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## Appeal Decision

Site visit made on 9 October 2025

**by K Savage BA(Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7 January 2026

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**Appeal Ref: APP/A1015/W/25/3364635**

**82 St. Philip's Drive, Hasland, Chesterfield S41 0RG**

- 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 Dr Catherine Kemp against the decision of Chesterfield Borough Council.
  - The application reference is CHE/24/00658/FUL.
  - The development proposed is change of use from health centre to residential assessment centre and children's home including alterations to roof, installation of dormers, single storey rear extension and other alterations.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. On 16 December 2025, the Government published a new version of the National Planning Policy Framework (the Framework) for consultation. As this document is in draft and its content may yet change, it attracts limited weight at this stage, with the extant Framework of December 2024 still an important material consideration to which I have had regard in reaching my decision.

### Main Issues

3. The main issues are whether the proposal represents an appropriate form of development on the site, with particular regard to i) parking provision, ii) the level of external amenity space to be provided, and iii) the effect on the living conditions of neighbouring occupants in terms of privacy and light.

### Reasons

#### *Site Context and Proposal*

4. The appeal site comprises a single storey, L-shaped building at the corner of St Philip's Drive and Swanbourne Close in an established residential area. The site was formerly in use as a health centre until May 2023 and has been vacant since. The external parts of the site comprise a one-way vehicular access route and parking areas laid to tarmac, with a small section of soft landscaping and a low boundary hedge to the St Philip's Drive frontage. Residential bungalows border the site to the western and northern sides, separated by close boarded timber fencing and, on the boundary with 4 Swanbourne Close, an evergreen hedge. Two storey dwellings face the site on the opposite side of St Philip's Drive.
5. The proposal seeks a change of use of the building to form two separate units, a residential assessment centre providing short term accommodation for up to three children brought into care to have their needs assessed, and a children's home

providing longer term, home-style accommodation for up to five children. The proposal includes physical alterations to the roof including raised gable walls and installation of dormer windows to provide first floor accommodation; a flat roofed, single storey extension to the rear of the building and internal reconfiguration. The external areas would include garden spaces for each unit and parking to the western and eastern sides, with both vehicular accesses retained.

### *Parking Provision*

6. The plans before me show a total of nine proposed parking spaces. The six spaces to the western side of the site would be for the use of the assessment centre, with the existing three on the eastern side for the children's home. The units would be staffed on a 24-hour basis, with staggered shift changes twice a day. A maximum of seven staff would be present during the day, and four at night.
7. The Council has not challenged the predicted staffing levels, but states a general concern that visitor numbers would likely exceed the number of spaces. The appellant sets out that visitors to the facilities would be infrequent, limited to occasional operational visits by healthcare specialists or external agency representatives. Given the nature of the accommodation, I have no reason to doubt the appellant's statement that visits by family members would be rare and, where appropriate, conducted away from the site. The Council does not challenge these statements with any tangible evidence to the contrary that would suggest demonstrably greater parking demand would arise than that proposed. I accept that some additional demand may arise from deliveries, tradespeople and other occasional visitors, but there is nothing to suggest this would be at a significant level. As such, I have no reason to find that the level of parking proposed would not be adequate for the expected parking demand arising from the development.
8. In terms of the physical layout, the three spaces to the eastern side, accessible from Swanbourne Close, would be unchanged from the existing layout, and when on site I saw no obvious constraints that would render these spaces difficult to access or leave by car. However, the spaces to the western side would be altered from the existing angled layout which facilitates access and egress via the one way system. Instead, the spaces would be perpendicular to the side boundary fence, the access route and the western elevation of the building. The Council's concern, echoed by public comments, is that this arrangement would leave insufficient space for vehicles to safely manoeuvre into and out of the site.
9. The appellant has provided tracking diagrams to show how a vehicle could manoeuvre into spaces. However, although the diagrams show a vehicle could technically access the spaces, this would involve very precise, tight manoeuvring within centimetres of the building itself and adjoining parking spaces. This is especially the case for the innermost space on the western side. In practice, drivers would be unlikely to follow the exact tracking path due to the risk of damaging their vehicles or the building, particularly if longer vehicles are parked beyond the depth other spaces, leading to cumbersome, multi-point turns to access and leave the spaces.
10. Derbyshire County Council as the local highway authority did not object to the proposal. However, the Council's Successful Places Supplementary Planning Document (the SPD) sets out required reversing distances of 6.0m for parking spaces set at 90 degrees. The proposed layout would fall short of this, ranging

between 5.448m and 5.746m and only achieving close to the required width at the site entrance. The appellant points to the Council not alleging conflict with the SPD in its reason for refusal, and to its status as guidance to assist interpretation and application of the local plan. However, Policy CLP20 of the Chesterfield Borough Local Plan (July 2020) (the BLP) sets a clear expectation that developments provide adequate and safe vehicle access and parking, and the SPD is therefore a relevant consideration. The tight manoeuvring shown in the appellant's tracking diagram exemplifies why the SPD standards exist and the consequences of not achieving them. Having viewed on site, I find the proposal would provide a sub-standard parking arrangement that would result in hazardous vehicle movements within the site and increase the risk of visitors foregoing the on-site parking and choosing to park indiscriminately on-street instead.

