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# Appeal Decision

Site visit made on 7 March 2024

**by C Butcher BSc MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 9 April 2024**

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**Appeal Ref: APP/A1720/W/23/3324996**

**Hunters Lodge Care Home, 39 Kiln Road, Fareham, Hampshire PO16 7UQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Stephen Geach (English Oak Care Homes) against the decision of Fareham Borough Council.
  - The application Ref is P/22/1409/FP.
  - The development proposed is the construction of a detached single-storey four-bedroomed lodge (containing five beds) in rear garden and retention of two internal single bedrooms to achieve 48 rooms (with 49 beds); retention of patio doors to the southwest elevation of dayspace room (resubmission of application P/21/1163/FP).
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## Decision

1. The appeal is dismissed.

## Applications for costs

2. An application for an award of costs was made by Mr Stephen Geach against Fareham Borough Council. This application will be the subject of a separate decision.

## Preliminary Matters

3. During the course of the application, a minor amendment to the description of development was agreed. I have therefore used the updated description as provided on the appellant's appeal form and the Council's decision notice.
4. The Council's appeal statement establishes that, since the application was determined, the Fareham Local Plan 2037 has been adopted (LP). The document replaces the Local Plan Part 1: Core Strategy and Local Plan Part 2: Development Sites and Policies. As such, I have assessed the proposed development against the relevant policies from the recently adopted plan only.

## Main Issues

5. The main issues are the effect of the proposed development on: (i) the character and appearance of the area; and (ii) the living conditions of current and future occupiers of the care home, with regard to the size of the private outdoor garden space.

## **Reasons**

### *Character and Appearance*

6. The appeal site is located in a residential area on the northern edge of Fareham. The immediate surroundings are predominantly characterised by the presence of detached or semi-detached dwellings, which are set back from the road and located within large plots. This provides the area with a spacious and verdant character.
7. The existing care home has been extended over the years and is now of a very considerable size when compared to the houses nearby. The proposed development would see the removal of two sheds and a summerhouse that currently occupy part of the rear garden.
8. The proposed lodge would be a considerably larger and more imposing building than the combination of existing sheds. Given the size of the existing care home building, and the relatively modest sized rear garden, I find that the additional built form associated with the proposed lodge would make the site appear quite cramped and it would therefore erode the existing feeling of spaciousness that exists, contrary to the prevailing character of the surrounds. The fact that the lodge would not be visible from public vantage points does reduce this harm, but it does not eliminate it completely.
9. The appellant has provided details of an extension to the house at No. 43 which was allowed at appeal. However, No. 43 is a much smaller building than the care home and so the context is very different and not comparable to the appeal proposal before me.
10. I therefore find that the proposed development would result in harm to the character and appearance of the area and would be in conflict with LP Policy D1, which in part, seeks to preserve character and appearance and ensure that development is well designed.

### *Living Conditions*

11. The appellant has noted that the proposed lodge would only result in a reduction in garden size of 16% when taking account of the demolished sheds.
12. However, while that might be the case, the existing garden is not particularly big in the context of the number of residents at the care home, and in my view, the additional built form would be fairly imposing and would inevitably make the outdoor space feel much more cramped and crowded to the detriment of the living conditions of current and future occupiers.
13. As a result, I conclude that the proposal would be contrary to LP Policy D2 which seeks to ensure good living conditions. While not included on the Council's decision notice, the appellant has referenced LP Policy HP8 which relates to older persons and specialist housing provision. I acknowledge that the supporting text to that policy does refer to the need for additional facilities, however, one of the stipulations of the policy wording is that an appropriate provision of amenity space is provided. Therefore, for the reasons given, the proposal would also conflict with this policy.

## **Other Matters**

14. The Council's officer report identifies that the appeal site is located close to the Solent and Southampton Water Special Protection Area (SPA) and Ramsar Site, as well as the Solent and Dorset Coast SPA and the Portsmouth Harbour SPA and Ramsar Site. I note that the Council is satisfied that the appellant has sufficiently mitigated any impact upon those sites and that this overcomes that particular reason for refusal. However, as I am dismissing the appeal, I do not need to consider this matter any further.
15. The appellant has stated that the reason for requiring the proposed extension is to help accommodate elderly and disabled parents. Therefore, in exercising my function on behalf of a public authority, I have had due regard to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010. The Act sets out the relevant protected characteristics which include age and disability. Since there is the potential for my decision to affect persons with a protected characteristic, I have had due regard to the three equality principles set out in Section 149 of the Act.
16. I recognise that the development would help to meet the needs of elderly people with specific requirements. However, the scale of the proposal is relatively minor and, in combination with the very limited economic benefits that may arise from the proposal, I am not persuaded that these matters override the harm I have identified, which would be long term.
17. The Council's decision notice references LP Policy TIN1. However, this policy concerns sustainable transport and I do not find that the proposal conflicts with it.

## **Conclusion**

18. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. The appeal is therefore dismissed.

*C Butcher*

INSPECTOR