



Ministry of Housing,  
Communities &  
Local Government

## **Research into Patterns and Trends in Planning Applications for Older Persons Housing (OPH)**

An exploration of factors impacting on the delivery of planning permissions for Older Persons Housing

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November 2024



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November 2024

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# Foreword

This report outlines the findings of a study which the Department commissioned in order to support the work of the Older People's Housing Taskforce, which was launched in May 2023. Led by Professor Julienne Meyer, its terms of reference were to look at options for the provision of greater choice, quality and security of housing for older people. The Taskforce's objectives were to examine enablers to increased supply and improving the housing options for older people in later life, and to explore ways to unblock any challenges.

Following a request from the Taskforce, the Department commissioned a small scale research study by Roland Bolton, Senior Director, DLP Planning Limited, which analyses trends in planning applications for older people's housing, focussing on the factors impacting on the delivery of planning permissions.

I am very grateful to the authors for their insightful work on this topic. The authors have also asked me to record their thanks for the contributions from Jonathan Leigh, Jon Goodall, and Dr Kirsten Ward.

The Department is also very grateful to all those in the Ministry for Housing, Communities and Local Government and the Older People's Housing Taskforce who helped guide, inform and support this study. In particular thanks are due to: Caroline Jackson, Graham Kinshott, Rosie McGuire and Urmi Solanki at the Ministry of Housing Communities and Local Government, as well as Professor Julienne Meyer and Paavan Popat from the Older People's Housing Taskforce. We would also like to acknowledge the support from the wider group of advisors to the Older People's Housing Taskforce who provided insight, access to grey material as well as comment on drafts of the report.

Without these kind contributions and input the study would not have been possible.

**Stephen Aldridge**  
**Director for Analysis and Data & Chief Economist**  
**Department for Levelling Up, Housing and Communities**

# List of acronyms and abbreviations

AONB	Area of Outstanding Natural Beauty
CCRC	Continuing Care Retirement Community
CIL	Community Infrastructure Levy
CQC	Care Quality Commission
EAC	Elderly Accommodation Counsel
LPA	Local Planning Authority
NHS	National Health Service
NPPF	National Planning Policy Framework
OPH	Older Persons Housing
OPHTF	Older People's Housing Taskforce
PPG	Planning Practice Guidance
SANG	Sustainable Alternative Natural Greenspace
SPRU	Strategic Planning Research Unit
VSC	Very Special Circumstances

# Executive Summary

This research has been commissioned by the Department on behalf of the Older People's Housing Taskforce which is an independent taskforce appointed by Government to look at the options for the provision of greater choice of housing for older people in England.

The particular focus of this research was to consider the patterns and trends in success or otherwise of Planning Applications for Older Persons Housing (OPH) over the last 10 years. For clarity, this research does not include applications for Care Homes.

## Methodology and Data Sources

There are two data sources used for this research. The first is data on applications submitted to Councils for OPH development proposals, collated by the programme LandInsight. This data is collected from Council web sites and as such is dependent on the quality and accuracy of the description of development in terms of how proposals for OPH are described. There are a few common approaches, but none are used with any regularity or consistency. Therefore, to try and identify relevant applications a number of different key words were used for the search criteria. This approach resulted in a list of applications which needed to be further filtered to remove applications which were either not for specialist or older persons housing or were duplicated (including those registered on two different Councils' web sites where authorities have been recently combined).

The approach has identified that there was a particular issue on how appeals are registered and therefore additional checks have been undertaken to pick up where refusals at a local level have been subject to appeal by rechecking Councils' web sites as well as the Planning Inspectorate web site.

The results of this research are therefore based on the analysis of over 2,000 applications submitted over the last 10 years (from 2014 to 2024).

The second data source is the list of operational older persons housing that is compiled by the Elderly Accommodation Counsel (EAC) which contains data about tenure, level of care and date of opening.

## Findings

The headline finding from the research is that it is more difficult to secure a positive outcome for an application for OPH compared to applications for general housing.

