



Appeal Decision

Site visit made on 12 August 2025

by **I A Dyer BSc (Eng) FCIHT**

an Inspector appointed by the Secretary of State

Decision date: 5th of September 2025

Appeal Ref: APP/G2625/W/25/3358572

Cadet Training Centre, Hilary Avenue, Norwich, NR1 4LF

- 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 Neil Farrow of Ordermatic Carbon Reduction Ltd against the decision of Norwich City Council.
 - The application reference is 24/00309/F.
 - The development proposed is Change of Use from Army Cadet Centre to C2 Residential Care Home and first floor front extension with alterations to the roof.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the proposal was changed by the Council from 'Additional storey to the front single storey existing extension. Roof alteration changing from hipped to gable' to reflect the change of use associated with the construction of a first-floor extension and changes to the roof form. I have used the description provided by the Council as this more accurately describes the proposed development.
3. The site is within the zone of influence (ZOI) of one or more European Protected Sites. Whilst not cited as a reason for refusal by the Council, the Court of Justice of the European Union has ruled that the decision maker, when considering the effect that a proposal may have on a European Site, must consider mitigation within the Framework of an Appropriate Assessment (AA). This responsibility now falls to me within this appeal. With this in mind I have considered the effect of recreational activity of the proposal on the European Protected Sites within my reasoning.
4. The appellants submitted a planning obligation in the form of a Unilateral Undertaking (UU) under Section 106 of the Town and Country Planning Act 1990 which would provide contributions towards mitigation measures in respect of the European Protected Sites. The parties have had the opportunity to comment on the implications of recreational activities associated with the proposal on the European Protected Sites, and the UU, and I have taken those comments into consideration. I do not, therefore, consider that any party would suffer injustice from the effects of my so doing.
5. As part of this appeal the applicant has submitted an amended plan, PFP0324_V6. The 'Procedural Guide – Planning Appeals – England' advises that: -

“If an applicant thinks that amending their application proposals will overcome the local planning authority’s reasons for refusal, they should normally make a fresh planning application”. (Annexe M.1.1) and: -

“If an appeal is made the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people’s views were sought”. (Annexe M.2.1)

6. The amended plans revise room layouts, moving a bedroom from the upper floor to the lower, exchanging places with a multi-purpose room. Whilst not fundamentally altering the scheme, there has not been any opportunity to consult interested people on the changes. Were I to accept the amended scheme, it is possible that persons would have been denied the opportunity to comment on the changes and thereby suffer injustice. I have, therefore, considered the appeal on the plans submitted with the application and upon which the Council made its decision.
7. In determining this appeal I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment, and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. From the evidence, my decision has the potential to affect persons with a protected characteristic for the purposes of the PSED.

Main Issues

8. The main issues in this appeal are: -
 - The effect of the proposal on the ability of the community to meet its day-to-day needs;
 - The effect of the proposal on Protected European Sites.
 - Whether the proposal would provide suitable living conditions for future occupiers, with particular reference to outlook and outdoor private amenity space;
 - The effect of the proposal on the amenity of neighbours, with particular reference to disturbance; and –
 - Whether the site is a suitable location for the proposal, having regard to local policy for the provision of specialist housing.

Reasons

Community needs

9. The appeal site comprises a two-storey building. It stands to the rear of the site, behind the dwellings fronting onto Hilary Avenue. To the south lie dwellings fronting onto Regency Court, a cul-de-sac leading off Hilary Avenue. More dwellings, fronting onto Honey Court, lie to the rear.
10. The building has been used as a training centre for Military Cadets. The proposal would convert the training centre to a residential care home, acting as a half-way

house for persons with a history of mental illness to re-establish themselves in the community.

