



Appeal Decision

Site visit made on 4 November 2025

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 16 December 2025

Appeal Ref: APP/L3815/W/25/3371860

12 Gull Rock, Seal Road, Selsey PO20 0HW

- 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 Family Care Co Ltd against the decision of Chichester District Council.
 - The application Ref is SY/25/00030/FUL.
 - The development proposed is change of use from ancillary care home accommodation (C2) to small HMO (C4).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council's refusal notice, the Chichester Local Plan 2021-2039 (Local Plan) has been adopted (August 2025). The refusal notice refers to policies in the then emerging Local Plan which now form part of the adopted plan. Both the Appellant and the Council have referred in their appeal statements to the same policies in the newly adopted Plan and I shall no longer refer to policies from the earlier Chichester Local Plan: Key Policies 2014-2029.
3. The application form states that the development had commenced but not been completed at the time the application was made. The Council has also referred to the development being part retrospective. However, as the application form sets out that the development had not been completed at the time the application was made, I shall consider the development as a proposed development, as I am required to do.

Main Issue

4. The main issue in this appeal is whether the proposal would result in an unacceptable loss of a local community facility and employment site.

Reasons

5. The appeal property is a two-storey building on the south-west corner of Seal Road with its eastern boundary running along Seal Square and within a predominantly residential area within the settlement boundary of Selsey. There is a single storey link from the appeal building southwards to the adjoining building, the Conifers Rest Home, which has now closed and appears vacant.
6. Although the Appellant has referred to a complex planning history, there appears to be no dispute between the Appellant and the Council that the lawful use of the

appeal building falls within Class C2 (residential institutions) having been used as additional accommodation, primarily for staff, in association with the Conifers Rest Home. This is the existing use set out on the application forms. I have taken into account the ways in which the accommodation has been used in association with the former care home to the immediate south, but on the basis of the information before me, I also concur that the existing lawful use of the building would appear to fall with Class C2 and shall consider the proposal on that basis.

7. The proposal is for a change of use from the existing C2 use to a small house in multiple occupation (HMO) under Class C4. I am advised that at the current time, the property is being used to provide staff accommodation for another residential care home in Selsey.
8. Policy P17 of the Local Plan sets out how the Council will address proposals in respect of new or existing local and community facilities, including public services leisure and cultural services. In respect of the proposed loss of such a facility the policy sets out criteria all of which must have been addressed, including that the premises have been marketed for a reasonable period of time, in accordance with specific guidance for such marketing as set out in an appendix to the Plan.
9. The Appellant has contended that the site is neither in an employment generating or community facility use. I consider the employment generating use further below. On the basis of the information before me, I consider that the Class C2 use, as specified on the application forms, would fall to be considered as a community facility use. There is no information before me to persuade me to a different view.
10. I accept, from all the information provided, that the existing care home has closed and that there is evidence before me that it was unfit for purpose and unviable as a going concern. I have taken into account the comments from the Council's Economic Development Officer raising no objection to the proposal. I also recognise that the site being considered in respect of this proposal was an ancillary part of the care home, albeit that it has been accepted that the lawful use of the site under consideration is Class C2. However, the information provided is specific to the previous care home. The relevant policy is clear that the loss of a community facility should be subject to an appropriate marketing campaign, and this has not been undertaken to explore whether there may be other community uses that would wish to make use of the accommodation.
11. I have also taken into account the use that is being made of the space to provide accommodation for staff at another care home in Selsey. However, the proposal seeks permission for the use of the appeal premises to become an unrestricted Class C4 use, and if permitted as sought, the premises would no longer be in a community facility use, nor could a condition be reasonably imposed to ensure it remains in association with the other care home. This information does not therefore override the policy requirement to market the premises to demonstrate whether or not the change of use would accord with the policy and the development plan objectives.
12. The Appellant has contended that this requirement for marketing would impose an unreasonably onerous burden of evidence on the Appellant; the requirement for such marketing evidence is clearly laid out under the provisions of a very recently adopted Local Plan and has been carried forward from a previously adopted development plan. Any marketing campaign should be proportionate to the details

and characteristics of the site to ensure that it would not place an undue burden of evidence on the Appellant. This concern does not therefore override my findings on this matter.

13. I therefore conclude that the proposed development would result in the loss of a community facility. On the evidence before me, I cannot be satisfied that this would be acceptable as it has not been demonstrated that there would not be other community facilities to use the accommodation, before permitting its use as a Class C4 HMO. The loss of the community facility, without further justification, would conflict with Policy P17 of the Local Plan regarding the protection of community related facilities.
14. The Council has also contended that the proposal would result in the loss of an existing employment site as well as a local community use and has therefore cited Policy E2 of the Local Plan in the refusal notice. Policy E2 refers to employment sites and uses. Whilst I acknowledge that a Class C2 use will employ personnel, it is not clear to me whether the site, as a Class C2 use, also falls to be considered as an employment use and site, particularly where there are specific development plan policies relating to such uses under the general heading of local and community facilities. However, even if I were to consider it as an employment use, the requirements for marketing of the site under Policy P17 of the Local Plan are similarly required under Policy E2.
15. The Council has also referred to Policy S2 of the Local Plan in its reason for refusal, but this policy sets out the settlement hierarchy, with Selsey listed as a settlement hub, and I see no conflict with this policy. The Council has not elaborated its concerns in respect of this policy.

Conclusion

16. In the particular circumstances of this case and whilst I note the benefits outlined by the Appellant, the fundamental conflict with Policy P17 through a lack of marketing means that there would be conflict with the development plan as a whole. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

L J Evans

INSPECTOR