



Appeal Decision

Hearing held on 16 July 2024

Site visit made on 17 July 2024

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 01 October 2024

Appeal Ref: APP/V4250/W/24/3342859

Kings Park Christian Centre, Leigh Road, Leigh WN7 1UB

- 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 LNT Care Developments against the decision of Wigan Metropolitan Borough Council.
 - The application Ref is A/23/95750/MAJOR.
 - The development proposed is erection of a two storey sixty six bedroom residential care home (Use Class C2) with associated access, parking, landscaping and ancillary facilities following demolition of existing building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 30 July 2024, after the event, the Government published a consultation on proposed reforms to the National Planning Policy Framework and other changes to the planning system, including "*National Planning Policy Framework: draft text for consultation*" (draft Framework). Also, the Secretary of State made a written ministerial statement "*Building the homes we need*" (the WMS). The parties have been given the opportunity to comment on the implications of the proposals to their cases and I have taken any comments into account.

Main Issues

3. The main issues are:
 - i) Whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - ii) The effect of the proposal on the openness of the Green Belt; and
 - iii) Whether any harm by reason of inappropriateness would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons⁴

Whether inappropriate development

4. The appeal site comprises around 0.7ha of previously developed land (PDL) with extensive hardstanding, a large detached building and a lawned area with

shrubs. The building is set back from the road, close to the boundary with the neighbouring Kings Park residential development. Boundary treatments include metal palisade fences, low walls and close-boarded fences. A line of mature trees to the road frontage is protected by Tree Preservation Order and there is a low hedgerow to the front of the boundary fence. It is in the Green Belt between Leigh and Atherton, with open land to the north, south and west.

5. PfE policy JP-G9 sets out that the beneficial use of the Green Belt will be enhanced where this can be achieved without harm to its openness, permanence and ability to serve its five purposes (set out in the Framework).
6. Framework paragraph 152 sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Exceptions to this include paragraph 154g) limited infilling or the partial or complete redevelopment of PDL which would either not have a greater impact on openness of the Green Belt than the existing development; or not cause substantial harm to openness, where the development would re-use PDL and contribute to meeting an identified affordable housing need within the local planning authority area.
7. The appellant considers there is a need for elderly care beds in this area and the private care home fees would be affordable. However, the proposal would not meet the definition of affordable housing in the glossary to the Framework and I am not aware that 'identified affordable housing need' should be open to any other interpretation. The second clause of paragraph 154g) does not apply.
8. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. Openness can have both spatial and visual aspects. Case law has established that the word openness does not imply freedom from development and change does not necessarily equate to an adverse impact. However, openness cannot be preserved and there would be a greater impact on openness if as a matter of judgement there would be greater or adverse impact on openness of any kind.
9. The 2-storey care home building would be H-shape in plan form, sited centrally and closer to the road than the existing building. It would be a similar height to the existing, but around 50% larger in terms of both footprint and volume. Its front elevation would be over twice the width of the 2-storey part of the existing building. Consequently, there would be a significant increase in the dimensions, scale and volume of built development. Notwithstanding the reduction in the extent of hardstanding, the significant increase in the quantum of buildings would result in a spatial loss of openness of the Green Belt.
10. There would be some limited views of the proposal from locations to the rear, particularly over winter when the trees were not in leaf. However, the principal views of the proposal would be from closer range including Leigh Road, the adjacent playing fields and from Jubilee Park on the opposite side of the road.
11. Travelling from Atherton, the existing building is initially screened by the substantial Kings Park buildings. It is readily visible in passing but, while large, it occupies a relatively small proportion of the site and it does not dominate the site or enclose the road. The roadside trees, shrubs and permeable fencing disrupt views of the hardstanding, but allow long interrupted views across it towards the open playing fields and mature wooded land to the rear. From the

playing fields, the building is set well away from the boundary and assimilated by the backdrop of the Kings Park buildings.

