



Appeal Decisions

Site visit made on 27 November 2024

by H Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 January 2025

Appeal A Ref: APP/E2530/W/24/3347525

Castlegate House Rest Home, 49 Castlegate, Grantham NG31 6SN

- 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 Castlegate House Rest Home Ltd against the decision of South Kesteven District Council.
- The application Ref is S24/0065.
- The development proposed is change of use of former nursing home to provide a home of multiple occupancy.

Appeal B Ref: APP/E2530/Y/24/3347527

Castlegate House Rest Home, 49 Castlegate, Grantham NG31 6SN

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Castlegate House Rest Home Ltd against the decision of South Kesteven District Council.
 - The application Ref is S24/1214.
 - The works proposed are change of use of former nursing home to provide a home of multiple occupancy.
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Decisions

1. **Appeal A** is dismissed.
2. **Appeal B** is dismissed.

Preliminary Matters

3. As the proposal relates to a listed building which is within a conservation area, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act).
4. The two appeals concern the same scheme under different, complementary legislation. I have dealt with both appeals together in my reasoning.
5. A revised National Planning Policy Framework (Framework) was published in December 2024 after the Council made its decisions. I have had regard to the revised Framework in reaching my decisions.
6. The appellant submitted a revised plan (Ref 24 950 2, Revision 1) to the Council on 25 March 2024, showing amendments to the proposed floor plans. An updated revised plan (Ref 24 950 2, Revision 1) was submitted to the Council on 28 March 2024. The Council made its decision on S24/1214 on 29 April 2024, and S24/0065 on 30 April 2024.
7. The Procedural Guide sets out that the appeal process should not be used to evolve a scheme. It is important that what is considered by the Inspector at

appeal is essentially the same scheme that was considered by the Local Planning Authority and by interested parties at the application stage. In deciding whether to, exceptionally, accept the proposed amendment, as per the judgement in *Holborn Studios Ltd v The Council of the London Borough of Hackney* (2017), which refined the 'Wheatcroft principles' set out in *Bernard Wheatcroft Ltd v Secretary of State for the Environment* (1982), consideration must be given to the following two tests which must be assessed separately: 1) substantive test; and 2) procedural test.

8. The substantive test is whether the proposed amendment involves a 'substantial difference' or a 'fundamental change' to the application that would ultimately result in a 'different application'. A 'substantial difference' or a 'fundamental change' could also be as a result of a series of small, incremental changes to a scheme. If it is concluded that the amendment would result in a 'different application', then it is unlikely that it could be considered as part of the appeal. The procedural test is whether, if accepted, the proposed amendment would cause unlawful procedural unfairness to anyone involved in the appeal and, if so, whether such fairness could be cured, for example by re-consultation.
9. In my judgement, the revised plans showing amendments to the proposed floor plans were modest amendments that would not result in a 'substantial difference' or a 'fundamental change' to the application. I also note that the revised plans were received by the Council before it made its decisions. The Council and other interested parties had the opportunity to comment on the appellant's revised plans during the appeals. As such, the revised plans would not materially alter the nature of the application and would not prejudice the interests of any parties. I have therefore taken them into consideration during the determination of these appeals.
10. The appeal property has a large two-storey extension to the rear that was constructed during the 1980s. The main parties agree that the proposed internal alterations to this rear extension would not result in the loss or damage of historic fabric from the listed building. Based on the evidence before me, I have no reason to disagree.

Main Issues

11. A main issue in Appeal A and the main issue in Appeal B is:
 - whether the proposal would i) preserve the Grade II listed building, or any features of special architectural or historic interest which it possesses, and ii) preserve or enhance the character or appearance of the Grantham Conservation Area.
12. Additional main issues in Appeal A are:
 - the effect of the proposal on the living conditions of future residents, with regard to internal communal space and shared outdoor amenity space;
 - whether the proposal would result in the loss of a community use;
 - the effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to noise and disturbance; and

- whether the proposal would provide adequate provision for waste storage.

