



Appeal Decision

Site visit made on 29 January 2021

by Julie Dale Clark BA (Hons) DipTP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th March 2021

Appeal Ref: APP/F2605/W/20/3257763

Wood Court, Church Lane, Shipdham IP25 7JZ

- 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 Jack Thompson against the decision of Breckland Council.
 - The application Ref 3PL/2020/0355/F, dated 27 March 2020, was refused by notice dated 25 June 2020.
 - The development proposed is existing room in care home development change of use from communal room to residential accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for the existing room in care home development – change of use from communal room to residential accommodation at Wood Court, Church Lane, Shipdham IP25 7JZ in accordance with the terms of the application, Ref 3PL/2020/0355/F, dated 27 March 2020, and the plans submitted with it.

Main Issue

2. I consider that the main issue is the effect of the proposal on the living conditions of the occupiers of Wood Court.

Reasons

3. Wood Court is a modest single and two-storey development which I understand was built as a care facility comprising eight homes and a communal area¹. I have not been supplied with a copy of the original decision notice or conditions so have based my assessment on the information submitted and my observations on site.
4. There is no central reception area but the residential units form separate independent units of accommodation where an element of care is provided. The room subject to this appeal is shown on the submitted plans as being a communal room. I am not aware of any other communal rooms within the building. The room is not currently used as a communal room but is occupied as self-contained living accommodation.
5. Local Plan² Policy COM 02 indicates that new development will be expected to take appropriate steps to avoid/mitigate potential negative effects on the health of the population and facilitate enhanced health and well-being through

¹ Planning Application Ref; 3PL/2012/0770/F.

² Breckland Local Plan, November 2019.

the provision of conditions supportive of good physical and mental health. The preamble to the policy explains the importance of making available healthy living environments which should, where possible, include making physical activity easy to access and create places and spaces to meet. Policy COM 03 seeks to ensure that adequate levels of amenity are provided for existing and future residents.

6. The appeal site is not located close to the facilities and services available in a settlement but is in a rural location and therefore there seems to be little by way of communal facilities available to residents. Presumably the reason why a communal room formed part of this development when originally built. However, I have no evidence that existing residents utilised the communal room or miss its removal from communal use. The appeal site is set in an attractive rural setting and includes a large pond and modest areas of landscaped amenity space. Whilst the removal of the communal room would negate any future possible opportunities for communal indoor socialising, I have no evidence that it is specifically required in this case. Indeed, whilst the property is referred to as a care home there is no information which would indicate that this facility had a specific role to play in the care of residents.
7. Other than a general requirement to provide communal facilities, I have no evidence that would preclude the use of this room for other purposes such as an additional unit of accommodation. On the basis of a specific lack of justifying the retention of the communal room, I do not consider that the living conditions of occupiers of Wood Court would be harmed by the lack of a communal room. The use of this room for residential accommodation would not therefore undermine the objectives of policies COM 02 or COM 03.
8. The Council consider that the residential unit created from the community room does not reflect the character of the existing development and provides only a sub-standard form of accommodation contrary to the National Planning Policy Framework³ which, amongst other things, promotes healthy living.
9. The unit includes an open living and sleeping area with an equipped kitchen off it and a separate shower room/WC. The unit has its own entrance door from an internal short corridor and external patio doors open onto a grassed area. At the time of my visit it had a single occupant and was light and airy with easy access to the outdoor amenity space. I did not view the inside of any of the other units but from the submitted plans they are larger than this one and have a bedroom separate from the main living area. Nevertheless, I did not find this room to be substandard but provided a modest but satisfactory unit of living accommodation, especially given that this is only one unit and there are another eight of a higher standard. I do not therefore consider that the living conditions of the occupier of this unit would therefore be harmed and no conflict with the Framework would arise.
10. The decision notice refers to a failure to meet the criteria of the approved development but details of that criteria has not been submitted with the appeal documents. Shipdham Parish Council also refer to conditions and a S106 agreement and Norfolk County Council's Highways Development Management Officer also refers to a condition on the original application relating to occupancy. However, in the absence of any clear information regarding any

³ Ministry of Housing, Communities and Local Government National Planning Policy Framework, February 2019 (the Framework).

previously imposed restrictions I am unable to give this much weight in my assessment.

11. The Council has suggested conditions which I have considered in the light of the Planning Practice Guidance⁴. The Council suggest the standard time condition but as this proposal is retrospective and the use has already been carried out there is no need for this condition. Likewise, a condition requiring the development to be carried out in accordance with the submitted plans is unnecessary. The Council also suggest that the development should be constructed in accordance with the materials specified in the application but the proposal does not involve any external alterations so the condition is unnecessary.
12. I have considered all matters raised but none alter my conclusion. I conclude that the proposal would not conflict with the Framework or Local Plan policies COM 02 or COM 03 and the living conditions of the occupiers of Wood Court would not be harmed. The appeal therefore succeeds.

J D Clark

INSPECTOR

⁴ Planning Practice Guidance, Published 6 March 2014, Updated 23 July 2019.