11. Therefore, I am not satisfied that the staffing demand, and any further occasional demand, would be consistently accommodated on site in a safe manner. Although I did not observe the area to be heavily trafficked, and some on-street parking was noted, an increase in this would cause hazards for pedestrians and other road users by blocking footways and sight lines. This risk would be exacerbated given the site's location close to a junction and a number of driveways on St Philip's Drive. Therefore, on this issue, I conclude that the proposal would fail to provide safe and suitable vehicle parking, contrary to Policy CLP20 of the BLP.

### *External Space*

12. Each unit would have external garden space for use by staff and residents. Unit 1, the assessment centre, would have a garden space of some 111sqm, and the children's home 86.4sqm. Both parties refer to the SPD standards for private amenity spaces. The Council considers that the proposed uses should be assessed as residential institutions which are required to provide 20sqm of external space per resident. The appellant states that the SPD does not use the term 'care homes' as referenced by the Council and that the uses are more akin to residential dwellings, for which four-plus bed dwellings are expected to provide at least 90sqm of total external space.
13. The SPD does not define 'residential institutions', but the application form identifies the proposed units as both falling within the C2 use class of the Town and Country Planning (Use Classes) Order 1987 (as amended), which is defined in the Order as 'use for the provision of residential accommodation and care to people in need of care (other than a use within Class C3 (dwelling houses)).' On that basis, it would appear that the most relevant standard to apply would be that for residential institutions. Notably, the Council has sought to apply the standard on the basis of the number of bedrooms, not residents. Although there would be 5 and 7 bedrooms respectively in each unit, two in each unit would be for staff. Whilst they would be present on site at all times, including overnight, they would be working, not residing. Therefore, I do not include them as residents for the purposes of assessing the necessary levels of external space.
14. Applying a standard of 20sqm per resident, Unit 1 would require 60sqm of space and exceed the requirement, but Unit 2 would require 100sqm and would fall short. However, beyond basic size requirements, the SPD guidance adds that outdoor amenity space should be proportionate to the type of accommodation, appropriate to its location and suitable to meet the occupiers' likely requirements, reflecting the

requirements of Policy CLP20 that developments have an acceptable impact on the amenity of users.

15. In these respects, Unit 1, despite being some 111sqm, would have a convoluted layout with narrow sections wrapping around the proposed single storey rear extension and a small, enclosed patio area immediately outside the back door. This space would be little more than access through to the main space in the north-western corner of the site. That space would be more functional, being roughly square in shape with a patio area and lawn, though it would also have to accommodate bins and a storage shed. Nonetheless, as the number of residents would be limited to three, I find on balance that the external area for Unit 1 would provide sufficient utility as a recreational space.
16. However, Unit 2 would fall significantly short of the necessary space for 5 occupants. It is unclear why this unit, despite proposing to house more residents and on a longer term basis, is proposed to have the smaller of the two external spaces. The space itself would be located to the northern side of the site, squeezed between the building itself and the boundary fence/hedge with 4 Swanbourne Close, creating a confined area that would experience significant overshadowing from the building throughout the day. Coupled with the overall shortfall in space, this would result in a cramped, enclosed area that would fail to provide a suitable amenity space for the expected number of residents.
17. I have noted the appellant's points that residents of the development would enjoy outdoor activity away from the site, such as at local parks. However, the availability of external facilities is not a substitute for suitable private amenity space, which can provide a quieter and more secure environment for residents. In view of the particular circumstances and needs of children who may reside at the facility, the provision of suitable private external space on site would appear to me an important consideration. For the reasons set out, I find this would not be achieved and the availability of external facilities would not overcome this, particularly given the full-time and long term living arrangements proposed.
18. Therefore, I conclude that the proposal would fail to provide suitable external amenity space, which would diminish the standard of accommodation provided and undermine the living conditions of prospective occupants. This is contrary to the aforementioned requirements of Policy CLP20 of the BLP.

### *Neighbours' Living Conditions*

19. The nearest neighbouring dwelling is 4 Swanbourne Close immediately to the north. I viewed from this property at my site visit. The concerns raised by the Council relate to the effect of the proposal on light and privacy to this property, due to the increased scale of the building and proposed windows at first floor level.
20. In terms of scale, the roof ridges would be extended upwards from approximately 4.4m to 7.2m, creating steeper pitched roofs to both sections of the building. A new gable would be also created on the northern elevation facing 4 Swanbourne Close. Wide dormer windows would sit centrally in each roof slope, consistent with other dwellings in the area. A single storey, flat-roofed extension is also proposed on the northern side which would extend to within 1.4m of the boundary with No 4 at its closest point. The first floor windows facing No 4 would serve the landing, two staff bedrooms and a staff en-suite.

21. No 4 has a ground floor side window serving the living room, which also has a glazed patio door leading to a conservatory at the rear. The side boundary is formed of a tall, solid evergreen hedge which effectively screens views between the properties. It is also located within a couple of metres of the side elevation, and is to the south of it. As a result, it is an existing constraint in terms of the level of sunlight and daylight received by the living room window and conservatory, and conversely the outlook possible from these rooms.
22. The proposal would increase the height of the building, but the majority of the additional massing would consist of the pitched roof that would slope away from the neighbouring dwelling at No 4. The appellant has shown that this massing would not breach a 25 degree line drawn from the centre of the living room window. I saw on site that the roof ridge would not be readily visible from within the neighbouring dwelling due to the height of the boundary hedge. However, even if the hedge were to be lowered, the proposed roof would be sufficiently set back and angled away from the neighbouring dwelling so as not to be physically overbearing or result in a demonstrable loss of sunlight or daylight. The massing of the single storey, flat-roofed extension would sit behind the hedge and would not be tall or broad enough to cause demonstrable loss of light.
23. The appellant's plan shows that the north facing gable would marginally breach the 25 degree line, but notably the gable would be offset to the side of the living room window of No 4 by several metres and its pitched shape means there would be very limited breadth of massing actually breaching the 25 degree line and perceptible from the neighbouring dwelling above the hedge. Therefore, it would have little tangible effect on the level of light received, which would continue to be principally affected by the neighbours' own boundary hedge. The effect on the level of light received by the conservatory would be similar or even less, given it opens out towards the garden and also receives ample light from the west that would be unaffected by the proposal.
24. Turning to privacy, the SPD sets out that first floor habitable room windows directly facing a rear boundary should not normally be sited closer than 10.5m to the boundary of an adjoining residential garden. However, it also caveats that not all circumstances are the same and some flexibility should be applied. The Council states that the distance between the existing rear wall of the building and the boundary with No 4 is some 8.2m, with the distance to the facing ground floor living room window being some 10.6m. The proposed first floor windows would be set back from the existing line of the rear elevation, but would not achieve the full 10.5m setback of the SPD. Nonetheless, the overall window-to-window distance would exceed 10.5m. In addition, views would be heavily screened by the existing boundary hedge, with the only potential overlooking being towards the far rear corner of the garden of No 4.
25. If the hedge were lowered, direct views may become possible; however, the proposed windows would serve a non-habitable room in the landing, and staff quarters which would be occupied mainly at night, when curtains or blinds are likely to be drawn at both properties. The en-suite window would also typically be obscurely glazed. The level of outlook from these windows would therefore be sporadic and fleeting. Nonetheless, I accept that the presence of these windows could still introduce a perception of overlooking for neighbours. The use of obscure glazing to these windows would help address this and given the nature of the



rooms they would serve, this would not undermine the standard of accommodation to be provided and could be secured by condition.

26. Elsewhere, a proposed first floor window facing towards 80 St Philip's Drive would be set significantly back into the site and would not afford invasive views of the neighbouring dwelling. Concerns are raised in relation to overlooking of dwellings on the opposite side of St Philip's Drive, with arguments that the separation distance falls below that set out in the SPD. However, even if short of this standard, the windows would face each other across an open public realm, where passers-by can already view towards existing windows. As such, there would not be a harmful increase in the degree to which existing windows in dwellings opposite the appeal site are overlooked.
27. Overall, I conclude that the proposal would preserve the living conditions of neighbouring occupants both in terms of light and privacy, and no conflict with therefore arise with Policy CLP20 of the BLP in terms of its requirement that developments have an acceptable impact on the amenity of users and neighbours.

### **Other Matters**

28. The proposal would provide accommodation for looked after children, including those with learning disabilities. This is a group which Paragraph 63 of the Framework identifies as one whose needs should be identified and addressed through planning policies. The evidence before me alludes to a need for facilities of the type proposed, but it does not set out an identified level of need or demonstrate that there is a shortfall in provision locally which the proposal would help address. As such, there is not an overriding case presented in terms of need. However, I have no reason to doubt that the proposal would provide a facility that would add to the services available locally for vulnerable children, and this would still be a benefit of the proposal, albeit the identified shortcomings in the quality of the accommodation and parking moderate the positive weight I attach to it.
29. Though not pursued by the Council, concerns have been raised concerning the appropriateness of the proposed use in a residential area. I have no substantive evidence that the proposed facility, which for the most part would be residential in nature, would cause undue disturbance to neighbours or pose other risks, particularly given it would be staffed on a 24-hour basis. As referred to above, the level of comings and goings would not be of such a level as to cause harmful noise and disturbance to neighbouring occupants.
30. It is also argued that the proposal would not bring any community benefit. Such benefits naturally include those for the wider community, but also specific groups within the community, which would include children with learning disabilities and other complex needs in the area, as already recognised above. I acknowledge that the previous health centre may have offered a more direct benefit to immediate neighbours, but the Council has not pursued the loss of this facility as a reason for refusal, and on the evidence before me, including that comparable facilities exist nearby at Hasland Medical Centre, the circumstances of the proposal would not conflict with the requirements of Policy CP10 of the BLP.
31. The Council did not oppose the design of the proposed extensions in terms of their effect on character and appearance of the area. Whilst noting the concerns raised over the scale of the building, there are many two storey dwellings in the immediate area, including directly opposite on St Philip's Drive. Moreover, despite

its size, the building would not appear disproportionate given the size of the site and its location at an open street junction where it is commonplace for a larger building to 'hold' the corner. The proposed form and materials would otherwise reflect the prevailing design palette and I am satisfied that the proposal would preserve the character and appearance of the area.

32. Reference is made to a restrictive covenant on the land, but this is a separate legal matter which is not determinative and for the appellant to address as necessary.
33. I have had regard to other matters raised by interested parties, beyond those already addressed above; including flood risk, biodiversity and ecology. However, I have not identified other substantive issues which would result in additional harms or benefits to be factored into the planning balance. Therefore, it is not necessary to address them further as they would not be consequential to my overall decision.

### **Planning Balance and Conclusion**

34. On the main issues, I have found that the proposal would fail to provide an adequate parking arrangement on site or suitable size and quality of external space for prospective residents. This would result in unacceptable harm to highway and pedestrian safety and to the standard of accommodation provided for a vulnerable group of people. This conflicts with the aims of the Framework that developments provide safe and suitable access for all users and create places that promote health and well-being, with a high standard of amenity for existing and future users, and more generally that developments function well and add to the overall quality of the area over their lifetime. This harm would arise from necessary travel to and from the site by staff and the regular use of the property, and could not reasonably be addressed by conditions. I attach substantial weight to these harms and to the consequent conflicts with the development plan.
35. Set against this, the proposal would be located in an accessible location within the built-up area, close to public transport and local amenities. It would make use of an existing building and would provide an additional residential facility for an identified group in the community. The Framework provides strong support for using brownfield land to meet the needs of these groups. However, in this specific case, this weight is tempered by the absence of proven need and the identified shortcomings of the proposed accommodation for prospective occupants.
36. I recognise that there would be economic benefits accruing from the construction of the facility and subsequent employment it would generate. In view of the scale of the proposal, I afford these benefits limited weight.
37. Taken together, I find the benefits of the proposed facility would be outweighed by the substantial harms identified, such that the proposal would not gain support under the Framework as an effective use of land or as a sustainable form of development overall.
38. In light of the evidence before me regarding the potential prospective occupants of the property, I have had due regard to the Public Sector Equality Duty and the associated benefits in terms of eliminating discrimination against persons with protected characteristics, advancing equality of opportunity for those persons and fostering good relations between them and others through the provision of a home environment and the provision of residential care and support for people with learning disabilities.

39. However, it has not been demonstrated that the site location is specifically necessary for the proposed use, or that there are no other locations where such facilities could be provided without causing the adverse effects identified. Dismissal of the appeal would not prevent care by the relevant authorities, but use of the site at the level proposed would lead to permanent, significant harm to highway safety and occupants' living conditions. Overall, I find that the planning harm I have identified outweighs the identified benefits and a refusal of planning permission is proportionate and necessary.
40. In the final balance, the proposal conflicts with the development plan, taken as a whole. There are no other material considerations that outweigh this conflict. Therefore, I conclude that the appeal should be dismissed.

*K Savage*

INSPECTOR