



Appeal Decision

Inquiry held on 10 and 11 May 2007

Site visit made on 10 May 2007

by **J D S Gillis B A (Hons) MRTPI**

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Date: 20 June 2007

Appeal Ref: APP/B0610/A/06/2021135

Former hospital site, Newcastle Road, Arclid, near Sandbach

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by PRV Sandbach Ltd against the decision of Congleton Borough Council.
- The application Ref 05/1303/OUT, dated 30 November 2005, was refused by notice dated 29 June 2006.
- The development proposed is a residential care village, comprising an 80 bed residential care home, extra care sheltered housing, a central care services facility and ancillary retail and recreational development.

Summary of Decision: The appeal is dismissed.

Procedural matters

1. The application for planning permission was in outline with access included. However the application was subsequently amended so that all matters were reserved for subsequent decision. I will consider the appeal on that basis. The application included a Proposed Illustrative Site Plan which indicated the possible scale and location of the various uses and buildings, including the residential care home and a substantial number of apartments, houses and bungalows described as "close care".
2. The appeal site includes an approved Tree Preservation Order and the Council's decision notice referred to potential harm to such trees, especially those along the Newcastle Road frontage that could be affected by the originally proposed access to the site. Prior to the Inquiry the Council indicated that this matter need not feature at the Inquiry due to the withdrawal of the access proposal and that access would now be a reserved matter. This was confirmed and agreed at the Inquiry.

Main issues

3. From the representations received at the Inquiry and in writing, and from my inspection of the site and surrounding area, I consider that the main issues in this case are:
 - Whether the proposal would result in the unacceptable loss of land for employment purposes in the area; and
 - Whether the proposal is an acceptable use in this location, having regard to the principles of sustainable development and housing policies.

Reasoning

4. The appeal site lies beyond the confines of the urban area of Sandbach, adjoining the small settlement of Arclid which has very limited local services and facilities. The site was formerly occupied by a hospital, which latterly was used to house geriatric patients, but closed in 1992 and the buildings were subsequently demolished. Both main parties consider that the site is previously developed land and it is somewhat unkempt and overgrown.
5. The development plan for the area includes Regional Planning Guidance 13, *Regional Planning Guidance for the North West* [RPG13] [which was adapted to become the Regional Spatial Strategy in 2003], together with the Cheshire County Structure Plan Alteration [CSP] adopted in December 2005, and the Congleton Borough Local Plan [BLP] adopted in January 2005. The replacement Regional Spatial Strategy [RSS] is currently in preparation, and the Report of the Examination Panel was published on 8 May 2007 but was not available to the Inquiry.
6. Regional and structure plan policies seek to ensure that new development is in sustainable locations, particularly within or on the edge of the main settlements, that adequate provision is made for employment development and that existing employment sites be retained if the range and quality of sites would be limited [RPG13 policies SD8, EC1 and UR7 and CSP policies GEN1, IND1 and IND2]. In addition, new housing development should be restricted in number and location [RPG13 policy UR7, CSP policies HOU1, HOU4 and HOU5].
7. The BLP policy PS6 identifies Arclid as a settlement in the open countryside where only limited development would be permitted within the defined infill boundary line, in accordance with policy H6. Most of the appeal site is within such boundary and "limited development" is defined as the building of a single or small group of dwellings. Policy H6 specifies that new residential development will not be permitted except where, amongst other things, it involves the redevelopment of an existing employment site in accordance with policy E10. This is reinforced by policy PS8.
8. Policy E10 specifies that redevelopment of an existing employment site will not be permitted unless the site is no longer suitable for employment use or permitted alternative uses would bring substantial planning benefits that would outweigh the loss of the site for employment purposes. In considering whether the site is no longer suitable for employment account is to be taken of its location, the adequacy of supply of suitable employment sites in the area and whether reasonable attempts have been made to sell or let the site for employment uses. Substantial planning benefits are indicated to relate to traffic, noise, disturbance, impact on the environment and economy, the need for the proposal and its potential contribution to the local area.
9. BLP policies H1 and H2 relate to the provision, distribution and management of the supply of housing in the context of strategic policies seeking to restrain housing growth. Policy GR1 requires that new development should have regard to the principles of sustainable development.
10. The replacement RSS contains draft policy W4 which refers to the release of allocated employment land. It is indicated that there is an over-supply of employment land in Cheshire, and that the average site size is over 20

hectares, with sites over 5 hectares making up 88% of committed employment land. The Draft RSS states that reducing the supply of employment land may be achieved by the de-allocation of a small number of larger sites.