Reasons

Special interest and significance

13. The appeal site comprises Castlegate House, a Grade II listed¹ building located in Grantham. The building has remained empty since its former use as a residential care home ceased.
14. Castlegate House is a 2-storey building with attic rooms and a cellar, dating from the mid-18th Century. The principal elevation is constructed in Ashlar under a natural slate roof with a stone ridge and 3 gable dormers. It features quoins, banding and lintels with key stones. At first floor level are 5 sash windows, and at ground floor there are 2 sash windows either side of a central 6-panelled door with fanlight.
15. Internally, the building has retained some good examples of mid-18th Century timber panelling and joinery, sash windows, panelled doors and fittings. The rooms to the ground floor have several panelled rooms with decorative cornice features and deep skirting boards, giving them a sense of grandeur. The layout of the panelled rooms appeared generally unchanged, thus making a valuable contribution to its significance as a designated heritage asset.
16. I find that the special interest and significance of this heritage asset largely derives from its historic and architectural interests. These are drawn from its illustration of a mid-18th Century town house located within the core of the historic settlement, as well as the historic fabric and features that survive from the physical origins of the historic building, connecting the past character and interest of the building to the present.
17. The appeal site is located within the Grantham Conservation Area (CA). The CA encompasses the buildings and spaces fronting Castlegate, which includes the appeal property. This part of the CA is characterised by two to three storey buildings constructed of mainly red brick or coursed rubble, with pantile or slate roofs. Collectively they provide a consistent character, with alignment to the rear of pavement edge creating a continuity of building frontage. However, the single storey Conservative Club building located next to Castlegate House is set back from the road with a car park located in front with an irregularly shaped boundary wall. This disrupts the continuity of the building line along the street.
18. The special interest and significance of the CA mainly stems from the variety and architectural richness of its buildings that denote its evolution and the distinct form and layout of the town. The appeal listed building is located within the Medieval core in a prominent position of Castlegate. It largely retains its overall external historic character, making a positive contribution to the character and appearance of the CA as a whole and thereby to its significance as a designated heritage asset.

¹ List Entry Number: 1062511 – Castlegate House, Grade II

Proposal and effects

19. The proposal would change the use of the property to a large House of Multiple Occupation (HMO) for up to 35 people. The alterations would result in 24 bedrooms, 2 kitchens and 9 bathrooms/shower rooms.
20. Although the revised plans (Ref 24 950 2, Revision 1) have addressed some of the Council's concerns, the proposal would include the removal of an internal large glazed window feature and panelling on the rear wall of the ground floor lounge. From the limited information before me, these internal changes would not only result in the loss of architectural detailing and historic fabric, but would also obscure the understanding of the historic layout, room use, and access patterns. It would erode the clear distinction between the principal space of the lounge from the hallway and kitchen area, diminishing the plan form and layout of the building which contributes to the building's special interest and significance.
21. I also have concerns regarding the lack of detail on the layout of the proposed toilets and shower rooms behind the ground floor kitchen and the routing of new heating, plumbing and electrics within the building, particularly as limited information is before me to justify what would in effect lead to a further loss of historic fabric. In the absence of substantive evidence to the contrary, I find that these internal works would erode the special interest of the listed building and have a harmful effect on its understanding and appreciation. It would not be appropriate to leave such matters to conditions.
22. Having regard to the layout of the appeal scheme and the proposed parking and building entrance arrangements, I find that any noise and activity impacts associated with the comings and goings of residents and their visitors and deliveries in connection with the appeal scheme, are unlikely to materially impact on the character of the area. This is because the locality already experiences a certain amount of background noise due to its location within a built-up town centre area with established pedestrian and vehicular activity. Furthermore, there would be no changes to the external elevations of the building. Therefore, due to the internal nature of the proposed works, it would preserve the character and appearance of the CA as a whole and would not harm its significance as a designated heritage asset.
23. However, given the above, the proposal would not preserve the listed building or any features of special architectural or historic interest which it possesses. In doing so it would harm the significance of this designated heritage asset.

Public benefits and balance

24. With reference to paragraphs 214 and 215 of the Framework, in finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed. Given the extent and fairly localised nature of the proposal, I find that the harm to the significance of the designated heritage asset assessed above would be 'less than substantial' but nevertheless of considerable importance and weight. Paragraph 215 of the Framework requires this harm to be weighed against the public benefits of the proposal including, where appropriate, securing the asset's optimum viable use.