12. At the time of my visit, trees and hedgerows were in full leaf and the appeal building was screened in elevated views from Jubilee park. Photographs illustrate that, even in the absence of full vegetation screening, the building appears subservient to the Kings Park development. From the opposite side of the road and in elevated views, the tarmac is not visually obtrusive, much of the site is visually open, and the frontage trees visually connect with the mature trees and woodland to the rear.
13. The care home would be sited forward of the existing building. Its wide principal elevation would span much of the width of the appeal site and it would more closely approach the playing field boundary. The form of the building would result in the visual perception of an even larger building than the volumetric calculations suggest. By virtue of its greater size, scale, mass and siting, the care home would be considerably more conspicuous than the existing building. The roofline would be set below the tallest Kings Park buildings, but even so the care home would be visually imposing and dominant.
14. The wide front elevation and extensively built up frontage would obscure views across the site and significantly diminish the visual connection to the surrounding open land and countryside. There would be a wider gap between the care home and the Kings Park boundary than currently exists. However, the limited channelled views would not mitigate the significant increase in the visual bulk of the building. The proposal would be considerably more visually obtrusive from the road, Kings Park, the playing fields and Jubilee Park.
15. The care home would have a residential character and appearance in contrast to the somewhat industrial appeal building with its metal cladding and roller shutter doors. The height of the care home, its external materials and soft landscaping would be in keeping with nearby residential development. Nevertheless, the appeal building is in a reasonable state of repair and the existing use is not incompatible with neighbouring uses. The appeal site could accommodate a far greater number of vehicles, but it has been under-utilised for several years and there is little detail in relation to its earlier use. The car parking to the front of the building would be conspicuous and there would be a noticeable increase in the frequency and intensity of activity due to the comings and goings of staff, residents and visitors.
16. The proposed 1.8m railings would be in keeping with the care home use, but the existing 2.4m fencing is permeable and the change would have little bearing on openness. Landscape planting would soften the built form and the frontage trees would provide some screening, but the scheme would be conspicuous including overnight and when trees were not in leaf. The rear garden area would be a pleasant space for future residents and visitors, but it would not mitigate the visual impact.
17. In summary, there would be a spatial loss of openness due to the increase in the size, scale and bulk of the building which would not be mitigated by the reduction in hardstanding. There would also be a significant visual loss of openness due to the bulk of the building, its spread across the site, enclosure to the road and closer approach to the playing fields, increased activity, and the disruption of views and visual links to surrounding open land. Irrespective

of the design and appearance of the proposal, it would have a greater impact on openness of the Green Belt than the existing development.

18. The Council's reason for refusal refers to conflict with the Green Belt purpose of safeguarding the countryside from encroachment. Both the appeal site and Kings Park are urban forms of development located beyond the defined settlement boundaries. Even so, the increased bulk and footprint of the building and its spread towards the open playing fields would result in the perception of development encroaching into the open countryside.
19. My attention has been drawn to the Greater Manchester Green Belt Appraisal (LUC, July 2016). This was an objective assessment of the contribution of the Green Belt to the five Green Belt purposes in order to inform the Greater Manchester Spatial Framework. The appeal site was part of a parcel of land that includes Kings Park. The urbanising development and built structures were found to compromise openness and lack the characteristics of the countryside. However, the appraisal did not advise on the suitability or potential of land to be developed nor recommend alterations to Green Belt boundaries and it is not part of the development plan. Its findings are not directly applicable to the appeal site in isolation or to the specific proposal.
20. In any case, case law has established that where the Framework exceptions to inappropriate development do not require consideration of the Green Belt purposes as part of the assessment, the impact on those purposes will already have been taken into account in their classification as 'not inappropriate' in the Framework.
21. Therefore, I conclude that the proposal would be the redevelopment of PDL that would have a greater impact on the openness of the Green Belt than the existing development. Accordingly, it would not meet the exception in paragraph 154g) of the Framework. It would be inappropriate development in the Green Belt in conflict with PfE policy JP-G9 and the policies in the Framework that protect the Green Belt.

Other Considerations

The need for the care home

22. The proposal would be a purpose-built care home with 66 beds in single rooms with ensuite wet rooms. Generous communal space would include gardens, cinema room, hairdressers, café and library. It would provide a high standard of care and quality of life for its self-funded residents, anticipated to be at least 70 years old and in need of 24/7 supervision. The proposal would provide for roughly equal amounts of general residential and residential dementia care.
23. The Framework and the Planning Practice Guidance (the PPG) stress the importance of addressing the requirements of groups with specific housing needs, including older people. There is a critical need for older people's housing due to the increasingly ageing population and a requirement for a better choice of accommodation to suit people's changing needs.
24. The PfE sets out the significant predicted population growth across Greater Manchester, and particularly Wigan, in those aged 65 and over. It identifies the need for a diverse range of new provision to meet the needs of older people. In this regard, Wigan Borough Supported and Specialist Housing Prospectus