11. National policy advice includes Planning Policy Statement 1, *Delivering Sustainable Development* [PPS1], PPS3, *Housing*, PPS7, *Sustainable Development in Rural Areas*, together with Planning Policy Guidance 4, *Industrial and Commercial Development and Small Firms* [PPG4], and PPG 13, *Transport*. These emphasise, amongst other things, that new development should be in sustainable locations where local services and facilities are available, that the needs of rural areas should be provided for while seeking to protect the countryside in its own right, and that the needs of existing and new businesses should be accommodated.
12. The Council has also published Supplementary Planning Guidance, including Supplementary Planning Document 6, *Affordable Housing* [SPD6] in 2006 and SPD10, *Housing Supply* in 2005. In addition a Development Brief for the appeal site was published in 1992, indicating, among other things, uses that would be acceptable on the site. These are material considerations.

Employment Issues

Is the site suitable and required for employment use?

13. Regional, structure and local plan policies require that a variety and range of sites should be available for employment development and the site is specifically included in the BLP as a committed employment site. It is located alongside the main A50 road, about a mile from Junction 17 of the M6 and, while located in the open countryside, it is on the direct road route linking Sandbach and Congleton [A534]. There is an existing bus services that passes the site, although the current frequency is limited and would be unlikely to provide a significant alternative mode to private vehicular travel. The site is level and development is not subject to any major constraints in terms of infrastructure provision, although a new site access and associated road improvements would be required.
14. A significant quantity of land is indicated in the BLP for employment use, but the great majority of that deemed to be available is located in Middlewich. Correspondingly little land is indicated as available to directly serve the Sandbach, Congleton and rural areas. Furthermore, on the basis of the evidence provided by the Council, much of the available land is subject to constraints in relation to access, other infrastructure provision and/or ground conditions. While this was questioned on behalf of the Appellant I did not find that the evidence of Mr Fifield was supported by any robust examination of the individual sites.
15. The Council's *Employment Land Availability Schedule, September 2006* shows that there were some 65 hectares of land allocated for employment within the Borough, mostly in Middlewich. The only site allocated for employment use in Sandbach was stated to be the Fodens Test Track, amounting to some 3.5 hectares. It was indicated that the availability of that site was subject to access improvements [and at the Inquiry it was suggested that the site would be developed for residential purposes]. Thus the appeal site may be of even

- greater significance in seeking to provide for the employment needs of Sandbach and its surrounding area.
16. The Council's Annual Monitoring Report 2005 indicates that the employment site adjacent to Junction 17 of the M6 motorway [the Sandbach Business Park] is a regional employment site as opposed to catering for local needs. The appeal site is featured on the Council's website as being available for employment development.
 17. From the information given in the Draft RSS [see paragraph 10 above and Booker, Appendix 7, paragraph 8.14] the appeal site comprises one of the small sites that make up the 12% of employment land available on sites of less than 5 hectares. Being only some 2.5 hectares in extent it thus constitutes an important element in the provision of smaller sites required to give choice and variety to land for employment use.
 18. While I acknowledge that past take-up rates of employment land are often quoted as a "rule of thumb" guide to future requirements, I consider that it is an unreliable measure. It takes no account of changing planning policies or indeed changes in employment structure, the requirements of modern business practice or economic forecasts. The Draft RSS indicates that future take-up rates in Cheshire are likely to be higher than in the past [see Booker, Appendix 7, Table 8.2]. The *Employment Land Availability Schedule, March 2007*, indicates that 13.1 hectares were under construction at that date – a very significant increase on previous periods.
 19. The adopted development plan clearly indicates that policies should seek to reduce out-commuting from the area by the provision of alternative employment opportunities. The delivery of such opportunities requires the availability of a choice and variety of sites to satisfy the needs of existing and new business activities. While a substantial over-provision can depress the market, employers, developers and investors require a choice of locations, size and variety of sites for employment uses. Hence a balance must be achieved. It is significant in this regard that the CSP no longer specifies quantities of employment land required, but rather the provision of a range and variety of sites to provide for the needs of the area.
 20. I note that reports prepared by various bodies [including that for the Congleton Property Group (June 2003) and the *Employment Land Study* by Drivers Jonas (February 2005)] indicate that the appeal site may have somewhat limited appeal for employment use. However, this appears to be in the context of comparison with such sites as Midpoint 18 (Middlewich) and the Sandbach and Congleton Business Parks, which may cater for different interests in the employment development market. Also, the lack of available employment land in Sandbach is highlighted. In addition, the acceptability of the site for employment use was considered at the public local inquiry into objections to the now adopted BLP, and my colleague Inspector concluded that it should be retained for employment purposes [*Congleton Borough Local Plan First Review, Inspectors Report on Objections – Main Report, September 2003*].
 21. It has also been argued that employment development on the appeal site requires the intervention of the public sector, and reference has been made to the Drivers Jonas *Arclid Hospital Feasibility Study* of February 2005. This

