodation and support. It would also provide some contributions to local health services.

25. However, whilst recognising the benefits of the proposed development, I consider that these would be outweighed in this case by the significant harm I have identified. It would be contrary to the development plan when considered as a whole and material considerations do not indicate otherwise. The proposal would not therefore amount to sustainable development.

Other matters

26. The site is located within a 400m buffer around the Wealdon Heaths Phase II Special Protection Area (SPA), designated as an internationally important site for ground nesting birds. There is a possibility that the proposal, without appropriate mitigation, could have an adverse effect upon the integrity of the SPA, including from pets owned by the occupiers. The Council and Natural England have agreed mitigation measures to be secured through a legal agreement seeking to prevent the likelihood of adverse impacts. These are included in the appellants' draft bi-lateral undertaking. I have not, however, received a signed completed undertaking (the version before me being an unsigned revision E). In such circumstances, I cannot be satisfied that the proposal would avoid impacts upon the integrity of the SPA. However, I have not considered this matter any further in this instance given my overall conclusions on the main issues. My decision on the appeal would not be altered by the submission of a satisfactory completed undertaking in this respect.
27. As referred to earlier in my decision, the Council has confirmed that it does not wish to pursue its reason for refusal regarding affordable housing. This is on the basis of the Council now being satisfied that occupation of the development would fall under the C2 Use Class based on restrictions set out in the submitted draft bi-lateral undertaking. Whilst I have not received a completed undertaking, I have also not needed to consider this matter any further based on the conclusions I have reached on the main issues. As above, the submission of a satisfactory completed obligation in this regard would not alter my decision.

Conclusion

28. Consequently, having had regard to all other matters raised, I conclude that the appeal should be dismissed.

David Cliff

INSPECTOR