It is also of note that the number of applications for OPH and the overall number of OPH units being applied for has decreased in recent years.

In terms of the tenure of OPH units being applied for, applications are increasingly for Market OPH (this includes both market sale and private rented OPH). At a regional level there is a very strong relationship between the number of applications and the number of units applied for and the number of people over 75 in the population.

In respect of the type of OPH units being applied for there is a slight predominance of the number of OPH units with care as opposed to those without care.

The trend is also for a higher number of refusals and appeals (although the success rate at appeal has increased in recent years). This trend is being led by the level of refusals in the South East and East of England Regions.

The reasons for these trends are multi-faceted but some basic factors include increased competition for sites and the inability for OPH to compete successfully on sites identified or suitable for general housing.

In addition, most plans make substantial allocations for general housing but very few make allocations for OPH or indeed identify the level of need for OPH and policies to address this need beyond some very basic permissive policies.

Conflict with national policies is not the main issue, although there appears to be an increasing number of applications for OPH with care on Green Belt sites most of which are determined at local level. While at appeal the need for OPH, even when strongly articulated, may form the backbone of Very Special Circumstances (VSC) it does not in itself however represent VSC. When permissions have been granted (or appeals upheld) there have been other benefits to weigh in the consideration of VSC. The fact that developers and operators have recently chosen to lodge applications for OPH in the Green Belt and pursue these applications through to appeal suggests that at least from the providers' and developers' point of view there is a lack of suitable sites subject to lesser constraints within these locations.

Most applications are not in conflict with national policies but are more likely to be within or maybe adjacent to settlements and again refusals and appeals in these locations tend to be concerned with OPH with care rather than OPH without care. This might be due to the different size of these schemes as OPH with care on average have more units which tends to limit the availability of sites and make it more difficult to accommodate schemes within the existing urban environment.

In considering the issue of Brownfield and Greenfield sites, a more limited analysis based on the East of England and East Midlands, found that for all years except 2022 there were more units applied for on Brownfield than Greenfield sites. This analysis also found that more units were refused on Greenfield than on Brownfield sites and that there were more OPH units with care being refused on Greenfield sites than OPH units without care.

An interesting result from the research is that the limited number of local plan areas that had policies and allocations for OPH were not the areas that delivered the most units, or indeed had the least refusals or appeals. A potential explanation for this is that under the plan led system, if policies and allocations are put in place but they underestimate need or allocate sites not attractive to the industry, it nevertheless provides a basis on which to refuse alternative schemes. This emphasises the importance of setting the OPH need as a minimum and the need for an exclusion policy even when allocations are made.

A contributing factor to increased numbers of OPH units being applied for on Greenfield sites and sites with constraints is the trend towards larger schemes, with the average size for OPH without care increasing from 20 units in 2014 to 33 units in 2023. For OPH with care, the average scheme size (50 units) was larger than those without care in 2014. This increased to an average size of 75 units in 2023.

The case studies have identified a number of difficulties away from national policy issues that are challenges for all OPH predominantly because such developments have a different

density and massing to traditional housing. These include:

- The provision of affordable housing;
- Overarching local plan policies protecting existing uses such as employment areas including at times the need to demonstrate a site is not viable for employment use and/or that there are no suitable alternate sites for the proposal;
- Issues of massing and density being considered to negatively impact on “character” of an area;
- Design;
- Impact on conservation areas and listed buildings;
- Impact on landscape;
- Accessibility;
- Impact on Health services;
- Legal agreement to secure restriction for older persons.

The case studies also highlight the different approaches in decision making in terms of how the various advantages of OPH are accounted for and weighed in the decision. Some decision makers will consider each aspect of the benefits including meeting the need for OPH itself, the release of family housing, the contribution to the five-year housing land supply (if relevant), the health benefits to residents, the saving to the NHS, economic benefits of job creation and of local expenditure. Other decision makers simply club all of the benefits together and attribute weight to meeting the need for OPH.