recommended that the Borough Council should seek to acquire the site by the use of compulsory purchase powers. However, as discussed below in relation to the marketing of the site, the lack of market interest appears to have been due, at least in part, to the landowner seeking a price higher than current employment land valuation. Hence compulsory purchase was a way of making the site available. It is significant that further public sector investment in terms of providing infrastructure was not considered necessary, and developer interest has been shown in purchasing the site for employment use if the Council was successful in obtaining ownership [although the motivation of the particular developer was questioned – it being suggested that his previous primary interest and experience was in residential development].

22. Thus although the appeal site may not have some of the attributes of other sites, and indeed may not rank as the most sought-after employment location, it provides a reasonable alternative that adds to the variety and range of local availability in terms of location and size, is not constrained by significant infrastructure requirements and could be developed in the short-term. It is also one of the very few sites available in the Sandbach area. I conclude, therefore, that the site is suitable and required for employment use.

Does the proposal constitute an acceptable employment use?

23. It was asserted by the Appellant that the proposed development would result in the creation of some 100 jobs and thus be the equivalent of development of the site for employment use. This figure was disputed by the Council and no detailed substantiation of the stated level of employment was provided to me. I note that the developable area of the site is stated to be some 2.5 hectares and that the Council's Development Brief indicates that the identified uses B1, C1, C2 and D1 are seen to provide for "businesses operating in the service and high technology industries, tourism markets, or private provision of personal services such as a hospital, school or training centre" [*Arclid Hospital Development Brief*, paragraph 7.1].
24. I consider that these factors could result in a higher level of employment, in both quantity and quality, than claimed for the proposed development. In addition, outline planning permission was granted in 1996 for some 120,000 square feet of B1, B2 and B8 premises, demonstrating that the site is physically capable of accommodating a significant level of employment.
25. The Development Brief, published in 1992, states that B1 (Business), C1 (Hotels and Hostels), C2 (Residential Institutions) and D1 (Non-residential Institutions) would be acceptable. It also indicates that the defined uses would be acceptable in combination [so long as they were compatible one with another] or that a single use would satisfy the requirements. The Appellant contends that the proposed development should be considered as a single entity within Use Class C2, and therefore acceptable in accordance with the Development Brief.
26. On the other hand the Council maintains that the proposed development contains a variety of uses including C2, C3 (Dwelling Houses), A1 (Shops), D1, and D2 (Assembly and Leisure) and that the C3 provision would exceed that of C2 [I note from the range of facilities referred to by the Appellant that Use Classes A3 (Restaurants and Cafes) and A5 (Hot Food Take-away) may also be

