
Appeal Decision

Site visit made on 14 December 2020

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 February 2021

Appeal Ref: APP/D1590/W/20/3254091

9 Badgers Close, Westcliffe-on-Sea SS0 0AP

- 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 Mrs Jodie Sharp against the decision of Southend-on-Sea Borough Council.
 - The application Ref 20/00231/FUL, dated 7 February 2020, was refused by notice dated 15 May 2020.
 - The development proposed is a change of use from Use Class C3 (residential) to Use Class Sui Generis (respite unit).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect on housing supply within the borough; and the effect on highway safety and the free flow of traffic.

Reasons

3. The proposal relates to a four bedroom property towards the head of the cul-de-sac, Badgers Close. The proposal is for a change of use from a dwelling to a respite care facility. Although there are discrepancies identified within the plans, I have assumed that no physical changes to the dwelling are proposed.

Housing supply

4. The proposal would result in the loss of a dwelling. The Council make reference to Policy CP8 of the Core Strategy 2007 (CS) which sets out the need for 3,350 net additional dwellings between 2001 and 2011 and for 3,150 net additional dwellings between 2011 and 2021. The policy also states in clause 2, that the council will 'resist development proposals that involve the loss of existing valuable residential resources, having regard to the limited land resources in the borough, the need to safeguard an adequate stock of single family dwellinghouses and to protect the character of residential areas'.
 5. Although I have not been provide with the document, the Council suggest that the South Essex Strategic Housing Market Assessment identifies that there is a lower percentage of suitable family sized houses in the borough. I have no reason to doubt this.
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6. The loss of a dwelling, particularly a family sized dwelling, clearly weighs against the proposal. However, Policy CP8 is a wide ranging policy that is not directed specifically at the change of use of a single dwelling, particularly given that the policy also seeks new special needs housing. The harm to the housing stock would be limited and would not undermine the overall requirements or objectives of the policy.
7. CS Policy CP6 offers support for the provision of social care facilities. The Council's Development Management Document 2015 (DMD) also includes Policy DM9 which relates to specialist residential accommodation. This supports new accommodation if it meets defined criteria. The Council are of the view that no evidence has been provided to demonstrate that there is a clearly identified need in Southend for this accommodation; or that there is no existing capacity. The Council have stated that 'social services were consulted for this scheme and the LPA was not advised that there is a local need for such a facility'. There is no reference in the delegated report to the social services consultation and I have not received a copy of the advice provided.
8. Notwithstanding the above, the reason for the element of Policy DM9 which relates to need and capacity is set out in the supporting text. This is clear that there is a need to limit further growth of the residential care homes market in Southend, owing to modifications in the approach to national and local social care policy which seeks to enhance the level of support available for older people, the vulnerable and those with disabilities, allowing them to remain in their own homes or to live as independently as possible, rather than in residential care homes. The policy therefore seeks to discourage an overprovision of residential care homes but to enhance support.
9. This proposal is not seeking to provide the type of residential care home that Policy DM9 is seeking to control. Respite facilities are intended, by their very nature, to support those with disabilities and importantly, allow them to remain in their own homes. I do not find conflict with this policy in this regard and the Council accept that the proposal meets its other requirements, other than the loss of a dwelling. Whilst the loss of a dwelling provides some limited weight against the proposal, the benefits of the use far outweigh this concern. Overall, I find support for the principle of the proposal when considered against the requirements of Policy DM9 as a whole; and I find further clear support from CS Policy CP6. I also find support for the principle of the proposal from the *National Planning Policy Framework (Framework)*.

Highway safety and the free flow of traffic

10. This is a relatively modern and quite constrained residential cul-de-sac where parking provision is limited. The turning area was partially blocked during my visit making manoeuvring difficult. Whilst this may not be a common occurrence, any increase in comings and goings would increase parking demand at certain times. Outside of the short cul-de-sac, the parking restrictions on Southbourne Grove are only between 10 and 11am and 2 and 3pm. This is clearly designed to prevent all day parking and therefore the road offers some alternative parking, albeit a short distance away.
11. The use of the garage at the property is unlikely to provide a convenient parking solution for staff or visitors given its size and particularly as the space

in front of it is also required for parking. It may however offer some parking for staff if work patterns allow. However, I have not been provided with any evidence as to how staff rostering is anticipated to operate or indeed whether it is anticipated that other means of travel may be used.

12. During my visit, the grassed front garden area which is shown on the photograph on the front of the appellant's statement, was being used for parking. The red line plan provided does not suggest that there is sufficient land within the appellant's ownership to allow for this parking space without encroaching onto third party land. Information provided by third parties suggests that the adjoining land is in shared ownership but I am unclear whether it is shared with this property. On the evidence provided, I cannot assume that this extra parking space can be achieved on land within the appellant's control. This matter would need to be clarified before any reliance on this parking space could be considered.
13. In any event, the limited amount of parking within the site and the constraints of the cul-de-sac are a concern. Any additional parking would increase the likelihood that vehicles would have difficulty turning. Any increased requirement for visitors to reverse along the close, which has a sharp bend and restricted views due to parked vehicles, would add to highway safety concerns. The potential for vehicles having to reverse along the close and out to the main road is a further concern.
14. The very limited available parking provision and the lack of capacity within the close, indicates that this location is far from ideal for any use that is likely to be more intensive than the lawful residential use. Whilst a large family could generate high levels of movements, the evidence relating to this use does not indicate that it would not exceed such levels. The proposal lacks detail with regard to the highway concerns, particularly with regard to staff patterns, shift changes, numbers of occupants, service vehicle requirements and the potential overall numbers of arrivals and departures. The extra parking provision on the front garden has already reduced the landscaping within this area. Any further increase in parked vehicles within Badgers Close would further detract from the character and appearance of the area and increase inconvenience for the existing residents.
15. With regard to the second issue, in the absence of details with regard to how the use would be operated, particularly with regard to the likely comings and goings of staff and visitors, the proposal has the clear potential to result in greater concerns with regard to highway safety and the convenience of other highway users. I find conflict with DMD Policy DM15 as it has not been demonstrated that there would be physical and environmental capacity to accommodate the use in a safe and sustainable manner. It would also conflict with DMD Policy DM3 and CS Policy CP4 as it would detract from the physical quality of the area.

Conclusions

16. The proposed use would bring significant social benefits given the support that it would provide. Although the proposal would result in the loss of a family sized dwelling, the harm from this would be outweighed by the benefits of the proposed use. I also find any concerns with regard to CS Policy CP8 to be more

than outweighed by the support from Policy CP6. The principle of the proposed use therefore gains support from the development plan and also the *Framework*.

17. The property has very limited potential for providing off-street parking and Badgers Close is similarly constrained. The appellant has not provided sufficient evidence in this regard, either with regard to parking and dropping off provision; the existing capacity of the Badgers Close; or the arrangements that could be put in place with regard to staff and visitors, comings and goings. Without this evidence, I must conclude that the use would result in highway safety concerns and would be likely to result in significant additional inconvenience for existing residents and conflict with Policy DM15; in addition to further eroding the residential character of the close.
18. Whilst I afford considerable weight to the benefits of the respite care facility, this does not outweigh my concerns with regard to the suitability of Badgers Close with regard to access and parking. This property and its surrounds are not suited to an increased intensity of use and the evidence submitted does not indicate that this would not be the case. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR