



Appeal Decision

Site visit made on 4 November 2025

by **G Ellis BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 November 2025

Appeal Ref: APP/Z5630/W/25/3367748

Thetford Lodge Rest Home, 16 Thetford Road, New Malden KT3 5DT

- 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 Kingsbury Investment & Development Group Limited against the decision of the Royal Borough of Kingston Upon Thames.
 - The application Ref is 25/00138/FUL.
 - The development proposed is the change of use from Use Class C2 (care home) to Use Class E(f) (nursery), installation of refuse storage, cycle store, creation of external garden/play areas and reconfiguration of car park.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Kingsbury Investment & Development Group Limited against the Royal Borough of Kingston Upon Thames and this is the subject of a separate Decision.

Preliminary Matters

3. Additional information, including a recent appeal decision submitted by the Council and a KC opinion provided by the Appellant to support their position, were submitted at a late stage of the appeal process. The other party has, however, been given an opportunity to comment on this material, which I have had regard to.

Main Issue

4. The main issue is whether the proposal would result in the loss of residential accommodation and, accordingly, whether there would be a conflict with the Development Plan.

Reasons

5. 16 Thetford Road is occupied by a large, detached Victorian building. The building is vacant, and the appellant explains that it was last used as a care home, which closed in 2015. In the intervening period, a number of planning applications have been submitted for alternative uses. Most recently, the conversion and extension of the building to create 8 flats was allowed on appeal in 2024¹. Prior to which, an earlier appeal also relating to 8 flats was dismissed in 2018².

¹ Appeal Decision APP/Z5630/W/23/3332043

² Appeal Decision APP/Z5630/W/17/3182062

6. The 2024 scheme, which is extant, would result in the loss of a care home, but would provide a residential use. Notwithstanding this, I acknowledge that planning permission for one use does not prevent an alternative scheme from also being acceptable when considered against the development plan and other material considerations.

Policy DM14

7. Policy DM14 - *Loss of Housing* of the Royal Borough of Kingston upon Thames Core Strategy April 2012 (Core Strategy) sets out that the Council will resist the loss of existing accommodation (of all types) and, in particular, dwellings which are suitable for family accommodation. A care home is a specialist type of residential accommodation, as identified in the supporting text to policy DM14, paragraph 6.103.
8. The appellant suggests that policy DM14 is not relevant in this case. They refer to and take support from the 2018 appeal decision in which the Inspector indicated that the particular weight given to the protection of family housing was not relevant. The weight given to family housing, which I agree is not relevant here, does not, however, alter the overall objective of policy DM14 to protect all accommodation. This position is set out in the 2018 decision (paragraph 19) and is endorsed by a number of other appeal decisions, including a very recent appeal decision³ drawn to my attention by the Council, which explains that policy DM14 is unequivocal in resisting the loss of existing accommodation.
9. It is also important to note that in the 2018 decision, the Inspector concluded that there was no conflict, as housing would continue to be provided (paragraph 22). In addition, at that time, the Council could demonstrate a five-year supply of housing. This contrasts with this proposal, which would result in no residential accommodation, and the context now is that there is a critical need for housing, with the Council indicating that they have a supply of just 1.48 years⁴. The National Planning Policy Framework (the Framework) is resolute in its support for the government's objective to significantly boost the supply of homes.
10. The appellant also argues that because the building is vacant and, by virtue of it not being in use, it is not "existing" accommodation for the purposes of policy DM14. I acknowledge that the building is not operating as a care home, and from the details before me, it has not been used as such for approximately 10 years.
11. There is, however, nothing in the policy wording that distinguishes between accommodation that is occupied or in active use and that which is not. Similar wording is used in policy H8 of the London Plan March 2021 (London Plan), which indicates that the loss of existing housing should be replaced and supports the important roles of redevelopment and intensification. I also struggle with how such an interpretation would operate – e.g. once a building is vacant, potentially for any period of time, it would no longer be "existing" and would not have to comply with the policy.
12. Notwithstanding this, the appellant is not suggesting that the use has been abandoned, and the cessation of a use is not development. Significantly, the development applied for is a change of use from Use Class C2 (care home) to Use

³ APP/Z5630/W/24/3352759 - 8 Upper Brighton Road

⁴ Officer report for 25/00138/FUL and Appeal statement

Class E(f). Since the building has been unoccupied for several years, the proposed development would not displace any current residents. However, as confirmed by the Council, the lawful use of the building is Use class C2, and, accordingly, as the use is residential, I find that policy DM14 is applicable and that there would be a loss of accommodation.