- included]. The Council considers that if the proposed development is to be considered as a whole it would represent a *sui-generis* use, and not an acceptable employment use. Conversely, the proposal may be considered to be a series of separate uses, of which C3, D2 and A1 [plus A3 and A5 if appropriate] are not included in the Development Brief, not acceptable as employment uses, and in total may be greater in area occupied and floorspace constructed than the C2 use.
27. While the Development Brief is now somewhat out of date in some regards it was accepted at the Inquiry that the specified uses are its most significant aspect. Clearly the concept of the “residential care village” is more recent than when the Brief was compiled and hence was not referred to.
28. I consider that an 80 bed residential care home and the necessary associated services and accommodation would occupy only a minority part of the site [a view supported by the illustrative layout submitted with the application for planning permission and the subsequent planning application for the care home as an individual development (Application Ref. 06/1020/OUT)]. The greater part of the site would be devoted to the other residential and associated development. This is said to provide for residents of 55 years of age and above who are in need of the care services to be made available on the site.
29. I note that all residential accommodation would be linked to the central care facilities by an electronic call system, be held leasehold and with restrictions on subsequent sales. Mr Booker described the minimum level of “care provision” to which occupiers of the apartments, houses and bungalows [the “extra care sheltered housing”] would be required to subscribe. This basically related to maintenance of the common areas, grounds and exterior of the occupied buildings together with use of the proposed recreational and leisure facilities – for all of which, in effect, a ‘service charge’ would be levied. The use of other facilities would be available but not required as a condition of occupancy.
30. This appears to me to be little different to many residential developments, such as apartment blocks and conversions of buildings, that do not purport to offer “care provision”, are not classed as “special needs housing” and come within Use Class C3. I consider that the proposed “extra care sheltered housing” would thus display most of the essential characteristics of C3 dwellings and therefore constitute dwellings subject to the housing policies of the adopted development plan.
31. In addition, I consider that a minimum age requirement of 55 years may not represent an age when retirement and need for care are significantly necessary or sought – and certainly may be questioned as a definition of “elderly”. Improvements in health together with changing economic circumstances, recent age discrimination legislation and extension of the national retirement age, may suggest that such a lower age limit is less appropriate for the form of development proposed, if it is to be regarded as a “care village” or residential institution [Use Class C2].
32. Therefore, I conclude that the proposed development is not a single unit that comes within Use Class C2, and whether seen as *sui-generis* or a mixed use development including C2, C3, D1, D2 and A1 [among others] it would not constitute an acceptable employment use of the appeal site nor comply with

the Council's Development Brief. The proposal would be contrary to RPG13 policy EC1, CSP policy IND1 and BLP policies PS8 and E10, and fail to comply with national advice in PPG4.

Has the marketing of the site for employment uses been reasonable?

33. I note the differing professional views of Mr Fifield and Mr Buckingham on this matter. I have already indicated that while the site is suitable for employment use it may not be of the first order when compared to more prestigious locations. However, on the basis of the total evidence presented to me I consider that sites such as this require comprehensive marketing. From the evidence presented the marketing of the site appears to have been somewhat fragmented and disjointed with no overall strategy apparent.
34. Nevertheless, positive interest was forthcoming and a number of offers were made for the freehold of the land for development for employment purposes. That none of these came to fruition may well have been influenced by an unrealistic valuation of the site by the owner. The valuation of £1.25 million to £1.4 million by the District Valuer has not been challenged, and a number of offers around those figures were made. It has been suggested that potential developers and investors came to the conclusion that the owner was not interested in selling at the established employment land valuation, and thus interest declined – as did efforts to market the site for employment use.
35. It has been suggested that the site would only become available for employment development if public sector investment was involved and hence further marketing of the site was inappropriate. I have already referred to this aspect [see paragraph 21 above]. The Drivers Jonas *Arclid Hospital Feasibility Study* indicated that compulsory acquisition by the Council was a means of overcoming reticence on the part of the landowner to release the site for development. It was not indicated that further public sector involvement would be necessary in order to bring about employment development, and developer interest was generated.
36. I consider that given the location of the site, its physical characteristics, the lack of need for unusual infrastructure provision and the constraints on other sites in the surrounding area, appropriate marketing would have resulted in release for employment development, subject to the acceptance of a reasonable market valuation for employment use. Accordingly I consider that the efforts to sell the land for employment purposes have been deficient and fail to satisfy the requirements of CSP policy IND2 and BLP policy E10.

Are the planning benefits of the proposed development sufficient to outweigh the loss of the site for employment use?

37. The Appellant contends that the proposal would result in significant benefit to the local area in terms of the re-use of a disused and deteriorating site. I accept that the site is somewhat overgrown, but the former buildings have been demolished and the resultant debris removed. Essentially all that remains are remnants of the former road network. Furthermore, significant natural regeneration has occurred over the last 20 years or so and the site is typified by an abundance of semi-mature trees, in addition to the mature specimens of which most are included within the approved Tree Preservation Order. In addition, the existing mature trees and hedge along the Newcastle

Road frontage, together with the existing boundary enclosures on the northern and eastern sides, screen the site from most public views.

