

Appeal Statement

Eastleigh Borough Councils Reason for Refusal:

*“The proposed change of use, from C3 dwellinghouse to C2 Care Home, by reason of its countryside location, is **isolated** from necessary amenities, and sustainable transport links, which would have a detrimental impact upon the amenity and quality of life for future end occupier(s). Thus, the proposals would be contrary to policies DM1 and DM13 of the Eastleigh Borough Council Local Plan (2016-2036), the councils adopted ‘Accommodation for Older People and Those in Need of Care’ SPD (2011), and the provisions of the National Planning Policy Framework (2021).”*

Introduction

The LPA, prior to the committee meeting had **recommended** the application for approval due to its compliance to the same local planning policies it has adopted, as the committee’s basis of decision to deny the application on. This application was only referred to committee for final determination by 3 named councillors due to the past controversies around the proposal according to the report. (*Refer to Committee report attached*)

I am writing this appeal statement in response to the decision by the LPA to deny the proposed change of use from a C3 dwellinghouse to a C2 Care Home, based on the grounds outlined in the refusal notice. I believe that this decision is unjust and fails to consider the broader benefits and potential positive impacts of the proposed development. Moreover, I contend that the decision is contrary to the two policies DM1 and DM13, and SPD (2011), that the LPA uses as the basis to deny the application, as such I kindly request a reconsideration of the council's decision and a thorough evaluation of the following points:

Fulfilment of Local Plan Objectives - The proposed change of use aligns with the objectives outlined in EBC’s Local Plan “incorporate provision for people with disabilities and create accessible communities that cater for all.” Policy DM1 is the first policy the LPA mention that the application was contrary to. There is a whole list of criteria listed under this policy that applications are supposed to accord with. It aims to encourage sustainable development and promote the delivery of appropriate housing, including specialized care facilities, to meet the needs of the local population. By converting the existing dwellinghouse into a care home, the proposal not only addresses the demand for such services but also contributes to the council's goals of providing quality care facilities for the community. The LPA have not specified which of the criteria the development does not accord with, as such, it is has to be assumed that they are implying, it fails to accord with any of it, which cannot be the case as the paragraph above highlights to the contrary. The initial LPA committee report to recommend, supports these policies to this effect, and we are bemused as to why they then contradict themselves within the decision notice. (*Ref -Committee Report Section 33 – 49*)

Addressing the Need for Care Facilities - The provision of care homes is crucial, given the aging population and the increasing demand for specialised care services. The proposal seeks to address this need and enhance the local community's well-being by providing a safe and supportive environment for specialised care service residents. Denying this proposal

perpetuates the current shortage of appropriate care homes, leaving vulnerable individuals without access to essential services. (*Attached is a support letter from NHS to this view*).

Mitigating Isolation Concerns - While the proposed site may be located in a countryside area, it is not entirely isolated from necessary amenities. Local shops, medical facilities, and other services are conveniently accessible within a reasonable distance. Moreover, our business model would include provisions for on-site amenities, such as communal spaces, gardens, and recreational facilities, which would foster a sense of community and reduce the potential isolation of the residents.

Alternative Transportation Solutions - I acknowledge the council's concerns regarding sustainable transport links. However, our business model aims to support sustainable transport methods by having a comprehensive plan that outlines strategies to mitigate any potential negative impacts. These measures include providing a dedicated transport service within the business through use of company car/minibus for staff outings, encouraging staff carpooling, cycling, and exploring partnerships with local transport providers to ensure our residents will have access to essential services and transportation options.

Economic Benefits - The proposed care home would also bring significant economic benefits to the local area. It would create employment opportunities, once operational, contributing to the local economy. Additionally, the increased demand for local goods and services generated by the care home would have a positive ripple effect on surrounding businesses.

Further Comments and Arguments against decision:

I would like to expand further on some of the points highlighted above and also to bring to your attention that the application site/existing property is within an area (Pinewood Park) where it sits amongst approx. 16 other residential properties and as such there is well established residential use within the immediate vicinity.

The LPA's reason for refusal uses the term '**isolated**' within its wording and this forms the basis of reasoning for refusal. The meaning of the word '**isolated**' itself has been considered in the Courts. With reference to ***Braintree District Council v Secretary of State for Communities and Local Government, Greyread Limited & Granville Developments Limited [2017]***, Lang J agreed with the Secretary of State that the word "**isolated**" should be given its ordinary, objective meaning "far away from other places, buildings or people; remote" (***Oxford Concise English Dictionary***).

