



Appeal Decision

Site visit made on 27 November 2024

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th February 2025

Appeal Ref: APP/P2114/W/24/3343482

Seven Gables Rest Home, York Lane, Totland, Isle of Wight PO39 0ER

- 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 Simon Buhl Davies (Glycine Holdings Ltd) against the decision of Isle of Wight Council.
 - The application Ref is 23/01539/FUL.
 - The development proposed is Proposed alterations and change of use from care home to create 9 flats with parking, cycle storage, refuse provision and landscaping (revised plans).
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Decision

1. The appeal is allowed and planning permission is granted for proposed alterations and change of use from care home to create 9 flats with parking, cycle storage, refuse provision and landscaping at Seven Gables Rest Home, York Lane, Totland, Isle of Wight PO39 0ER in accordance with the terms of the application, Ref 23/01539/FUL and subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development used in the banner heading above is taken from the Council's decision notice rather than the application form as the scheme was amended during the application process to reduce the number of flats from 10 to 9. I have used this in my formal decision, omitting the reference to 'revised plans' as this is not development.
3. Since the appeal decision was submitted, the Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024. The parties have had the opportunity to comment on the changes to the Framework insofar as they are relevant to this appeal. I have proceeded on that basis. References in the decision are to the December 2024 Framework.
4. The appellant has submitted an executed Unilateral Undertaking under section 106 of the Town and Country Planning Act 1990 (as amended) (the UU) dated 5 August 2024. This secures a contribution to affordable housing in accordance with policy requirements. The Council has approved the UU which addresses its reason for refusal relating to affordable housing contributions. The UU also secures a habitat mitigation contribution. I return to this later in my decision.
5. As part of its appeal submissions, the appellant has provided written confirmation from Southern Water that wastewater from the site would discharge via the Sandown Wastewater Treatment Works. This facility

discharges into the English Channel. The Council has confirmed that this addresses reason for refusal number 7 which was concerned with the possibility of additional discharge of foul water into the protected habitats sites of the Solent Region. I have proceeded on this basis.

Main Issues

6. The main issues are:

- whether the loss of the care provision has been justified;
- the effect of the proposal on the character and appearance of the area;
- the effect of the proposal on highway safety;
- whether the proposal makes suitable provision for car parking; and
- the effect of the proposal on protected habitats sites of the Solent Region.

Reasons

Loss of care provision

7. The appeal building is a traditional building, set over three floors with the addition of a more modern annexe. Now vacant, it had previously been used as a 22 room care home, accommodating 25 residents. The home closed in 2022. The submissions explain that it closed due to failings having been found by the Care Quality Commission. Full details in respect of this have not been provided and the Council has stated that when its Adult Social Care officers visited the premises in October 2022, it was functioning well as a care home, although some elements, including the lift, needed replacing. It is not therefore clear why the care home closed and whether the identified failings could have been addressed.
8. At the time of my site visit, I observed the building to be in a very poor condition which no doubt arises from the time it has been vacant. It would undoubtedly require considerable financial investment to make it fit for habitation either as a care home or for mainstream residential accommodation. More fundamentally, the main building has a poor layout with inadequate circulation space, poor access including steep and narrow stairs to the top floor rooms and different levels throughout. Sloping ceilings to rooms within the roofspace reduce the amount of functional space. There is a lift which does not currently work but this only enables step-free access to part of the first floor. The bedrooms themselves are various sizes, some have basic ensuite facilities several of which were very small and again, not suitable for those with limited mobility. The annexe has a more spacious and accessible layout but this represents a small part of the overall floorspace.
9. The appellant has submitted a feasibility study¹ which considers the costs and requirements of bringing the existing building up to an appropriate standard to operate as a care home, including compliance with building regulations. It provides a high level study in terms of financial feasibility which drew upon an example of a care home in Greater London, rather than specific costs relating to the appeal building. Whilst this does not provide a direct comparison the

¹ Care Home Feasibility, January 2024, Chalkline Architectural Services

appeal scheme which falls within a different geographic area, it nevertheless indicates on the example given, redevelopment is more cost efficient than retrofitting or refurbishing. It also highlights that a facility would need over 40 beds to achieve operational efficiencies.