38. I note that it has been necessary to create mounds, especially on the Newcastle Road frontage, in order to prevent the re-occurrence of unlawful occupation by travellers. These appear to have been effective. I have also taken account of the strong views expressed on this matter by Mr Holland on behalf of local residents and the acceptance by the Council that some benefit would accrue. Nevertheless I do not consider that the site currently constitutes a significant eyesore, and in any event development for employment use would bring about the desired re-use and improvement. Hence I do not consider that the proposed development would bring any substantial benefit in relation to this aspect.
39. Any potential impact in relation to noise and disturbance cannot be quantified at this stage but employment development of the site would need to abide by the requirements of the Development Brief and any conditions imposed on a planning permission. Similarly I accept that any form of development on the site would be likely to have an impact on the open countryside. However, it is not clear that the proposed development would bring any substantial benefit over employment use of the site.
40. It is also stated that the proposal would create local jobs, generate less traffic than employment use and provide increased facilities for local residents, such as the retail, recreational and leisure uses proposed. Clearly development for employment use would also generate local jobs – and, as indicated earlier, possibly of higher quantity and quality than the proposed development. I accept that less vehicular traffic may be generated than an employment use, but the basis of this assumption is not strong as evidence of actual traffic generation from “residential care villages” is currently sparse. In addition, the proposed minimum age qualification of 55 years may well result in significant journeys to work from the site and additional leisure, recreation and shopping trips, together with those of visitors to residents on the site.
41. The proposed retail facilities are indicated to be limited and, on the basis of the illustrative layout, would be located away from existing housing and set back from the existing road frontages. While some benefit to local residents would occur I consider that this would be limited and would not have any material impact on current shopping patterns. It was stated in evidence by Mr Booker that the proposed recreation and leisure facilities would only be open to local people over the age of 55 years, and subject to membership and/or advance booking. Thus benefit to the local population would again be restricted.
42. I agree that the potential for highway improvements to Davenport Lane would bring some benefit, especially for residents in that area. Again I do not consider that such benefit would be substantial for the area as a whole. The Appellant also asserts that significant benefit would be derived from the provision of accommodation that meets a local need. It has been agreed that there is a need in Cheshire and the Congleton Borough area for “special needs”/ “extra care” accommodation, and I consider this in more detail below. However, the relevant “local need” relates to the Sandbach and neighbouring area and more appropriate locations are likely to better satisfy such need. In

addition the indicated scale of the proposed development would be likely to exceed the needs of the more local area.

43. Having considered all of these elements I conclude that such planning benefits would not be significant and would not outweigh the loss of the site to employment use. Hence the proposal would fail to satisfy the requirements of BLP policy E10.

Is the proposal acceptable in this location in relation to sustainability issues and housing policies?

Sustainable Development

44. It has been argued that as the site is shown on the BLP Proposals Map as a committed employment site to be retained for future employment use then it must be accepted as a sustainable location. However, I consider that the sustainable development criteria for employment uses differ from those relating to residential uses, including C2 as well as C3. For example, accessibility to local services and facilities such as shopping, education, leisure, recreation, places of worship, places of assembly, etc. are less significant for employment uses. Conversely, good access to the major road network is of greater importance for employment uses.
45. The proposed development would seek to provide some additional facilities [such as limited retail, leisure and recreation], the proposed age structure of residents would be likely to reduce the need for accessibility to schools, and a limited public transport service exists. Nevertheless, the site does not represent a sustainable location for significant residential development due to the low level of existing [and proposed] local services and facilities [identified by Mr Buckingham, and not challenged, as "a public house, a petrol filling station with shop (on the A534) and a handful of businesses involved in the rental, sale and repair of agricultural machinery"]. My colleague Inspector who considered the site during the local public inquiry held to hear objections to the now adopted BLP also concluded that the site did not constitute a sustainable location for significant residential development, while accepting it for further employment use.
46. The Appellant has stated that the residents of the proposed development would neither need, nor in part be physically capable of, access to other services and facilities, especially by walking or cycling. I am not convinced that the proposed age and minimum care obligations suggested for the residents of the proposed development support this view. As I have already indicated the minimum residential requirements stated by Mr Booker would allow occupancy by people requiring little or no "care" that would not be available in many C3 developments. In addition it is possible that a significant proportion of residents would be economically active and require access to employment and related services not available in the immediate vicinity.
47. Furthermore, it is questionable whether those needing residential care should be located away from existing local services and facilities, in effect separating them from the life of the wider community. While Mr Booker declared that he knew of no available site of similar size located close to a town centre, that assumes the need to provide all the proposed accommodation and facilities in a near to town centre location. That is not necessarily the case. No evidence of

any search for alternative locations, in relation to regional, structure plan and local plan policies referring to the need to locate development within or on the edge of existing urban areas, was presented.