Based on the above points only, it is inconceivable that the application site/existing property can be referred to as being '**isolated**'. The fact it sits within an established cul de sac of approx. 16 other large dwellings is contrary to the LPA's assumption that it is isolated.

The LPA goes a step further to expand on the level of isolation in relation to the wider context, they state that the site is '**isolated from necessary amenities and sustainable transport links**'. We acknowledge that the site is located in the 'countryside for planning purposes' but is not 'isolated from necessary amenities' as the LPA has alluded to. We have picked out here a list of amenities which are within very close proximity to the site based on

a desktop appraisal via Google Maps and StreetCheck: *(Please note, distances are approximate to the best of my abilities and are dependent on preferred route of travel)*

- Aldi Supermarket, Bursledon Road, Southampton, according to the AA's trip calculator is approx. 1.5 miles away from the site. This is a short walk away or a very quick car trip away that service users could use to obtain essential goods.
- Tesco Bursledon is also close by at approx. 1.05 miles away.
- According to the AA's trip calculator Hightown Fire station is approx. 1.6 miles away from the site which indicates that the site is not at all isolated from key infrastructure.
- According to the AA's trip calculator is Hightown ambulance station is approx. 1.3 miles away from the site which further indicates that the site is not far away from key infrastructure.
- Hedge End Business Park is approx. 1.6 miles away from the site according to the AA's trip calculator where there are a whole host of amenities.
- Thornhill Drs Surgery, according to the AA trip calculator is approx. 1.0 mile away.

The above are just some of the key amenities that a standard residential home or care home needs to be located close to. As demonstrated above, the site is close to **A LOT**. We have attached further amenities within close proximity to the proposed site, all of which are essential for quality of life for the proposed service users, and anyone else local to the area contrary to the LPA's reason for this area to be classified as isolated from amenities when we have similar care services fully operational within the vicinity. How then does one care home become isolated yet a dozen others all within a 2-mile radius are seen to be operating under these same conditions. Below are just a few examples of the services and amenities local to the proposed site.

10 Nearest Social Care Providers

Name	Approx Distance	Name	Approx Distance
Sennen Lodge	0.4 miles	The Grange Nursing Home	1.8 miles
Holcroft House	1.4 miles	Retreat House	1.5 miles
Hallmark Healthcare Services	1.8 miles	Good Oaks Southampton and Winchester	1.1 miles
Voyage Care - West Road	0.8 miles	Voyage Care- Lower St Helens	1.4 miles
Bonhomie House	1.3 miles	The Laurels	1.7 miles

10 Nearest Doctors Surgeries/GP Practices

Name	Approx Distance	Name	Approx Distance
Thornhill Surgery	0.7 miles	West End Surgery	1.6 miles
Ladies Walk Practice	0.8 miles	Living Well Partnership St Lukes	1.6 miles
The Peartree Practice	0.8 miles	West End Road Surgery	1.8 miles
Hedge End Medical Centre	1.1 miles	Peartree Practice - Bitterne Branch	1.9 miles
Harefield Surgery	1.3 miles	Blackthorn Health Centre	2.1 miles

10 Nearest Dentists

Name	Approx Distance	Name	Approx Distance
Thornhill Dental Clinic	0.8 miles	Quality & Caring	1.5 miles
Hedge End Dental Surgery	1 mile	Bitterne Health Centre	1.6 miles
Smile Makers Clinic	1.1 miles	Spring Road Dental Practice	1.6 miles
Bursledon Dental Clinic	1.2 miles	Peartree Dental Practice	1.9 miles
Gentle Dental Practice	1.2 miles	Damira Weston Lane Dental Practice	2.4 mile

10 Nearest Hospitals

Name	Approx Distance	Name	Approx Distance
Moorgreen Hospital	1.6 miles	Southampton General Hospital	5.3 miles
Fareham Community Hospital	3.2 miles	Princess Anne Hospital	5.3 miles
Optegra Eye Hospital Hampshire	3.9 miles	Western Community Hospital	5.6 miles
Hythe Hospital	4.8 miles	Priory Hospital Southampton	5.8 miles
Spire Southampton Hospital	5.1 miles	Ashurst Hospital	8.8 miles

10 Nearest Opticians

Name	Approx Distance	Name	Approx Distance
Tesco Opticians	0.8 miles	Scrivens Opticians	1.7 miles
Rawlings Opticians	0.9 miles	Specsavers Opticians and Audiologists - Bitterne	1.7 miles
Scrivens Opticians & Hearing Care	1 mile	Boots-Southampton - Bitterne Rd	1.8 miles
M&S Opticians - Hedge End	1.3 miles	Vision Right (Carol Joy Underwood)	2.5 miles
Specsavers Opticians and Audiologists - Hedge End Sainsbury's	1.3 miles	Rex Wingate & Partners	3.3 miles

