



Appeal Decision

Site visit made on 2 September 2025

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th October 2025

Appeal Ref: APP/D2510/W/25/3364806

Orby House, Gunby Road, Orby, Lincolnshire PE23 5SW

- 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 M Johnson (Boulevard Care Ltd) against the decision of East Lindsey District Council.
 - The application reference is N/134/02323/23.
 - The development was originally described as 'redevelopment of former care home site to form holiday use.'
-

Decision

1. The appeal is allowed and planning permission is granted for change of use of 2 no. buildings containing 20 no. training flats into 20 no. holiday flats; change of use, alterations to existing social block to provide 4 no. holiday flats, change of use, extension and alterations to existing education block into an amenities building and provision of a playground, at Orby House, Gunby Road, Orby, Lincolnshire PE23 5SW in accordance with the terms of the application, Ref N/134/02323/23, and subject to the conditions in the attached schedule.

Preliminary Matter

2. The Council adopted a different description of development to that on the application form and used it in its consultation correspondence. Although I have no formal agreement from the appellant to the change, it has been entered on the appeal form. The Council's description does not change the nature of the proposal, but does more comprehensively described the various elements of the scheme. Therefore, I have used this description in the formal decision above.

Main Issue

3. The main issue is whether the proposal would be suitably located, having regard to national and local policy relating to the accessibility of developments by various modes of transport, and the effect on highway safety.

Reasons

4. The appeal site is located on the southern side of Gunby Road in a small cluster of development detached from the contiguous built-up area of the village of Orby by around 600 metres. It lies within the open countryside for planning purposes.
5. The site is an established development understood to have previously operated as a residential home for young people with learning disabilities, which provided training and work experience in a number of areas. The facilities are spread across six buildings, with the two to the front of the site containing living accommodation totalling some 20 flats of varying sizes. An administration building contains a

reception and offices. A fourth building is laid out as a 50s-themed restaurant. The two buildings to the rear were both under renovation at the time of my visit, but are indicated on plans to have previously been used as gathering and training spaces.

6. The proposal seeks to convert the site to a holiday use, with the flats being let out to visitors and the communal buildings being re-purposed for various uses, including additional flats, a gym, ice-cream parlour and shop. A playground is proposed on land to the rear of the existing buildings. A café, office, reception and shop were previously approved under a planning permission in November 2021 (Council Ref N/134/1735/21), though the evidence before me is that this permission has not been implemented.
7. The Council in assessing the proposal has not opposed the principle of the change of use. The appellant has submitted in evidence that continued use of the site as a care facility is no longer possible due to it not being considered suitable by the Care Quality Commission. The site was empty of residents at the time of my visit, with only a small number of staff on site.
8. Policy SP10 of the East Lindsey Local Plan Core Strategy (July 2018) (the LPCS) supports well-designed, sustainable development which maintains and enhances the character of the district's towns, villages and countryside by, among other things, ensuring it is easy for everyone to get around by incorporating safe and attractive roads, cycleways and footways that enable people of all abilities to access shops, jobs, schools and community facilities.
9. The Council's concern, echoing an objection from Lincolnshire County Council (LCC) as the local highway authority, relates to the detached location of the site from the nearest village and facilities, the lack of suitable pedestrian infrastructure to allow guests of the proposed development to reach local facilities on foot, and conversely to allow local residents to travel on foot to avail of proposed facilities on the appeal site, including the shop, restaurant and children's playground.
10. However, the predicted increased pedestrian movements along Gunby Road are unquantified by either LCC or the Council. It appears to be common ground that the only facilities in Orby likely to be used by tourists are the public house, The Red Lion, some 1.2km away, and possibly the local church when services are held. Having observed the route to the village, I agree that it is a less than ideal route for pedestrians, due to the absence of a footway or suitable verges for some 450m between the site and the junction with Chalk Lane.
11. However, contrary to the Council and LCC, I find that the distance involved and lack of footway is likely to act as a deterrent to guests of the development opting to walk into the village to reach what are a very limited number of facilities. Rather, holiday visitors to the site would almost certainly arrive by car, given the site's location and the need for a vehicle to reach the many tourist attractions in and around Skegness. Moreover, the proposed facilities, notably a café/restaurant and small shop, would provide visitors with on-site options that would reduce the need to leave the site for meals and/or provisions. Thus, despite the lack of footpaths, the limited number of destinations in Orby means I am not persuaded that the proposal would give rise to regular pedestrian traffic along Gunby Road that would pose a risk to the pedestrians themselves or other road users.
12. Similarly, local residents wishing to visit the proposed commercial facilities on site would be familiar with the speed and volume of traffic on Gunby Road and are

likely to choose to travel by car, for which ample parking is proposed on site. Indeed, I am told that LCC raised no objection to the lack of pedestrian access to the proposed commercial facilities under the 2021 permission. There is no indication that the road conditions on Gunby Road have materially changed in the interim period.