48. While it was stated that the proposed development relates to “special needs housing”, and thus an exception to general housing policy requirements [a matter that I consider in more detail below], I have already concluded that a significant part of the proposal would effectively be C3 housing. Thus the proposal conflicts with RPG13 policy UR7, CSP policy GEN1 and BLP policy GR1 and fails to comply with national policy advice in PPS1, PPS3 and PPS7.

Housing policies

49. Mr Brooker declared that CSP policies HOU1, HOU4 and HOU5, together with BLP policies H6, PS6 and PS8 have no direct relevance to the proposed development. However, I have already concluded that a significant part of the proposal relates to residential development that exhibits the characteristics of C3 dwellings. In addition, despite the designation as a committed employment site, the BLP clearly shows that the site is, in development plan terms, in the open countryside – as is the allocated housing site in Arclid that has now been developed for that purpose.
50. It is asserted that the proposed residential accommodation represents “special needs housing” and I accept that the proposed 80 bed residential care home may come within that definition. It is also argued that there is a local need for “extra care housing”, and this was agreed by the Council. I accept that, due to the location of the appeal site near to the Borough boundary, the local market area may extend beyond the local authority area. In addition, it may be that some older residents of other areas would wish to live in the local area in order to be close to relatives. However, I have no compelling evidence to support special need provision of the scale proposed by the “extra care sheltered housing”.
51. Certainly in terms of the identified need within the Council area the proposed provision would be excessive as well as contrary to the intent that such provision should take place within or on the edge of the existing main settlements. In any event, I have already concluded that such housing, with the occupancy conditions as stated by Mr Brooker, are not materially different to C3 dwellings and therefore do not constitute “extra care housing”.
52. In addition such housing in this location would be contrary to established national, regional, structure plan and local plan requirements which seek a sequential approach, beginning with sites within or on the edge of existing main settlements and restricting residential development in the open countryside to that which is required in such a location. Furthermore, regional, structure plan and local plan housing policies seek to restrain new residential development in order to reduce forecast over-provision. The scale of the proposed development in this location would be contrary to such policy intent.
53. As C3 housing this part of the proposed development would also be subject to the requirement for the provision of affordable housing. SPD6 indicates that in this location [if the proposed development was otherwise acceptable] 30% of the dwellings should be affordable [together with 25% low cost market and

45% general market in order to achieve the Council's definition of a mixed and balanced community].

54. The application for planning permission indicated that 15% of the dwellings would be for rent, and at the Inquiry this was raised to 20%. Mr Booker also interchanged "for rent" with "affordable housing" as if the terms were synonymous. I do not consider that this is necessarily so – much rented housing accommodation does not come within the usual definition of affordable housing, and I have no compelling evidence that any proportion of the proposed housing provision would be so defined, or how affordability would be achieved and maintained.
55. Thus I conclude that the proposed development would be contrary to RPG13 policies SD8 and UR7, CSP policies GEN1, HOU1, HOU4 and HOU5 and BLP policies PS6, PS8, H1, H2 and H6. It would also fail to comply with national policy advice in PPS1, PPS3 and PPS7.

Other matters raised

56. It was suggested that the terms of occupation of the proposed residential accommodation, the level and means of delivery of affordable housing and the proportion of low, medium and extensive care occupiers, together with control of subsequent occupation, could be covered by conditions on a planning permission. However, conditions relating to these matters would not overcome the policy conflicts I have identified that make the proposed development unacceptable in this location.
57. Attention was drawn to the decision of the Secretary of State, dated 11 January 2007, to grant outline planning permission for a continuing care retirement community of approximately 300 units, a residential care home and central community facilities at the former Storthes Hall Hospital, Storthes Hall Lane, Kirkburton, Huddersfield [Appeal ref. APP/Z4718/V/06/1198039]. I note that my decision is contrary to that of the Secretary of State. However, that proposal and its circumstances differ significantly from those before me.
58. In the Storthes Hall application both main parties agreed that the proposed use was *sui-generis* and did not conflict with housing policies for the area, unlike the case before me where housing policies seek to restrain new housing provision. The Kirklees Council considered that the proposed housing would in fact make a useful contribution to the overall housing requirement – indicating a significant relationship to C3 dwellings. The proposal also related to development to cater for the care needs of persons over 60 years of age, as opposed to 55.
59. Of particular interest is that the Secretary of State concluded that even though the proposed development was a *sui-generis* use the residential units shared sufficient characteristics with C3 housing that they should be bound by the aim and spirit of local housing policies. I consider that this supports my conclusion that, in the case before me, the proposal is unacceptable in relation to the regional, structure plan and local plan housing policies applicable to the appeal site.
60. The Kirklees Council also identified a compelling local need for the type of housing proposed – unlike the case before me where the local need is