- December 2021 notes that there will be an increasing number of people living with dementia requiring specialist residential and/or nursing care provision.
25. The Carterwood Planning Need Assessment (April 2023) estimates that, at the earliest the care home could be available, there will be a significant net need for minimum market standard care home beds and dedicated dementia beds in the catchment and the local authority area. The numbers are expected to rise over time, reflecting the sustained and escalating nature of need. Moreover, those moving into care homes in future are increasingly likely to require high dependency nursing and dementia care provision.
 26. Carterwood report that the need for care homes may be reduced by alternative forms of care, such as underpin the Council's specialist housing strategy. This aims to support people in their own homes or in Extra Care accommodation until their needs can no longer be met by home-based care and support. At that point, the greatest need for additional C2 residential care provision is for nursing and residential homes, particularly those with nursing dementia capacity. On the basis that the Council's strategy is working well, it is expected to continue to reduce the demand for general care home beds in this area.
 27. The proposal would not provide high dependency nursing or dementia care. It would cater for people manageable in the care home setting, whose needs were compatible with existing residents and the business. The care home would aim to be a home for life for existing residents, but those with increasingly complex needs would be likely to move on to more specialist care. The complex health issues and challenging behaviours that cannot be managed at home would not be met by the proposal. The proposal would contribute quantitatively to the supply of older people's housing, but it would not contribute to meeting the identified significant and increasing demand for higher dependency care.
 28. Irrespective of the economics of the different types of care, there are clear benefits in terms of health outcomes and quality of life associated with supporting people in their homes or in Extra Care housing. Moreover, the Council's strategy appears to reflect the wishes of elderly people as reported by household surveys where the majority of those aged 65 and over want to stay in their homes with support, while less than 10% would consider entering a residential care home. This tallies with the evidence that most people enter care homes not through choice but because their needs can no longer be met at home. I have no reason to think this would vary between those requiring affordable beds or those self-funding their care.
 29. The appellant points out that comparable care homes in the area are full and have waiting lists, evidencing a demand for private care beds. The PfE acknowledges that there are some prosperous housing areas and that private provision plays an important role in the supply of housing. Nevertheless, there are over 70000 people on local authority housing waiting lists across the region and there is a need for a major boost in the supply of affordable housing.
 30. The Council's capacity tracker does indicate that current care bed places are effectively at full capacity, but this is apparently due to the repatriation of elderly people previously placed outside the area and the Council is not aware of people in this area waiting to move into care. Moreover, only around 12% of care beds are occupied by self-funders, which is apparently representative of the local socio-economic demographic. While I do not dispute that similar

private care homes may have waiting lists, there is little substantive evidence of any significant local demand for self-funded, lower dependency care beds.

31. That being said, I acknowledge that there will likely remain some demand for more general residential and self-funded care beds, as part of the overall increased need due to the rapidly growing elderly population. Nevertheless, taking into account the particular circumstances including the Council's strategy, future trends and socio-economics, the proposal would occupy a limited niche between the choice of supported independent living and the need for higher dependency nursing and dementia care. Moreover, it would be targeted towards, and affordable by, only a small proportion of the population.
32. LNT is a well-established developer and operator of care homes, confident that the proposal would be commercially viable as are its other care homes. Moreover, the business could be flexible, or it could close, if the proposed private residential care provision proved unviable. However, I must take into account what is proposed rather than what theoretically could happen in future. On the basis that the proposal would not contribute to meeting the significant identified demand for affordable, higher dependency nursing and dementia care, the proposed care beds carry modest weight in favour of the scheme.

Contribution to the supply of housing

33. The proposed beds would equate to around 35 dwellings, which would contribute to the government's objective of significantly boosting the supply of homes. As such, while the Council can demonstrate over a 5 year supply of deliverable housing sites (5YHLS), this does weigh in favour of the proposal.

Employment and economic benefits

34. The operation of the care home would create 50 to 60 new employment opportunities, the majority of which would be filled by people living locally. Staff would be employed at above minimum wage and offered training and opportunities for career progression. A Training and Employment Management Plan, to promote training and employment opportunities for local people, could be secured by planning condition.
35. There would be economic benefits both short-term during construction and during the operation of the care home. There would be limited additional spend from care home residents, visitors and staff who already live locally, but future occupiers of the equivalent 35 dwellings would provide additional support to the local economy. Collectively the employment and economic benefits weigh to a moderate degree in favour of the scheme.

Biodiversity, climate change mitigation

36. The existing site comprises habitats of low distinctiveness, losses of which would be offset by landscape planting resulting in biodiversity net gain. Taking into account the low baseline and the policy requirements, this carries limited positive weight. Solar panels and ground source heating would contribute to the aims of the Framework in relation to climate change mitigation and adaption, but the scheme would not demonstrably reuse existing resources or convert the existing buildings. This carries limited positive weight.

Amenity

37. The proposal would not harm the living conditions of neighbouring residential occupiers. Compliance with policy in relation to this, and other, matters weighs neither for nor against the scheme. The proposal would be a high standard of design and more in keeping with nearby residential buildings than the existing. However, as the appeal building appears in reasonable condition and the existing use is compatible with neighbouring uses, this carries limited weight.