10. The study concluded that extensive building works would be needed to bring the building up to required standards, including replacement of existing staircases and enlarging the lift without which the use of the first and second floors of the original building as a care home would be likely unsuitable. It also provided indicative layouts showing the bedrooms in the original building with suitably sized ensuite facilities overlaid on these. This resulted in poor overall room sizes which would be unlikely to meet accessibility requirements. This accords with my own observations on the site.
11. Even if the financial investment into the building could be made to bring it back to a habitable state, the building itself is not suitable for continued use as housing for older people due to the poor internal access and layout which could not meet the needs of less mobile residents. Moreover, in the event that it could be retrofitted to make it suitable, it seems to me that this would inevitably lead to a reduction in the amount of accommodation as room sizes would need to be enlarged. As highlighted in the feasibility study, the operational efficiencies could not therefore be achieved. For the same reasons, I do not consider it would be suitable as a care home for vulnerable adults. In the circumstances, the loss of the care home is justified.
12. There is some evidence that the building has been marketed for its existing use since June 2023 and continues to be listed on commercial property websites. According to the appellant this has generated no interest from prospective buyers. I am therefore unable to draw any firm conclusions from this as to the suitability of the building or otherwise for its existing use. This does not alter my findings.
13. The Council has drawn my attention to the need for bedspaces and the expected increase in demand for housing for the elderly locally due to the aging population. It is for this reason that Policy DM5 of the Island Plan Core Strategy 2012 (the CS) seeks to protect existing accommodation for older people. The numbers have been disputed by the appellant.
14. However, since I have determined that the building is not suitable to be used as housing for older people or as a care home, I have not found it necessary to reach a view on whether the loss of the bedspaces can be supported. For the same reasons, I have not concluded on whether a self-funded care home would be affordable by local people.
15. In conclusion, I find that the proposal would lead to some conflict with Policy DM5 insofar as it seeks to protect such accommodation. However, the policy also requires that such accommodation is of a high quality specification which the existing building cannot provide due to its inherent constraints. As such, and whilst recognising that the policy resists the loss of existing specialist accommodation unless it can be demonstrated that there is insufficient demand and/or need, in the specific circumstances of this appeal, the loss is justified.
16. Policy DM7 of the CS sets out the approach to the loss of social and community infrastructure and is cited in the reason for refusal. Footnote 1 to

the supporting text of the policy sets out a list of included uses and facilities to which the policy relates. Neither this list, nor the policy, include any reference to a residential use. As the existing use of the building is a residential care home, it does not meet this definition, and Policy DM7 is not relevant here.

Character and appearance

17. The appeal site is located in a prominent and elevated position at the junction of York Lane and Cliff Road. These roads have a semi-rural character with linear development of detached properties set within spacious grounds. Much of York Lane is enclosed by hedgerows and domestic hedges interspersed by driveways providing views of the properties. Cliff Road is similar but only developed on its eastern side with open fields to the west.
18. The appeal building occupies a large, roughly L-shaped footprint. It extends close to the boundary with Cliff Road and is set in behind hardstanding and a lawned garden area enclosed by a tall brick boundary wall along the York Lane frontage. Views into the site from York Lane are of the existing driveway and walled enclosure of a disused swimming pool and the garden and planting at the front. To an extent it is already dominated by hard landscaping with the formal planting providing some softer elements to this.
19. The removal of the swimming pool and extension of the area of hard surfacing towards the rear of the site would provide space for parking and manoeuvring. In addition, the lawned area at the front would be partially reduced and boundary planting removed to provide room for bicycle and bin storage. Consequently, views into the site from York Road would be more open and dominated by hard surfacing and parked cars. With little space available for planting towards the front of the site due to the provision of pathways from the parking area and bin storage, the proposal would make the site appear more urbanised than it is currently.
20. A section of boundary hedge and small area of garden fronting Cliff Road at the rear of the annexe building would also be removed to provide two further parking spaces. These changes would be viewed in the context of the adjacent property which has a substantial, open and hard surfaced driveway. The provision of a driveway and two parking spaces, largely enclosed by hedging, would not appear uncharacteristic or unduly urbanised in this context.
21. Overall, there would be an increase in hard landscaping to the site. A moderate degree of harm to the verdant and semi-rural character along York Lane would arise from this. Consequently, I conclude that there would be harm to the character and appearance of the area. The proposal would therefore give rise to conflict with Policy DM2 of the CS which requires high quality design to protect, conserve and enhance the existing environment and for development to be appropriately landscape to provide an attractive setting for the development that integrates with its surroundings.