reasonably limited and alternative developments and proposals in sequentially preferable locations are evident. The parties had also agreed on a condition requiring the implementation of a scheme for the provision of affordable housing. This is a further indication of the need to apply local housing policies.

61. I accept that it was concluded the relatively remote rural location would be unsuitable for general market housing but this had reduced significance for the development proposed, as day to day services would be provided on site and residents, because of the minimum age requirement, would have less need to be close to schools and employment sites. However, in the case before me the minimum age requirement is lower and is likely to lead to a greater need for proximity to employment sites and access to a wider range of leisure and recreational facilities.
62. In addition the Storthes site had been reserved for educational purposes and it was agreed that need no longer existed, unlike the Arclid site where I have concluded that the land is suitable and required for the designated employment use. Furthermore the Storthes site retained former hospital buildings together with the rubble of those demolished and represented a much more significant degradation of the local environment. Thus the development permitted, together with associated environmental improvements in the surrounding area, would result in very significant benefit to the area.
63. I consider that the differences between the two proposals and the policy bases established in the two locations are sufficient to justify different conclusions.
64. It was suggested that, in addition to considering the specific case before me, I draw some general conclusions and provide advice in relation to the type of development proposed. However, my role is to determine the appeal and while it may be helpful for more detailed guidance to be provided in relation to "retirement care villages" that is a matter for the Secretary of State and her policy advisors.
65. I have had regard to all other matters raised but none of them is sufficient to outweigh those that have led to my decision. I consider that the proposed development would be contrary to the quoted policies of the adopted development plan and the advice given in national policy guidance. Other material considerations do not merit the granting of planning permission contrary to such provisions.

Formal Decision

66. I dismiss the appeal.

JDS Gillis

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr H Richards of Counsel	Instructed by the Head of Legal and Democratic Services, Congleton Borough Council
He called	
Mr A J Buckingham, BSc(Hons) FRICS ACI Arb	Buckinghams, Chartered Surveyors
Mr B Weatherley BA(Hons) BTP MRTPI	John Rose Associates, Planning Urban Design and Regeneration Consultants

FOR THE APPELLANT:

Mr A Evans of Counsel	Instructed by Hamilton Booker Associates
He called	
Mr J G Fifield FRICS MCI Arb	Fifield Glyn, Chartered Surveyors and Commercial Property Consultants
Mr A Booker BSc DTP MRTPI	Hamilton Booker Associates, Chartered Town Planners & Development Consultants

INTERESTED PERSONS:

Mr S B Holland	122 Congleton Road, Sandbach, Cheshire. Former Borough Councillor for the area. Supporting the proposed development.
Mr D L Smirles	21 Church Lane, Woodford, Cheshire. Representing the owner of the appeal site. Supporting the proposed development.

DOCUMENTS

- 1 Letter of notification of the appeal and list of persons notified
- 2 Opening submissions on behalf of the Council
- 3 Appeal decision re APP/Z4718/V/06/1198039, Former Storthes Hall Hospital, Kirkburton, Huddersfield
- 4 Letter from Muller Property Holdings Ltd. to Congleton Borough Council, dated 16 February 2007, together with enclosures
- 5 Distribution of Extra Care Housing provision in Cheshire
- 6 Draft Conditions suggested by the Council
- 7 Appellant's comments on the draft Conditions
- 8 Middleton Village – promotional material
- 9 Middleton Village – Formal Welcome Pack

- 10 Employment Land Availability Schedule, 31 March 2007
- 11 Proof of Evidence of Mr S B Holland
- 12 Proof of Evidence of Mr D L Smirles
- 13 Closing Submissions on behalf of the Council
- 14 Skeleton Closing Submissions on behalf of the Appellant

PLANS

- Plan A The application plans [Site Plan and Proposed Illustrative Site Plan]
- Plan B Location of protected trees along Newcastle Road frontage
- Plan C Newcastle Road/site access junction layout

Richborough Estates