25. The appellant points to the benefit of the conversion of the building into 24 HMO bedrooms, with the appellant suggesting that the conversion of the building into a large HMO would be the optimum viable use.
26. However, whilst I acknowledge that sustaining and enhancing the significance of this designated heritage asset is the preferred outcome, the evidence before me suggests that, on balance, this would not be achieved in this particular case. Due to the harm identified above, the proposal would not result in a viable use of the building that is consistent with the conservation of the special architectural and historic interest of the building.
27. Furthermore, although the proposed HMO would make use of the building, it has not been satisfactorily demonstrated that this would be the least harmful use. The proposal would compromise the building's conservation to an unacceptable degree and would not conserve it in a manner appropriate to its significance.
28. I have considered the various benefits that the proposal would bring, including providing additional residential accommodation that contributes to the local housing needs of the area, contributing to the local economy during the construction phase and through increased spending by new residents on local services and facilities, and the benefit of bringing a vacant building on a small windfall site back into use in an accessible location. These public benefits are in line with the objectives of the Framework and carry moderate weight in favour of the appeals.
29. However, on balance, the moderate weight that I ascribe to the public benefits would accrue from the proposal is not sufficient to outweigh the considerable importance and weight that I attach to the harm to the significance of the designated heritage asset.
30. I therefore conclude that the proposal would not preserve the Grade II listed building, or any features of special architectural or historic interest which it possesses. It would therefore fail to satisfy the requirements of the Act and the provisions within the Framework which seek to conserve and enhance the historic environment. It would also conflict with Policy EN6 of the South Kesteven District Local Plan 2011-2036 (adopted 2020). This policy, amongst other things, seeks to protect and enhance heritage assets and their settings.

Living conditions of future occupiers

31. The revised plans (Ref 24 950 2, Revision 1) show that the proposal would not have a kitchen on its first floor. This would mean that occupants on the first floor would have to use the kitchen facilities on either the ground floor or second floor. This disjointed connection would not be convenient or practical for future occupants. Although it is unlikely that all 35 occupants would use the kitchen at the same time, there would still be peak times during the day when demand for its use intensifies, such as at breakfast, lunch, and evening dinner times. Consequently, the proposal would not be sufficiently functional to meet the occupier's typical day to day needs.
32. Furthermore, the absence of a communal lounge on the second floor would likely result in occupants spending more time confined to their bedrooms. This issue would be further exacerbated by visits from family members or friends, increasing the strain on communal spaces. Accordingly, the lack of adequate

internal communal areas would lead to unsatisfactory living conditions for the occupants.

33. Regarding storage space, the appellant suggests that the cellar could be used. However, there is no information provided on how this would be managed or whether it would serve as shared or private space for the occupants. As a result, I consider this suggestion to hold little merit.
34. Policy DE1 of the Local Plan is clear that development proposals should provide sufficient private amenity space, suitable to the type and amount of development proposed. As the proposal would accommodate up to 35 people, the limited size of the outdoor amenity space area would be insufficient. It would not be large enough to provide adequate space for the needs of future occupier's, such as outdoor clothes drying, enjoying garden activities and relaxation with outdoor seating, or sufficient usable space for children to play. As such, it would neither be usable or practical for this number of occupiers and would result in a poor standard of outdoor amenity space.
35. I acknowledge that there are local open spaces, such as Wyndham Park, within a reasonable walking and cycling distance of the appeal site. However, as the local open spaces are public spaces they would be shared with non-residents and are therefore not a private space.
36. For the reasons given, the proposal would not provide adequate living conditions for the future occupants of the proposed development. As such, the proposal would fail to accord with Policy DE1 of the Local Plan. This policy, amongst other things, seeks to ensure development provides a high standard of amenity. The proposal would also fail to accord with paragraph 135 of the Framework, where it seeks to promote health and well-being, and a high standard of amenity for existing and future users.

Community use

37. The supporting text to Policy SP6 of the Local Plan states that community facilities are not defined in the Plan, although they could include uses such as care homes. However, the appeal building is currently vacant. Indeed, the appellant's evidence indicates that the building's use as a private care home ceased more than 18 months ago due to it being no longer viable for this use. This indicates that there was a lack of demand for the building's use as a care home.
38. Although the property has not been specifically marketed for a care home, the appellant confirms that the building has been up for sale as a property suitable for a variety of uses, subject to planning permission, since April 2023. There has been no interest in the property, despite a drop in the asking price. The appellant also indicates that while the building was formerly registered as a residential care home before it became vacant, it is now not registerable in its current state. I also note that there are at least 11 other care homes in Grantham many of which are considerably larger than Castlegate House and offer more modern facilities.
39. There is no substantive evidence before me that the building should be protected and retained as a care home. Although a care home provides opportunities for people to meet and socialise, as this was a private care home it would not provide the same function as the informal and communal settings

offered by buildings in public use. Based on the evidence before me, I am not persuaded that the appeal site represents a community facility. Accordingly, the proposal would not conflict with Policy SP6 of the Local Plan, as it seeks to preserve existing community facilities, which is not the case here as the building has been vacant for a long period of time and therefore no longer in use.