Highway safety

22. The appeal site is located at the junction of York Lane and Cliff Road. Both roads are unclassified public highways, subject to a 30 miles per hour (mph) speed limit. It is common ground that the likely speed limit at the point of access would be 20mph and as such a visibility splay of 2 metres by 25 metres in both directions would be required.

23. The existing access on to York Lane is severely obstructed by the historic boundary wall and only allows visibility of 5 metres looking east and obstructed by a tree and vegetation on neighbouring land, only allowing 11 metres visibility to the west. The required visibility splays cannot therefore be achieved to the York Lane access.
24. The TRICS database is an industry standard database of trips generated by different land uses. It has been utilised in the appellant's highway report² to provide a comparison between trips generated by the existing care home use and the proposed flatted development. Based on TRICS data, the proposed development of nine residential units would generate around 28 vehicle movements per day with two to three of these movements occurring during peak hours. According to TRICS data, a care home with 25 residents could generate up to 51 vehicle movements on a daily basis. With some staff accommodation on site and elderly residents who are less likely to have cars, this figure would likely have been less than 51. However, there would still be staff and visitors to the site as well as deliveries. Based on the TRICS data, it seems likely that the number of trips would be either higher than or similar to the 28 vehicle movements the proposed use would generate.
25. Moreover, two of the parking spaces serving the proposed flats would be onto the Cliff Road, and it is likely the overall number of movements utilising the York Lane access would be even less than the TRICS database indicates. It seems to me that, on balance, the proposed development would generate less vehicle movements than the existing use.
26. The highway authority has indicated that the proposal would give rise to a 10% increase in vehicle movements utilising the York Lane access. However, it is not clear from the submissions how this figure has been reached, particularly given TRICS data indicates this would not be the case.
27. Whilst I acknowledge that the York Lane access cannot achieve the required visibility splays, I find that the proposal would result in a less intensive use of that access than the existing lawful use of the site. Consequently, it would not lead to an increased risk of conflict between users of the public highway. I therefore conclude that it would not harm highway safety. It would therefore accord with Policy DM2 of the CS which requires development proposals to provide an accessible and safe built environment.

Parking

28. The Council has adopted Guidelines for Parking Provision as Part of New Developments Supplementary Planning Document (the Parking SPD). This requires 12 spaces associated with the number of bedrooms proposed across the development. The submitted drawings indicate 12 parking spaces. The highway authority has raised a concern that the layout and accessibility would not be suitable to allow three of the spaces to be accessed or egressed in a safe manner. It has not specified which spaces. Consequently, the proposal would only provide nine suitable parking spaces leading to overspill parking on the narrow highway to the detriment of highway safety.
29. The appellant has provided a swept path analysis within its highway report which indicates that all the proposed spaces can be accessed and egressed to

² Rappor, Appeal Statement, April 2024

enable vehicles to enter and exit the site in forward gear. Those spaces located towards the rear of the site could be accessed with some manoeuvring but not extensive reversing and would be satisfactory. However, the parking spaces at the front of the building would require drivers to enter the site, reverse around the front of the building, a distance of around 16 metres in order to park facing forward. Alternatively, they could reverse into the site. This would not be either a safe or convenient arrangement given that reversing vehicles would be in front of the main entrance and the bin and cycle stores. Residents might be used to this arrangement given the spaces would be regularly used, nonetheless this would increase the risk of conflict between users within the site.