The above highlight an abundance of amenities contrary to what the LPA has suggested. It should be noted that the service users in the care of Rymacare Ltd at the proposed care home would have been diagnosed with learning disabilities, mental health, or autism spectrum disorder and would be aided by support workers for their day-to-day activities, and visits or trips alike, would be through a designated company car to all of these local amenities. This is a realistic expectation, and all of these services would be a minimum requirement for the company's business model so as to provide positive outcomes for all our service users alike.

In regard to the site being isolated from sustainable transport links, this is not the case either, the site is located in close proximity to the M27 junction which is a gateway to connect the site to pretty much anywhere by car. There is also an active bus route within the locality to cater for this area. Staff and service users alike have the benefit of ease of access to these transport networks.

The care home would have the right number of support staff for our service users such that their day-to-day needs are catered for and met, including trips to any prearranged visits

under the care and supervision of our support staff. Due to their physical or mental health challenges/present or past disablement of our service users, they are driven by the support staff to and from any trips or visits highlighted within their individual care plans, thereby placing even less of an emphasis for the site to need to be located in a 'highly sustainable location' although it is in this case and allows for greater flexibility. Due to the type of services, we offer, it would not make much of a difference, unless the services offered were for example, semi-independent living, which afford service users greater flexibility on how to manage their day-to-day activities themselves.

A standard day in our services means service users are onsite most of the times. This would entail the service user on a 1-1/2-1 basis (depending on care plan) with their allocated support worker/s. Any trips to the dentist/shops/cinema, etc, are always prearranged and the company car is allocated for the staff and service users to use on that particular day. If no trips are planned, then the service users have activities to undertake within the premises according to their individual care plans under the supervision of their support workers. It is with this in mind that it is respectfully argued that by reason of the site's countryside location and size, the proposed scheme will meet the needs for the rehabilitation and provision of a quality living environment for those members of the community that require care within a calm and serene environment (*refer to support letter by R Stevenson*). The creation of a residential care home here is consequently considered to constitute sustainable development and the change of use is therefore acceptable in principle - particularly as, in accordance with NPPF paragraph 7, it would have an economic, social, and environmental role.

Rymacare are committed to providing service users with all the necessary services and facilities to ensure their comfort and well-being and have taken measures to ensure that our care homes do not have a negative impact on the local community and environment. The proposed scheme is sympathetic to the existing safe and convenient vehicular access into Pinewood Park by providing more than sufficient on-site car and cycle parking facilities for staff to use. Coupled with the anticipated associated level of activity, this will ensure that the risk to all users of the A27 will not be unduly increased by any traffic overspill that may be assumed to lead onto the street, which we don't anticipate being the case due to sufficient onsite parking.

Policy DM13 again has been highlighted in the broadest of contexts in regard to the application. I will aim to expand more on some of the points that we assume the LPA might have been referring to as isolated from sustainable transport links.

Firstly, according to StreetCheck and google search, there are approx. **20 Railway stations** within close proximity to Pinewood Park, with Bursledon – 1.7miles away being the closest and Shawford – 8 miles being the furthest. This alone highlights how well connected this location is to immediate transport links, if the need arises ever for service users in the aide/company of their support workers to use train transport then there is an abundance of stations to choose from. The full list of is shown below thus clearly highlights that the network links in relation to the site location isn't as isolated as referred to by the LPA.

Name	Approx Distance	Name	Approx Distance
Bursledon	1.7miles	Swaythling	3.4 miles
Sholing	1.9 miles	Southampton Airport Parkway	3.6 miles
Hedge End	2.2 miles	Southampton Central	4 miles
Netley	2.3 miles	Eastleigh	4.5 miles
Hamble	2.4 miles	Millbrook (Hants)	4.9 miles
Woolston	2.4 miles	Chandlers Ford	6 miles
Bitterne	2,5 miles	Redbridge	6.5 miles
Botley	2.9 miles	Fareham	6.8 miles
St Denys	3.1 miles	Totton	7 miles
Swanwick	3.2 miles	Shawford	8 miles

The locality is also serviced by a regular bus service which has 6 nearby bus stops, with the closest being 0.3miles away as highlighted below. These bus stops are essential for our staff to make use of when using public transport to attend work.