The weight to be attributed to meeting OPH need is of course a matter of planning judgment by the decision maker in each case, be this a Council, a Planning Inspector or the Secretary of State. In most cases OPH need is attributed “significant weight”. However even in cases where “significant weight” has been attributed to the need for OPH by the decision maker this has not been considered a strong enough reason to overcome the fact that the proposal is considered to be contrary to local and/or national policy.

At times less weight is attributed to meeting OPH need in cases where the need for OPH has not been sufficiently evidenced or the age of residents has not been secured by legal agreement.

These conclusions highlight the following issues that have been identified in terms of the outcomes of the planning system for OPH that require further consideration:

- The lack of specific allocations in most Local Plans for OPH;
- Potential underestimation of need when considering the scale of allocations for OPH.;



- Lack of knowledge/understanding of types of OPH (despite definitions in Planning Practice Guidance (PPG)). This includes misconceptions of the impact of OPH developments on local care providers and the NHS;
- Negative policy environment for OPH on non-allocated sites;
- Uncertainty over the application of affordable housing policies.
- Local Character and Design policies being too restrictive and do not recognise the different form that is required to deliver some types of OPH;
- The weight that is attributed to the range of benefits delivered by OPH by decision makers appears to be inconsistent, with some decision makers only attributing weight to the fact that proposed provision is addressing an identified need while other decision makers also place significant weight on the wider benefits of the proposal.

# 1 Introduction

## Scope of Research

- 1.1 This research has been commissioned by the Department on behalf of the Older People's Housing Taskforce, an independent taskforce appointed by Government to look at the options for the provision of greater choice of housing for older people in England.
- 1.2 The particular focus of this research was to consider the patterns and trends in success or otherwise of Planning Applications for Older Persons Housing (OPH) over the last 10 years. For clarity this research does not include applications for Care Homes.
- 1.3 The research goes on to consider some of the background to these trends including the influence of major national constraints such as Green Belt and an area of outstanding natural beauty (AONB), the nature of Local Plan Policies, and regional differences, as well as other factors that have emerged during our review of the data such as the changing nature of applications (in terms of size) and the impact of local policies.
- 1.4 The research then sets out a series of case studies to illustrate the various issues that have been identified. These range from conflict with national policies such as Green Belt, the provision of affordable housing and conflict with local policies, to more generalised issues regarding the impact of such developments on local character.

## Methodology and Data Sources

- 1.5 There are two data sources used for this research. The first is data on applications submitted to Councils for OPH development proposals, collated by the programme LandInsight. This data is collected from Council web sites and as such is dependent on the quality and accuracy of the description of development in terms of how proposals for OPH are described. There are a few common approaches, but none are used with any regularity or consistency. Therefore, to try and identify relevant applications a number of different key words were used for the search criteria. This approach resulted in a list of applications which needed to be further filtered to remove applications which were either not for specialist or older persons housing or were duplicated (including those registered on two different Councils' web sites where authorities have been recently combined).
- 1.6 The approach has identified that there was a particular issue on how appeals are registered and therefore additional checks have been undertaken to pick up where refusals at a local level have been subject to appeal by rechecking Councils' web sites as well as the Planning Inspectorate web site.

- 1.7 The results of this research are therefore based on the analysis of over 2,000 applications submitted over the last 10 years (from 2014 to 2024).
- 1.8 The second data source is the list of operational older persons housing that is compiled by the Elderly Accommodation Counsel (EAC) which contains data about tenure, level of care and date of opening.

## Typology and Tenure of Older Persons Housing and classification used in this research

- 1.9 There is a substantial range of housing provided to meet the housing needs of older people. From the original Almshouses provided by the church to purpose built Integrated Retirement Villages.
- 1.10 Planning Practice Guidance (PPG) on Housing for older and disabled people provides the following categorisation:

“There are different types of specialist housing designed to meet the diverse needs of older people, which can include:

**Age-restricted general market housing:** This type of housing is generally for people aged 55 and over and the active elderly. It may include some shared amenities such as communal gardens but does not include support or care services.