30. The on-site parking is not adequate due to the inconvenience and safety concerns associated with the three spaces. Consequently, residents would be likely to park on the public highway as an alternative. York Lane is too narrow for on-street parking without causing an obstruction. However, Cliff Road is wider with space to accommodate a modest amount of parking on one side. Indeed, at the time of my site visit I observed a couple of cars parked here. Nearby properties have their own off-street parking and therefore parking demand along the road is likely to be limited. As such, Cliff Road would provide adequate space for any overspill parking, including from visitors to the site, without causing unacceptable harm to highway safety.
31. In conclusion, the scheme does not provide adequate on-site parking that would meet policy requirements. In this respect it would conflict with Policy DM17 of the CS which requires compliance with the Council's Parking SPD and Policy DM2 which requires development proposals to provide a functional, accessible and safe built environment. However, parking is available on the public highway without harm to highway safety. This would accord with Policy SP7 which requires development proposals to not negatively impact on the capacity of lower level roads within the Island's road network.

Protected habitats sites

32. The Solent Special Protection Area (SPA) provides habitat for several over-wintering species of waders, wildfowl and brent geese. The mudflats, shingle and saltmarshes provide essential winter feeding and roosting grounds for these birds. The wide range of recreational activities which take place on this coast can result in disturbance to the birds. The appeal site lies within the buffer zone for the SPA. In this area, additional residential development has the potential to increase visitor numbers and recreational pressures on the protected sites, with associated harmful impacts on the birds. Together with other developments in the area, there would therefore be a likely significant effect on the SPA.
33. Mitigation against such impacts can be secured through the Bird Aware Solent Recreation Mitigation Strategy (December 2017). This includes the provision of rangers, communication and education and the provision of suitable alternative natural greenspace and monitoring amongst other things. New housing development is required to make financial contributions to these mitigation measures.
34. The Planning Practice Guidance (PPG) on Appropriate Assessment indicates that any measures used to inform the decision about the effects on integrity need to be sufficiently secured and likely to work in practice. The submitted

UU secures the required contribution to be paid prior to the commencement of the development. Furthermore, that document confirms the purpose of the payment and therefore the way in which the money should be spent. The Council is a responsible and accountable public body. In these circumstances, I am satisfied that the financial contribution would lead to effective mitigation.

35. In this way harmful effects would be prevented. As a result, following an appropriate assessment, the proposals would not adversely affect the integrity of the SPA. There would therefore be no conflict with DM12 of the CS and the scheme may proceed under the Conservation of Habitats and Species Regulations 2017.

Planning Obligations

36. Policy DM4 of the CS sets out that the Council will seek to deliver around 1,790 affordable homes over the plan period. For small scale schemes such as this, the policy requires a financial contribution towards affordable housing. The Affordable Housing Contributions Supplementary Planning Document 2017 sets out the details of the financial contribution based on property values. The UU would provide a contribution to affordable housing in accordance with this.
37. The planning obligations in securing affordable housing and mitigation against harmful effects on the protected habitats sites are necessary; directly related to the development; and fairly and reasonably related in scale and kind to the development. They would therefore comply with the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010.