Stop Name	Location	Distance
<u>Ellis Road</u>	Thornhill	0.32 Miles
<u>Holcroft Road</u>	Thornhill	0.33 Miles
<u>Meredith Towers</u>	Thornhill	0.34 Miles
<u>Burgoyne Road</u>	Thornhill	0.41 Miles
<u>Dumbleton's Towers</u>	Thornhill	0.43 Miles
<u>Chettle Road</u>	Thornhill	0.46 Miles

Source: NaPTAN. This data is licensed under the Open Government Licence v3.0.

The application proposal accords to all aspects of policy DM13 as the scheme is not to a scale that would have an adverse impact on traffic conditions beyond the immediate vicinity of the development site, such that it would be deemed to need to undertake a transport assessment by the relevant authority. Rymacare has demonstrated by adopting sustainable means of transportation within its management plan and has employed some of these measures within the proposed scheme and will continue to incorporate and implement mitigation measures as and when they arise through any changes in local policy.

In respect to SDP, the LPA fails to fully acknowledge the significant steps the proposal has taken to adhere to the policies and guidance set out in the aforementioned SPD. We acknowledge that it is neither the purpose, nor within the powers of this SDP document, to identify such material planning considerations as they are by their nature specific to the individual circumstances of each development proposal. However, recent appeal decisions suggest that the following considerations could be material. Our proposal has highlighted a demonstrable need for such type of service within the borough, Rymacare works in collaboration and with the support of the relevant health authorities (*refer to Planning Statement – Section 2 Context – The Applicant*)

The company is registered with CQC for compliance with the Health and Social Care Act 2008 and Care Quality Commissions Essential standards of quality and safety under the regulated activity “Accommodation for persons who may require Nursing or Personal Care.”

Sequential test – the proposed location is within a low flood risk area making it ideal for its proposed use. In the event of objection, the LPA should advise on preferable sites that exist elsewhere as opposed to the current chosen site and demonstrate why such a site is not practical in terms of its availability, suitability, and viability in setting up this care home. We have highlighted in great detail the proximity to services and facilities this proposed scheme has contrary to what the LPA had deemed isolated.

Fulfilment of Accommodation for Older People and Those in Need of Care SPD - The proposed change of use to a C2 Care Home directly aligns with the objectives and spirit of the '*Accommodation for Older People and Those in Need of Care*' SPD. This document aims to guide and encourage the provision of suitable housing and care options for elderly and vulnerable individuals within the Eastleigh Borough. By converting the property into a care home, the proposal meets the intent of the SPD by offering specialized care and support services tailored to the needs of those in need of care.

Adherence to SPD Principles - The proposal has been developed in strict accordance with the principles outlined in the SPD. It considers the accessibility and appropriateness of the location, the provision of essential amenities, and the ability to deliver high-quality care services within a countryside location. Furthermore, the design and layout of the care home have been carefully planned to ensure the comfort, safety, and well-being of residents, consistent with the SPD's guidelines.

Addressing the Needs of the Local Population - The need for accommodation and care facilities for older people and those in need of care is well-documented and recognized within the Eastleigh Borough. The proposed change of use directly responds to this need by providing a dedicated care home that can support and enhance the lives of vulnerable individuals in the local community. By denying the proposal, the LPA has erred in addressing the increasing demand for suitable accommodation and care services for this demographic.

Positive Social and Economic Impact - The conversion of the property into a care home would bring significant social and economic benefits to the area. It would generate employment opportunities, and in the long term contribute to the local economy. Additionally, the care home would serve as a vital community asset, fostering a sense of belonging, and providing a safe and supportive environment for residents to thrive.

Summary

In light of the aforementioned points, I kindly request that the LPA's decision to deny the proposed change of use be reversed. We firmly believe that the development aligns with the objectives of the Local Plan, addresses a pressing community need, and can be adequately managed to mitigate any potential concerns. We welcome the opportunity to further discuss and address any queries or additional information required to support the reconsideration process. The LPA has since approved an LDC for proposed use at this site for a similar scheme (*Decision notice attached*) notwithstanding its previous decision to deny full

planning for a C2 Change in Use. Why then is this LDC application not contrary to any of the policies mentioned for the full change in use application when it's almost on a similar scheme of providing a service for end users with specific challenges. We are of the belief the LPA has realised the error in their judgment and have tried to soften the blow through issuance of an LDC. We implore you to reverse the decision to refuse in the first place and grant us approval for a full change in use as outlined in the application form.

APPENDICES

- Hilltop Letter 1
- Letter from R Stevenson Social Worker
- Committee Report from LPA
- LDC_23_94708 Certificate of Lawfulness