11. The Cadet Training Centre (the CTC) is not identified as an Asset of Community Value (ACV). However, this does not mean its use provides no benefit to the community and it is not necessary for it to be identified as an ACV for it to be protected by planning policies.
12. Policy DM22 of the Norwich Development Management Policies Local Plan (2014) (the NLP) seeks to protect existing community facilities. To achieve this, the policy requires that development resulting in the loss of an existing community facility will only be permitted if adequate alternative provision exists or will be provided in an equally or more accessible location within 800 meters walking distance; or all reasonable efforts have been made to preserve the facility, but it has been demonstrated that it is not economically viable, feasible, or practicable to retain the building or site for its existing use; and, finally, that evidence is provided confirming that the property or site has been marketed for a meaningful period, with no realistic interest in its retention for the current use or for an alternative community use.
13. The policy goes on to say that where it is demonstrated that an existing community use is not viable, preference will be given to the change of use or redevelopment to alternative community uses before other uses are considered.
14. Whilst providing care for members of the wider community, a care home is not a 'community use' in the context of the Local Plan. Thus, the change of use does not provide an alternative community facility.
15. The appellants have identified that several community facilities exist within the wider area, including cadet, scout, and other community centres. However, the nearest, the Pilling Park community facility, is the only one which lies within 800 meters. This, however, does not provide an adequate alternative provision because it is not the same type of community facility. Thus, the proposal does not meet the first of the tests set out in DM22.
16. However, the Ministry of Defence disposed of the Cadet Centre as being surplus to their training requirements and cadets now train in other facilities nearby. The building can, therefore, be considered redundant for cadet training purposes and it is unlikely that it will ever return to its original function. On the evidence before me the building was sold at open auction and no attempt was made to market it as a community facility, as such. The proposal therefore satisfies the second test within the policy but fails the third.
17. The policy requires that other community uses are considered before a change of use. The appellants have suggested that the operation of any alternative community use would have a greater impact on the neighbours than the care home proposed and identifies that the site, when operating as a CTC included firing range facilities.
18. The site is surrounded by residential development. The effects of community facilities vary with particular uses. Their hours of operation are usually set to accommodate their specific needs, and they are unlikely to operate 24 hours a day, 365 days a year. That would not be the case with the care home proposed. On the limited evidence before me, I am unable to reject the possibility that an

alternative community use could not operate on, or from, the site without adversely affecting the amenity of neighbours to an unacceptable degree.

19. I therefore conclude that the proposal would reduce the ability of the community to meet its day-to-day needs. This would be contrary to Policy DM22 of the Local Plan.
20. For similar reasons, the proposal would be contrary to Policies DM12 and DM13 of the NLP in as much as these seek, amongst other things, to ensure that sites designated or allocated for an alternative non-residential use are protected.

Effect on Protected European Sites

Policy

21. Policy 3 of the Greater Norwich Local Plan (2024) (the GNLP) confirms that all new developments should avoid harm to designated assets of the natural environment, having regard to their level of significance (local, national, and international) in accordance with the requirements of the NPPF and relevant policies in other Development Plan Documents and Neighbourhood Plans.
22. The policy further requires that all residential development that results in an increase in the level of overnight stays will address the potential visitor pressure caused by residents of the development that would detrimentally impact on sites protected under the Habitats Regulations through the payment of a contribution towards the cost of mitigation measures at the Protected European Sites.
23. Policy DM6 of the NLP seeks to ensure that development takes all reasonable opportunities to avoid harm to and protect and enhance the natural environment of Norwich and its setting, including both sites and species, taking particular account of the need to avoid harm to the adjoining Broads Authority area and other identified areas of natural environmental value immediately adjoining the City.

Nutrients

24. Natural England (NE) has advised the Council that nutrient pollution is having an adverse effect on habitats sites within the district, namely the Broads Special Area of Conservation (SAC) which is a protected European designated site. The Habitats Regulations require the Competent Authority to consider whether or not the proposal could adversely affect the integrity of a protected site, either alone or in combination with other plans and projects. This responsibility falls to me in the context of this appeal. An Appropriate Assessment (AA) must contain complete, precise and definitive findings which are capable of removing all reasonable scientific doubt as to the absence of adverse effects on the integrity of a protected site.
25. The site lies within the catchment for foul drainage that feeds into the Broads SAC and the proposal would increase overnight accommodation within the catchment. Table 2 appended to NE's 'Advice for development proposals with the potential to affect water quality resulting in adverse nutrient impacts on habitats sites' (16 March 2022) confirms the Broads SAC is in unfavourable condition due to excessive nutrients, namely Nitrogen and Phosphorus.
26. The government's Chief Planner has also advised that, where habitats sites are in an unfavourable conservation status and additional nutrient loads, such as from

development, may have an adverse effect, proposals affecting such sites should be carefully considered and mitigation should be used to ensure that there are no adverse effects.

27. Given the above I am unable to conclude that there would be no adverse effect of the proposal, alone, on the Broads SAC. Whilst the appellants have expressed the intention to purchase nutrient credits, there is no evidence before me that they have done so and thus no mitigation has been provided to offset any resultant harm from nutrients. I am therefore unable to complete the AA favourably.