**Retirement living or sheltered housing:** This usually consists of purpose-built flats or bungalows with limited communal facilities such as a lounge, laundry room and guest room. It does not generally provide care services but provides some support to enable residents to live independently. This can include 24-hour on-site assistance (alarm) and a warden or house manager.

**Extra care housing or housing-with-care:** This usually consists of purpose-built or adapted flats or bungalows with a medium to high level of care available if required, through an onsite care agency registered through the Care Quality Commission (CQC). Residents are able to live independently with 24-hour access to support services and staff, and meals are also available. There are often extensive communal areas, such as space to socialise or a wellbeing centre. In some cases, these developments are known as retirement communities or villages – the intention is for residents to benefit from varying levels of care as time progresses.

**Residential care homes and nursing homes:** These have individual rooms within a residential building and provide a high level of care meeting all activities of daily living. They do not usually include support services for independent living. This type of housing can also include dementia care homes.

There is a significant amount of variability in the types of specialist housing for older people. The list above provides an indication of the different types of housing available but is not definitive. Any single development may contain a range of different types of specialist housing.”<sup>1</sup>

- 1.11 As this research illustrates, these categories have not been commonly or consistently utilised by developers, operators, consultants, or Local Planning Authorities (LPAs). Furthermore, there can be confusion, or at least a lack of clarity, as to the nature of each proposal. While the categories of age restricted and sheltered are more commonly understood as one of the case studies illustrates sometimes “extra care” is confused with Care Home provision. The latter is the provision of rooms with 24/7 care while the former are individual dwellings with 24/7 care.
- 1.12 The range of accommodation provided and the irregular use of the terminology in the PPG has, as explained above, represented a challenge for the research. To assist and simplify, we have used two basic categories (‘Housing with Care’ and ‘Housing without Care’) but also attempted to define them by tenure. These classifications are:
- Housing with Care (including Extra Care and Integrated Retirement Communities) – Social Rented;
  - Housing without Care (including Age Restricted and Sheltered Housing) – Social Rented;
  - Housing with Care (including Extra Care and Integrated Retirement Communities) – Market;
  - Housing without Care (including Extra Care and Integrated Retirement Communities) – Market.
- 1.13 While the research uses the above simple classifications, this does not mean that it is not aware of the differing challenges in securing planning permission facing different operators within these groups. These are picked up and illustrated in the selected case studies. For the purposes of our analysis on how the planning system interacts with the sector, we have identified the following basic categories to be considered in our case studies:
- OPH with Care – there appear to be two basic models both of which appear to require a minimum number of units within the scheme to ensure viability of care provision these are:
    - Urban in settlement apartment-based schemes (often on previously developed sites).

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<sup>1</sup> [Housing for older and disabled people - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/63010/20190626.pdf) (PPG Paragraph: 010 Reference ID: 63-010-20190626)