13. The appellant has also pointed to several tourism developments in the surrounding area which have been permitted with no pedestrian access to local facilities. The Council seeks to differentiate these other schemes, but they are similar in principle and I saw them to be located well beyond reasonable walking distances of Orby or Burgh le Marsh, along unsatisfactory routes lacking verges, and/or subject to higher speed limits. Whilst matters of highway safety must be considered on a site-specific basis, these other developments indicate that pedestrian access to local facilities has not been deemed necessary in respect of other schemes, which are also located in the countryside and for which part of their attraction lies in their natural surroundings and detachment from the noise and activity of urban areas.
14. The Framework recognises that the ability to provide sustainable transport options will differ between urban and rural areas. Whilst in a rural location, the site is a similar distance from facilities in Burgh le Marsh, Ingoldmells and Skegness as other facilities, including Heron's Mead, Catchwater Meadow and Faulker Lakes. Even if walking is not feasible, visitors would be able to cycle on Gunby Road to reach Orby village, and many car journeys would be short to the next settlements.
15. Many representations raise concern over the potential increase in vehicular traffic along what is described as a very busy Gunby Road. The evidence before me indicates that the previous use on site generated several daily trips by five staff members, delivery vehicles and cars and minibuses bringing attendees to and from the facility. A total of 60 parking spaces are proposed, 25 for guests, 17 for staff and 18 for visitors to the commercial uses. I am not provided with predicted trip levels, but it is reasonable to expect that there would be an increase over the previous use, given the additional staff, the introduction of public access to the site and the fact that guests would be able to come and go throughout the day. The proposed commercial uses would also add to the number of deliveries to site.
16. I am not provided with data to quantify the traffic levels past the site, but the Council's reason for refusal does not allege that the development would cause harm through increased vehicular traffic. The nature of tourist accommodation is that occupants will come and go at different times of the day, in contrast to a residential estate or office park where commuting patterns would concentrate traffic at peak times. As such, vehicular movements to and from the site are likely to be staggered across the day and, given the scale of the development, at a sporadic frequency that would not translate to constant traffic along Gunby Road. Therefore, I am satisfied that the proposal would not lead to either an unacceptable risk to highway safety or a severe adverse impact on the road network, per the tests of the Framework.
17. Overall, there would be a degree of conflict with Criterion 3 of Policy SP10, and indeed Criterion 3 of Policy SP22 of the LPCS, due to the absence of a footway between the site and Orby. However, for the reasons set out, this would not lead to a demonstrable risk to pedestrian safety, nor would vehicular traffic generated by the proposal otherwise lead to harm to highway safety. Accordingly, this limits the weight I afford to this conflict in the overall planning balance.

Other Matters

18. The proposal would result in the productive re-use of a significant existing development, which would accord with the requirement of Criterion 1 of Policy SP10 to use brownfield land for development, and the similar aims of the Framework to make effective use of land. Interested parties have raised concern at the loss of a facility purposely built for those with learning disabilities, and expressed preference for another community use to replace it, such as a care home. However, the Council has not challenged the appellant's evidence in respect of the circumstances leading to the closure of the facility and I have no reason to doubt the information before me. This aside, there is no policy put to me that requires the site to be put to another community use in the first instance. Rather, Policy SP15 supports conversions of existing buildings into serviced holiday accommodation where they are appropriate in scale and form, do not cause unacceptable impacts to heritage assets, protected species or habitats and are capable of being integrated into the surroundings without unacceptable harm to character and appearance and the amenities of the area.
19. In these respects, the proposal would make use of the existing buildings on site, with little change to the overall character and appearance of the area. Parking would be largely contained within the central courtyard or discreetly to the western side of the site where it would not visually dominate. The proposed playground would be located to the rear of the site, out of public view and at distance from the main road.
20. Concerns have been raised in respect of the potential for the site to harm neighbours' living conditions due to noise, loss of privacy and disturbance from lighting. The Council has not pursued the appeal in respect of any of these matters. I accept that the proposal is likely to result in a more intensive use of the site, including activity later into the evening at the restaurant. There is also potential for late night comings and goings by guests visiting attractions or venues in Skegness. However, I agree with the Council that the size of the proposed holiday lets is likely to suit single visitors, couples or small families, rather than large groups or extended families, which would lessen the likelihood of noise and disturbance being caused. A management plan can be required by condition to establish procedures for on-site activities and how any disturbance would be addressed should it occur.
21. Moreover, the concentration of parking areas and building accesses to the interior of the site would also help reduce noise transfer to neighbouring properties. Daytime activity, including at the proposed commercial uses, would not be inherently noisy and not significantly greater than the previous use of the site. In terms of privacy, no new windows would be introduced overlooking neighbouring properties. The existing first floor windows to the western elevation of Building 1, serving two bedrooms, the landing and a bathroom, are set back from the boundary with Woodlands, which is itself set back and has boundary planting that further filters views. Overall, I am satisfied that neighbours' living conditions would not be unduly compromised by the proposal.
22. I have had regard to other matters raised, including site drainage, effect on local services and potential future expansion of the site. The site would utilise its existing drainage infrastructure and there is no suggestion that this would not be adequate to deal with foul water generated. I concur with the Council that a

condition setting out details of surface water drainage is necessary as the proposal would involve some increase in the amount of hardstanding on the site. The site would not create permanent residential accommodation and so would not result in additional ongoing demand for local services such as schools or doctors.