Recreation

28. There is no dispute between the parties that the site is located within the zone of influence of one or more of the European Protected Sites afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitat Regulations). The relevant sites in Norfolk are identified by the Council as the Wash SPA, Wash and North Norfolk Coast SAC, Wash Ramsar, North Norfolk Coast SAC, North Norfolk Coast SPA, North Norfolk Coast Ramsar, Norfolk Valley Fens SAC, Winterton – Horsey Dunes SAC, Great Yarmouth North Denes SPA, Broadland SPA, Broadland Ramsar and Breydon Water SPA.
29. The development would increase the number of residents in the district, and so the development would, when considered in combination with other development, result in a likely significant effect on the integrity of the protected sites as a result of recreational pressures.
30. Jointly the local authorities within Norfolk have, in consultation with, and with the agreement of, NE adopted the Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS) which incorporates strategic mitigation measures to be delivered to avoid adverse impacts where appropriate.
31. This provides a strategic, county wide approach to mitigating recreational pressures on the protected sites through the securing of financial contributions for access management schemes and monitoring proposals. As this is an agreed approach with NE the proposed development can be assessed within the context of the GIRAMS. On this basis I consider that this is an appropriate approach to mitigating identified harms.
32. The UU submitted by the appellants makes provision for the payment of the appropriate financial contributions and it is a matter of agreement between the parties that the UU satisfactorily addresses this matter. I have no reason to disagree.

Conclusion regarding effect on European Sites

33. Whilst the proposal would address any harms from additional recreational pressures on the Protected European Sites, I have found that I cannot be certain that the proposal would not adversely affect the integrity of the Broads SAC and, in the event that it would, I am not in a position to ensure that this would be suitably mitigated. In the circumstances, there is the potential that the proposal would conflict with the requirements to ensure that there will be no adverse impacts on European protected habitats sites, as required in Policy 3 of the GNLP and Policy DM6 of the NLP as well as the nature conservation requirements of the National Planning Policy Framework (the Framework) and the Habitats Regulations.

Living conditions of future occupiers

34. The proposal would use rooms on the upper floor of the building to create bedrooms for residents. The windows of one of these bedrooms would look out over the private gardens of neighbours and the proposal has addressed this through the use of obscure glazing in the lower half of the bedroom window.
35. However, this would compromise the outlook from that window for the occupier of the room. The bedrooms provide the only private space for future occupiers, the other rooms that they could use being communal. Given that the care home is intended to provide a home for people aged between 18 and 65 with a history of mental health needs, it is likely that the future residents would spend much of their time within the building. They are likely, therefore, to spend a significant proportion of their time in their bedrooms. The lack of outlook would create a gloomy, unwelcoming space. This is particularly harmful to the residents, given their circumstances.
36. The external amenity space for the care home is located behind the building and enclosed by the wall of the building and a fence approximately 1.8 metres high. The space is of limited width, and this would discourage its use for outdoor physical or social activities. This lack of opportunity has potential to harmfully undermine the wellbeing of future occupiers. Taken overall, given the circumstances of future occupiers and the likely undermining of the wellbeing of a vulnerable group, this harm would be significant.
37. I therefore conclude that the proposal would not provide suitable living conditions for future occupiers, with particular reference to outlook and outdoor private amenity space. It would, therefore, be contrary to Policies DM2 and DM13 of the NLP which, together, seek to ensure that developments provide a high standard of amenity and satisfactory living conditions with adequate levels of outlook for future occupiers and provide appropriate external amenity space for them.

Effect on neighbours

38. The proposed use as a care home would require the presence of staff at all times. These staff would not live on the premises but would travel from elsewhere and work shift patterns. It is likely that some would travel by car and six car parking spaces are provided within the site.
39. The area within which the site lies is predominantly residential in nature. The proposed car parking lies towards the middle of the site, close to the rear of houses facing onto Hilary Avenue and the fronts of dwellings facing onto Regency Court. There are first floor windows in the elevations closest to the parking area and these are likely to serve bedrooms in those properties.
40. The appellants have identified that there would be three members of staff present during the day during weekdays, and two at night and at weekends. The staff would work 12-hour shifts, changing over at 8 am and 8 pm. Staff would include a manager, who would only work during weekdays. This staffing pattern would result in the movement of up to five cars in the morning and evening. There would be additional trips providing support and social care for the residents and, given the demographic of the residents, it is reasonable to assume that there would be an occasional need for access by ambulances.