13. Where I do agree with the appellant is that it would be unreasonable to seek the retention of a vacant building or land for such purposes if it cannot be put to a viable use. However, that is not the case put forward here. The evidence supports the position that it would not be viable to bring the building back into use as a care home, having regard to various factors, including compliance with Care Quality Commission standards, the health and safety of the layout, modernisation and operational costs. There is no information to suggest that a different residential use, or any other use other than a nursery, would be unviable or that the building is not structurally suitable for occupation. While the applicant is not obliged to proceed with an existing planning consent, it would be reasonable (though not guaranteed) to assume that when planning permission was sought for the 2024 residential scheme, it was a viable option.

Care Home

14. The loss of the care home is, whilst related, a separate matter from the compliance with policy DM14. London Plan policies H8 and H12 support specialised housing, with policy H8 criterion B requiring satisfactory re-provision if specialist accommodation is to be lost where there is unmet need. The extract from the Kingston Local Housing Needs Assessment, referenced in the Council's officer's report, refers to affordability issues and indicates a need for housing with support, along with an increase in demand driven by demographics. It does, however, explain that, at present, the supply/demand for care bedspaces are broadly balanced. Published in September 2024, it is a recent assessment. I have not been provided with any further evidence of a specific need for care homes in the area, and the appellant explains that the operator of the care home on the appeal site opened an alternative provision with 36 bedspaces elsewhere in Kingston in 2019.
15. The Council raise concern that it has not been adequately demonstrated that a care home would not be viable, although that stems from the reliance on the details which supported the earlier 2018 scheme, rather than directly relating to need. The appellant has provided a supporting statement as part of this appeal, prepared by U.L.L Property, which updates the viability position and concludes that it remains unviable to utilise the existing building as a care home. The Council do not challenge this, and I see no reason to take a different view. There is also an existing planning consent, which would result in the loss of the care home. Drawing all these matters together, I do not find that there would be an unacceptable loss of a care home contrary to policy H12 or policy H8B.
16. London Plan Policy H13 is also cited in the reason for refusal and relates to the identification of and the requirements for specialist older person housing. As this proposal is not for the provision of such a facility and the policy makes no reference to retaining existing facilities, I do not find it directly relevant.
17. Overall, I find that the proposal would result in the loss of a residential use. I recognise that there is also a potential quantitative element, although there is a

difference between the numbers and physical provision. To that end, I agree with the appellant that the building accommodating 17 residents (15 bedrooms) as a care home would not necessarily equate to 17 units if the building (or the site) were used for individual units of accommodation (Use Class C3). Additionally, the 2024 scheme for 8 units was not found to conflict with policy DM14. Nevertheless, as the proposal does not include any residential provision, further consideration of this aspect would not change the position that there would be a loss of residential accommodation as a result of the proposed development.

18. The proposal would therefore fail to accord with policy DM14, which protects all residential accommodation. However, for the reasons set out, there would not be a conflict with London Plan policies H12, H13 or H8B, which support the provision and retention of care homes where there is an unmet need.

Other Matters

19. Core Strategy Policy CS16 supports the provision of new community facilities and the Framework states great weight should be given to the need to create, expand or alter early years facilities (Paragraph 100). The proposed use would also generate employment, with the appellant indicating that 19 FTE staff would be required when operating at capacity. The prospective operator of the nursery refers to unmet demand in the area, although their reasons for interest in the appeal property include a number of other factors, and the Council's Early Years Service advises that there is a slight oversufficiency of early years places in Kingston, alongside a falling population. They do, however, acknowledge the potential for increased demand due to the government's expansion of funded childcare hours.
20. The Council found the physical alterations to support the use (parking, bin and cycle storage, etc) to be appropriate, and I have no reason to disagree. No other conflicts with the development plan are identified.

Planning Balance and Conclusion

21. The proposal would bring a vacant building back into use and provide a facility for pre-school children. It would provide a community use, albeit a private nursery, and would generate economic benefits, including employment. Whilst the Framework recognises the importance of early years provisions, the local position does not indicate a substantiated unmet need. Compliance with other policy requirements with regard to matters such as design, transport and amenity are a neutral matter. There are, however, benefits of the proposed development, which together I afford moderate weight.
22. On the other side, the development would conflict with Core Strategy policy DM14. There is a critical need for housing in the Borough, with the supply significantly below 5 years and a 10 year target of 9,640 homes. Whilst the building has not been in active use for a period of time, the proposal would result in the loss of a property for residential use, and there is an extant consent for 8 flats. The Framework at paragraph 61 emphasises the objective of significantly boosting the supply of homes and of developing land with planning permission without unnecessary delay. The proposed change of use would negatively impact the housing supply position, and I place significant weight on this harm.
23. The proposed development, therefore, does not outweigh the identified harm and would conflict with the development plan taken as a whole. The material

considerations do not indicate that the appeal should be decided other than in accordance with it.

24. Consequently, for the reasons set out, the appeal is dismissed.

G Ellis

INSPECTOR