Living conditions of neighbouring occupiers

40. The proposal seeks permission for a 24-bedroom House in Multiple Occupation, which could accommodate up to 35 people. Although the occupants would live independently of one another, the level of activity generated by the occupant's comings and goings for education, work, leisure, and shopping purposes etc, and the number of visitors and deliveries to the property would not be significantly different to that generated by the former care home. This is because there would have been frequent comings and goings from staff, doctors, nurses, visitors, and deliveries to the property when in use as a care home.
41. Furthermore, the appeal property is a sizeable property sited in a deep plot that is physically separated from nearby residential properties. In addition, the proposed internal layout shows that communal areas such as the kitchens would be located centrally within the appeal property. It is also unlikely that all the residents would be using the communal areas together at any given time. Disturbance from the outdoor amenity area and vehicle engines starting would be limited towards the rear of the property where the car park and outdoor amenity space is located.
42. Therefore, given its detached nature with adequate separation distances from neighbouring dwellings, the proposal would not lead to a significant increase in noise and disturbance to neighbouring residents. The property is also located quite centrally to Grantham so there is already a level of noise from its urban surroundings. In addition, the Council's Environmental Protection Officer did not raise any objection to the proposal.
43. Concern has also been raised regarding crime and anti-social behaviour. However, there is no substantive evidence that there would be a material difference from the existing situation.
44. I therefore find that there is insufficient evidence to substantiate the claims that the proposal would increase noise and disturbance in the local area. In addition, there are separate protections to address noise, and the local authority and Police have powers to deal with nuisance behaviours should they arise.
45. For the reasons given, the proposal would not have a harmful effect on the living conditions of neighbouring occupants with particular regard to noise and disturbance. As such, the proposal would accord with Policy DE1 of the Local Plan for this matter. This policy, amongst other things, seeks to ensure there is no adverse impact on the amenity of neighbouring users in terms of noise and disturbance.

Waste storage

46. The Council is concerned that the proposal would not provide adequate waste storage. However, the proposal would provide communal bins outside in a

similar position to that where the bins for the care home were stored. Future occupiers would also have small household bins within their rooms. The Council has not provided any substantial evidence to the contrary. On this basis, I am satisfied that the proposal would provide adequate waste storage appropriate to the scale of the development.

47. Policy DE1 of the Local Plan does not explicitly prohibit the conditioning of final details pertaining to waste storage in the event that planning permission is granted. Consequently, the proposed development would not be in direct conflict with this policy for this matter.
48. For the reasons given, the proposal would accord with Policy DE1 of the Local Plan, which amongst other things, seeks to ensure high quality design.

Other Matters

49. In addition to the matters I have addressed above, letters of objection raised concerns including difficulty parking. However, the Highways Authority raised no objections. Given that I am dismissing the appeals, I do not need to give this matter further consideration.
50. The appeal site is located near other listed buildings, including 46, 47 and 48 Castlegate which are Grade II listed. From the limited information before me and my observations on site, the special interest and significance of these assets primarily stem from, singularly or in combination, their historic and/or architectural interests. However, they are also derived, to a greater or lesser extent, from their respective townscape settings.
51. Given the location and extent of the proposal, the settings of these designated heritage assets would be preserved and the contribution they make to the assets' significance would not be harmed. This would meet the requirements of section 66(1) of the Act; the provisions in the Framework regarding the conservation and enhancement of the historic environment; and Policy EN6 of the Local Plan referred to above.

Conclusions

52. **Appeal A:** The proposed development would conflict with the development plan when taken as a whole. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that Appeal A should be dismissed.
53. **Appeal B:** For the reasons given, I conclude that Appeal B should be dismissed.

H Smith

INSPECTOR