23. I also note concerns raised over a lack of a secure boundary treatment to the western side of the site which adjoins a paddock where dogs are kept. The boundary is a mature hedgerow with few gaps of note. Ultimately, I have not identified a specific risk to the acceptability of the development as proposed. Should one or more parties have concerns over site security, this is a matter for the respective parties to address separately.

Planning Balance

24. On the main issue, the lack of pedestrian access to Orby is a drawback of the proposal that results in conflict with development plan policies promoting accessibility; however, for the reasons set out, the actual harm arising from this lack of provision would be limited.
25. Set against this, the proposal would make productive and full re-use of a large and unique site that would accord with the development plan in terms of the provision of tourist accommodation and would reflect the Framework's aim of making effective use of land. It would additionally generate new economic activity and employment, including facilities for the general public that would improve upon the presently limited offering in Orby.
26. In the overall balance, these are significant material considerations that, taken together, outweigh the identified limited conflicts with Policies SP10 and SP22 of the LPCS, and so justify a determination other than in accordance with the development plan.

Conditions

27. I have had regard to the list of suggested conditions provided by the Council. Where necessary, I have amended their wording to ensure they meet the relevant tests for conditions set out in the Framework.
28. In addition to the statutory time limit for implementation [1], a condition setting out the approved plans is necessary to provide certainty [2].
29. It is necessary to restrict the use of the proposed accommodation to holiday purposes only [3], and to require the proposed commercial units to remain ancillary to the main holiday accommodation use [4], to prevent permanent and/or separate occupation of the site that would conflict with adopted planning policy relating to development in the countryside and potentially lead to unanticipated impacts.
30. To protect the living conditions of neighbouring occupants, conditions are required in respect of the opening hours of facilities on site [5], external lighting [6] and the provision and implementation of a site management plan [7].
31. Details of a foul and surface water drainage strategy are required to ensure the site does not increase flood risk for the development or elsewhere [8]. To ensure a satisfactory appearance, it is necessary that external materials match those used on the existing buildings, and an appropriate scheme of landscaping is submitted,

approved and implemented [9, 10]. Finally, details of on-site cycle storage for staff and visitors is required, to promote sustainable modes of transport [11].

Conclusion

32. For the reasons set out, therefore, I conclude that the appeal should be allowed, subject to the conditions in the attached schedule.

K Savage

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following drawing numbers:
 - Site Location Plan
 - A/3764-1001
 - A/3764-1002
 - A/3764-1004
 - A/3764-1005
 - A/3764-3001-REV A
 - A/3764-3002
 - A/3764-3004
 - A/3764-3005
- 3) The holiday flats hereby permitted shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The owners/operators of the site shall maintain an up-to-date register of the names of all occupiers of the accommodation on site, and of their main home addresses, and shall make this information available to the Local Planning Authority upon request.
- 4) The areas within the building hereby permitted as an ice cream parlour, laundrette, fitness suite and toy and book shop, shall only be used as ancillary facilities to the use of the site as holiday accommodation and shall not be sold or let off separately to the rest of the application site.
- 5) The ice cream parlour, play area and shop shall not be open for customers outside the times of 08:00 - 19:00 hours.
- 6) No external lighting shall be installed on site unless details of such lighting, including design, location, the intensity of illumination and fields of illumination, have been first submitted to, and approved in writing by, the Local Planning Authority. Any external lighting that is installed shall accord with the details so approved.
- 7) Prior to the first holiday flat or commercial use being brought into use, a Management Plan for the whole site shall be submitted to and agreed in writing by the Local Planning Authority. The Management Plan shall include details of how the site will be managed in terms of guest arrival times and guest numbers. The Management Plan shall also include details of how complaints will be handled regarding noise or adverse impacts on amenity.
- 8) No part of the development shall be brought into use until a surface and foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the works have been carried out in accordance with the drainage strategy so approved.

- 9) The materials to be used in the construction of the external surfaces of the development hereby permitted, including the materials for windows and doors, shall match those used in the existing buildings.
 - 10) Prior to the first occupation of the development hereby permitted, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance. Such scheme as is approved by the Local Planning Authority shall be carried out in its entirety within the first planting season following the date on which development is commenced or in line with a phasing strategy agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.
 - 11) The development hereby permitted shall include cycle storage for visitors and staff, and details of the cycle storage should be submitted to and agreed in writing by the Local Planning Authority prior to any of the uses first coming into use. The cycle storage shall be provided on site in accordance with the agreed details prior to the first use being open to residents or the general public, and it shall remain on site at all times while the development is in use.
-