



Appeal Decision

Site visit made on 16 May 2023

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 July 2023

Appeal Ref: APP/Y2003/W/22/3312984

**Grafton House Care Home, 157 Ashby Road, Scunthorpe, North
Lincolnshire DN16 2AQ**

- 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 Josephine Hughes against the decision of North Lincolnshire Council.
 - The application Ref PA/2022/993, dated 25 May 2022, was refused by notice dated 2 December 2022.
 - The development proposed is described as "change of use application from a care home (C2) to a hotel/guesthouse (C1)."
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues with the proposed development are:
 - Its effect upon community facilities in the area; and,
 - The effect of the proposal upon highway safety, with particular regard to whether there is adequate space for service and delivery vehicles.

Reasons

Community use

3. The appeal site contains a vacant building that was until 2021 used as a privately run care home. The care home was said to have closed after being found to be unacceptable by the Care Quality Commission.
4. Policy CS22 of the North Lincolnshire Local Plan adopted May 2003 (NLLP) identifies care homes as community facilities. The sub text to Policy CS22 refers to the following as other community facilities, community/village halls, village shops and post offices, schools, colleges, nurseries, places of worship, health services, convenience stores, libraries and public houses. The policy seeks to prevent the loss of community facilities unless there is no longer a need for them or other stated community facilities and uses, or that there is an acceptable alternative means of meeting that need.
5. The evidence before me shows that the appellant bought the site on the open market following the care home being closed. The appellant states that the care home was available to purchase on the open market by those wanting to run a care home and there were no offers made.

6. It is noted that the appellant does not want to run a care home and although they have included details of care home provision in North Lincolnshire, there is no evidence from those responsible for coordinating care across the area to support their view that the appeal site is not required as a care home and the care needs of the area are being met from those other care homes. There is also no precise information provided of the marketing of the building as a community facility, the offers received, or any interest from any possible community facility operators. In addition, and notwithstanding that there has been no objections to the proposal from any person wishing to use the site for a community use, no evidence of why other community uses or facilities are not needed or appropriate at the appeal site has been provided.
7. In the absence of such evidence the proposal would result in an unjustified loss of a community facility within the area which, and accepting that a community use is currently not operating on the site, would be harmful to the quality of life of local residents because the accessibility to essential services would be reduced. The proposal therefore conflicts with Policy CS22 of the NLLP which amongst other things seeks to protect community uses from changing to other non-community uses when it has not been demonstrated that there is no longer a need for them or that those needs have been met elsewhere. In addition, the proposal is also contrary to paragraph 93 of the National Planning Policy Framework (the Framework) that seeks to protect established community services and facilities for the benefit of the community's health and well-being.

Highway safety

8. The appeal site is rectangular in shape and occupies a corner location, with a dual aspect having a frontage onto Ashby Road and a much larger frontage onto Lloyd Avenue. Ashby Road is relatively busy and its junction with Lloyd Avenue is controlled by traffic lights. Vehicular access to the site is from Lloyd Avenue at a point farthest from Ashby Road. There are double yellow lines across the site's frontage onto Ashby Road, and across part of the site's frontage onto Lloyd Avenue.
9. The appellant has not provided specific details of the space required for delivery and servicing vehicles. However, the proposed parking layout shows 17 no. parking spaces within the appeal site, to serve the proposed 14 no. bedrooms for the Hotel/Guest House. Even allowing for employee parking, full occupancy and all guests arriving by car, it is unlikely the parking provision on site would be full. There is a realistic likelihood that there would be space therefore for cars and vans to access, park and turn within the site for delivery and servicing purposes. Furthermore, if all the proposed parking spaces were occupied or were too small for larger vehicles, the proposed parking layout would still allow space for a larger delivery or servicing vehicle to pull into the site, should this be necessary.
10. In addition, I saw on my site inspection that there are unrestricted on-street parking spaces available on Lloyd Avenue both adjoining and near to the site, notwithstanding the bus stop in front it. Lloyd Avenue is wide and in the event delivery and servicing vehicles had to park on it, they would be unlikely to cause obstructions or affect the free flow of traffic along the road network. In the absence of evidence to the contrary, there would be adequate space for

delivery and servicing vehicles either at the appeal site or on the nearby road network.

11. I also note that the Council has not raised any other objections in regard to the proposed parking provision or the safety of the access, or regarding any other impacts upon the surrounding highway network, and I concur with this view.
12. To conclude, there would be adequate space for servicing and delivery vehicles for the proposed development, and the proposal would not be prejudicial to highway safety. Accordingly, there would be no conflict with the relevant parts of Policy T19 of the NLLP, which amongst other things require car parking to be provided to meet the operational needs of the business. In addition, the proposal would also be consistent with paragraph 111 of the Framework which states that development should not be refused on highway safety grounds unless there are unacceptable impacts upon highway safety, or the residual cumulative impacts on the road network would be severe.

Other Matters

13. The appellant's comments about how the Council's Planning Committee determined the application are not relevant to the planning merits of the appeal. Should the appellant feel aggrieved by the actions of the Council they can raise this with the Council directly.
14. I note the appeal site is not in a Conservation Area, near Listed Buildings or trees protected by a Tree Preservation Order; that there are no external changes to the building; that the Council has not raised objections in terms of its effect upon neighbouring occupier's living conditions; and that there are no objections from statutory consultees. However, I regard these as neutral matters that neither weigh in favour or against the proposal.
15. It has been stated that the appellant operates other established tourism businesses elsewhere; that they would like to diversify the use of this under-used and previously developed site to a tourism use; provide employment and contribute to the local economy in this well-connected area; that new uses should be looked upon favourably on unallocated land; that they argue paragraph 81 of the Framework provides significant weight to economic growth aspect of their proposal; and that a night porter would live at the site to ensure it would be well run. However, taking all these points into account, they do not outweigh the unjustified loss of the community use from the site and the conflict with the development plan and the Framework.
16. The appellant has raised paragraph 11 of the Framework relating to the presumption in favour of sustainable development and indicated that when the development plan is out of date, a decision should be taken in accordance with paragraph 11 of the Framework. Whilst the NLLP, which includes Policy CS22 was adopted in 2003, the strong protection that it affords community uses is consistent with paragraph 93 of the Framework. In this respect, Policy CS22 is not out of date, and the tilted balance within paragraph 11 d) ii. of the Framework is not engaged, in respect of this proposed tourism use. Furthermore, in the absence of adequate justification, the protection of community facilities and uses will contribute towards the sustainability of the settlement and the area.

17. The appellant's comments about the previous care home at the appeal site being closed due to safety concerns for residents and their care together with the comment about the associated negative press coverage are noted. However, these matters do not outweigh the identified harm.

Conclusion

18. For the reasons outlined above, the proposed development conflicts with the development plan taken as a whole. There are no other considerations, including the Framework, which indicate a decision other than in accordance with the development plan. I therefore dismiss the appeal.

A Hunter

INSPECTOR