Other planning permissions and appeal decisions

38. Planning permission (Ref A/92/39274) was granted in 1993 for change of use of the appeal building to Church hall. Permission was granted in 1995 on appeal (Ref APP/V4250/A/95/254853/P8) to use the church rooms for antique/collector's fayre, together with hardstanding area for car boot sales. The uses are not directly comparable and do not weigh in favour of the scheme.
39. Permission was granted in 2004 on appeal (Ref APP/V4250/V/03/1132931) for demolition of buildings and redevelopment for housing at King's Park Christian Centre. The scheme was inappropriate development in the Green Belt. The Secretary of State found harm to the openness of the Green Belt, in part due to the height of the buildings, their dispersal across the site and closer approach to roads. Openness was not improved by a reduction in built area. However, there were very special circumstances to justify the development, including that existing buildings were unsightly, actively declining, increasingly environmentally harmful and with no viable alternative uses. Significant weight was also attached to high density housing on PDL in a sustainable location.
40. The proposal is similar insofar as it relates to PDL and would contribute to the supply of housing. However, the appeal building appears well maintained and the site is not derelict. There is little evidence in relation to the economic viability of reusing the building or absence of viable alternative uses. The location is not a benefit because development is expected to be accessibly located and reduce the need to travel. The schemes are not directly comparable and the very special circumstances that justified the Kings Park development do not justify the proposal.
41. In the allowed appeal (Ref APP/B1605/W/22/3310455) for a 66 bed care home in urban Cheltenham, the scheme conflicted with the Council's housing policy, but there was a significant shortfall in 5YHLS. The Inspector attached great weight to the housing contribution and to meeting the needs of groups with specific housing requirements. However, that scheme included personal residential care as well as nursing and specialist dementia care, such as would meet the increasing future demand for high dependency nursing and dementia care provision in care homes. It is not directly comparable to the proposal in the Green Belt, where there is a 5YHLS and that would not include high dependency nursing or dementia care. It carries neutral weight.

Proposed changes to national policy

42. The WMS emphasizes the need to address the acute housing shortage, including by increasing the supply of homes but also by the biggest growth in social and affordable housebuilding in a generation.
43. In terms of the location of development, the WMS prioritises the development of brownfield and previously used land. This is consistent with existing policy.

Draft paragraph 124 would give substantial weight to the value of using suitable brownfield land in settlements for homes and other identified needs, proposals for which should be regarded as acceptable in principle. However, although accessibly located, the appeal site is not in the settlement.

44. The WMS proposes changes to Green Belt policy. It sets out that Council's should undertake a Green Belt review to release poor quality grey belt land to meet local needs, where these could not be otherwise met.
45. There is also a proposed relaxation of restrictions applied to PDL in the Green Belt, including draft Framework paragraph 151g) new building would not be inappropriate in the Green Belt where it would be the infilling or redevelopment of PDL that would not cause substantial harm to Green Belt openness. In this case, the appellant considers that the proposal would not harm the openness of the Green Belt and therefore it would meet this draft exception. The Council has not commented on the implications of the proposed changes to its case. However, I find that the proposal would be at least moderately harmful to the openness of the Green Belt in this location.
46. A further new exception is proposed at draft paragraph 152, that development would not be inappropriate in the Green Belt where it utilises grey belt land subject to meeting certain criteria. In this regard, the appeal site may be sustainably located grey belt land, but the Council can demonstrate a 5YHLS and, even if the proposal would be of at least local importance, it has not been demonstrated that land needs to be released from the Green Belt for it.
47. The PfE appears consistent with the Government's proposals. It aims to maximise the use of accessible brownfield sites and minimise the loss of Green Belt land, albeit with selective release of sites. It supports the delivery of housing, including to meet the needs of the ageing population, and it stresses the need for a major boost in the supply of affordable housing.
48. Notwithstanding, and while the draft changes would be relevant to the appeal, the proposed changes are not adopted policy. The consultation on the draft Framework carries little weight in favour of the proposal.

Green belt balance

49. I have found that the proposal would be inappropriate development in the Green Belt. It would have a greater impact on openness than the existing development. The Framework advises that substantial weight should be given to any harm to the Green Belt.
50. On the other hand are the benefits, including the contribution to the supply of housing and elderly care provision, employment and economic benefits. However, the cumulatively moderate weight attached to other considerations is not sufficient to outweigh the harm. Consequently, the very special circumstances necessary to justify the proposal have not been demonstrated.

Conclusion

51. For the reasons set out above, the appeal should be dismissed.

Sarah Manchester

INSPECTOR

APPEARANCES

For the appellant:

Mr Alistair Wood	Planning and Development, LNT Developments
Mrs Tracey Spencer	Senior Planning Manager, LNT Developments
Mr Thomas Ogden	Danforth Care

For the Council:

Miss Therese Maguire	Principal Planning Officer
Mrs Jenny Yates	Service Manager, Adult Social Care