41. The use as a CTC would have generated vehicular trips. These would likely have been during the day or early evening and it is not unreasonable to assume that many would likely have been drop-offs, not entering the site due to its constrained nature.
42. It is reasonable, therefore, to assume that there would be an increase in vehicular movements entering and leaving the site. These would be predominantly in the morning and evening. There would be additional trips throughout the day and it is likely that some would occur during the night. Further, they would involve the manoeuvring of vehicles in low gear to turn within the site. However, most of the noise would be generated during the day, between 8 am and 8.00 when most people are awake.
43. Any alternative community use would also be likely to attract vehicle movements. Whilst it is unlikely that these would be in an identical pattern to the CTC use, it is likely that such disturbance would occur throughout the day.
44. I therefore conclude that the proposal would not unacceptably affect the amenity of neighbours, with particular reference to disturbance. The proposal would, therefore, accord with the aims of Policy 2 of the Greater Norwich Local Plan (2024) (the GNLP) and Policy DM2 of the NLP in as much as these together seek, amongst other things, to avoid development that would have an adverse impact on the amenity of the area or the living or working conditions or operations of neighbouring occupants, with particular regard to, amongst other things, disturbance from noise.

Suitable location

45. Policy 5 of the GNLP is cited in the first of the Council's Reasons for Refusal. The policy seeks to address the need for homes for all sectors.
46. There is no dispute that the site has good access to local services and the policy provides support for specialist housing, such as is proposed, "unless there are significant adverse impacts that justify a refusal of planning permission".
47. I have found that the proposal would be contrary to several policies within the development plan and, together, these provide justification of refusal. The proposal is, therefore, contrary to Policy 5 of the GNLP.
48. I therefore conclude that the site is not a suitable location for the proposal, having regard to local policy for the provision of specialist housing.

Other Matters

49. I have had due regard to the PSED and found that the development could provide the opportunity to advance its aims by meeting the needs of persons with a protected characteristic. However, set against the well-established and legitimate aim of the protection of community assets for the whole community, the protection of strategically important biodiversity sites and the living conditions of the occupiers themselves, dismissing the appeal is a proportionate response in this case.

Planning Balance and Conclusion

50. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning determinations must be made in accordance with the plan unless material considerations indicate otherwise.
51. I have found that the proposal would be contrary to Policies 3 and 5 of the GNLP and Policies DM2, DM6, DM12, DM13 and DM22 of the NLP. The proposal would, therefore, not be in accordance with the Development Plan when read as a whole.
52. The proposal would, however, make a modest contribution to an acknowledged shortfall in care home provision and this is a public social benefit which, given the numbers involved, weighs moderately in favour of the proposal.
53. The conversion would provide some public economic benefits in increased employment opportunities and support to the construction supply chain during the construction phase. This, however, would be short lived and of a limited scale and I apportion limited weight to it. There would be longer-term economic and social benefits to the local economy through increased usage of local shops and services. However, given the scale of the proposal, such benefits carry limited weight in my deliberations.
54. The proposal would bring back a disused building into productive use. The Framework, at Paragraph 125, encourages the use of suitable brownfield land within settlements for homes and other identified needs. The Framework allocates substantial weight to the value of such proposals and advises that they should be approved unless substantial harm would be caused. In this case I have found harm in relation to nutrient loading to a protected European Site. Government policy, through the Framework, places great importance on the conservation and protection of the natural environment and the proposal would, in combination with other development, cause substantial harm to an asset of international importance. I therefore allocate substantial weight to the harmful effects on the SPA.
55. The proposed use of the site would result in the loss of a community facility, and the Framework, in Paragraph 98 recognises the importance of the provision of social, recreational and cultural facilities and services to meet the day-to-day needs of the community. The building has been unoccupied for some time, but I have found that no meaningful attempt has been made to find a use for the building that would meet such needs in the local community and so I give this matter moderate weight in my consideration of the proposal.
56. I have further found the proposal would materially harm the amenity of neighbours and would fail to provide suitable living conditions for occupiers. This matter bears substantial weight when considering the merits of the proposal. Therefore, I find that the benefits provided by the proposal are outweighed by its adverse impacts.
57. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.

I A Dyer

INSPECTOR