Planning Balance

38. The Council does not have a five year housing land supply. Its latest published figures, dated April 2024, indicated a 3.5 year supply. This has not been calculated, taking account of the updated standard method outlined in the updated Framework, and it is likely that its supply is less.
39. The PPG³ sets out that housing provided for older people, including residential institutions in Use Class C2, count as part of their housing land supply. The proposal would result in a loss of a 25 bedspace care home providing accommodation for older people. However, the quality of that housing is such that it is not fit for purpose and therefore it cannot contribute to housing land supply in a meaningful way.
40. On the other hand, the provision of nine flats would contribute to housing land supply. In the context of a significant shortfall in supply, this is a matter which I give significant weight. The proposed dwellings would be within an existing settlement with access to services and connections beyond. It would also utilise a previously-developed site. These factors also weigh in favour of the scheme.
41. I have found no harm in respect of highway safety and parking. The proposal would also provide satisfactory accommodation including amenity space and would not harm neighbouring living conditions. These are neutral factors.

³ Paragraph: 026 Reference ID: 68-035-20190722

42. The proposal would cause moderate harm to character and appearance. This adverse impact would not significantly and demonstrably outweigh the benefits of the scheme, when assessed against the policies in the Framework.

Conditions

43. The Council has proposed a number of conditions should the appeal be allowed. I have considered these and imposed them where they meet the tests set out in Paragraph 57 of the Framework, amending where necessary for the sake of simplicity, clarity and precision.
44. A condition specifying compliance with submitted drawings is necessary in the interests of certainty. In the interests of good design, the character and the appearance of the area, conditions requiring details of parking and turning areas, boundary treatments and soft landscaping are reasonable and necessary. The condition relating to parking and turning areas is also necessary in the interests of highway safety.
45. A condition is necessary to secure a scheme for the disposal of surface water drainage in the interests in managing drainage on the site. However, as the approved development relates to extensive internal works which would not directly impact surface water drainage, it is unnecessary for this to be secured prior to the commencement of development. I have therefore applied a different timescale for compliance with this condition.
46. I have not imposed the Council's suggested pre-commencement condition requiring a scheme for disposal of foul water in the form suggested. The existing use of the building accommodated a significantly greater number of occupants and provided 23 toilets. The proposal reduces the number to 12 toilets. Due to the nature of the use as compared to the existing, it would likely be occupied for less duration during the day. The proposal would not therefore generate a material increase in foul water over and above the existing use. In the circumstances, it would not be necessary to secure a scheme for foul water disposal other than to secure its connection to the Sandown Wastewater Treatment Works. This could be required prior to the occupation of the development.

Conclusion

47. The proposed development would conflict with the development plan but material considerations indicate that a decision should be made other than in accordance with it.

Rachael Pipkin

INSPECTOR

Schedule of conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from date of this permission.
2. The development hereby permitted shall only be carried out in complete accordance with the details shown on the submitted plans, numbered: SO-037-06 Rev B, SO-037-07 Rev B, SO-037-08 Rev B, SO-037-09 Rev A, SO-037-10 and SO-037-11 Rev A.
3. Foul water drainage shall be connected to the public sewer served by the Southern Water Wastewater Treatment Works at Sandown. This connection shall be completed prior to the occupation of the dwellings hereby permitted and be retained thereafter.
4. No external development shall take place until a scheme for the drainage and disposal of surface water from the development hereby permitted has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme, which shall be completed prior to the occupation of the dwellings hereby permitted and be retained thereafter.
5. No external development shall take place until details of the design, surfacing and construction of the turning area, car parking area and bicycle parking have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to the occupation of the dwellings hereby permitted. The car parking and bicycle parking areas shall not thereafter be used for any purpose other than that approved in accordance with this condition.
6. The development shall not be occupied until details have been submitted to and approved in writing by the local planning authority of the positions, design, materials and type of boundary treatment to be erected and the boundary treatment has been provided in accordance with the approved details and maintained thereafter.
7. The development shall not be occupied until full details of soft landscaping have been submitted to and approved in writing by the local planning authority and those works have been carried out as approved. Soft landscape works shall include planting plans; written specifications; schedules of plants, noting species, plant sizes and proposed numbers/densities; an implementation programme.

End of schedule