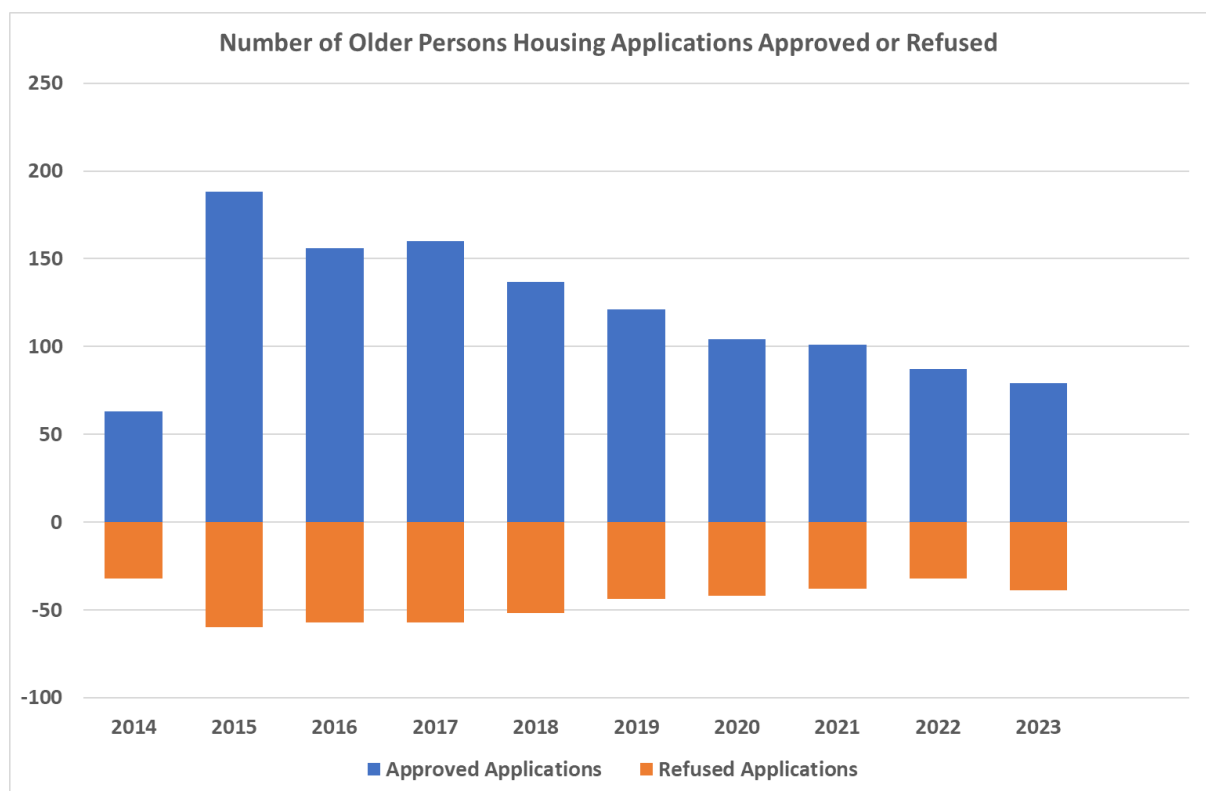
- Suburban or edge of settlement schemes, sometimes including a mix of apartments and dwellings. These can be on Greenfield sites and tend to offer a greater range of facilities and have a larger land take. The largest examples are the Integrated Retirement Communities.
- OPH without Care – the basic models appear to be as follows:
  - Age Restricted – these schemes do not have a minimum size and come in a wide variety of forms and as such applications vary in size and location including rural locations;
  - Age Restricted Park Homes – this is a sub-group of the age restricted model but are built in different locations, predominately edge of settlement or rural locations;
  - Sheltered Housing – while not quite as flexible in terms of size as age restricted housing this model can be delivered in a variety of forms in urban, suburban, and rural locations.

1.14 The research utilises a simple distinction between housing with or without care for much of its analysis because this aggregation provides meaningful results, however the case studies go further in exploring the particular issues with delivering the different type of OPH within these wider categories.

## 2 Outcomes of Planning Applications Submitted since 2014

- 2.1 Figure 2.1 shows the pattern of approvals and refusals for applications submitted since 2014 for OPH in total. It is important to note that as the research considered applications submitted from 2014 onwards then the results for the first year are likely to be somewhat depressed as not all applications submitted that year will have been determined in the same year. This is particularly the case for OPH applications which take an average of 258 days to be determined (see chapter 4). By the same token, not all applications made in 2023 will have been determined in that year. As such, a little care has to be exercised in considering the results for these years.
- 2.2 Figure 2.1 sets out the number of applications for OPH that have either been approved or refused and it suggests that there has been a decreasing number of applications for OPH since 2015. The reasons for the refusals will be considered in more detail later.

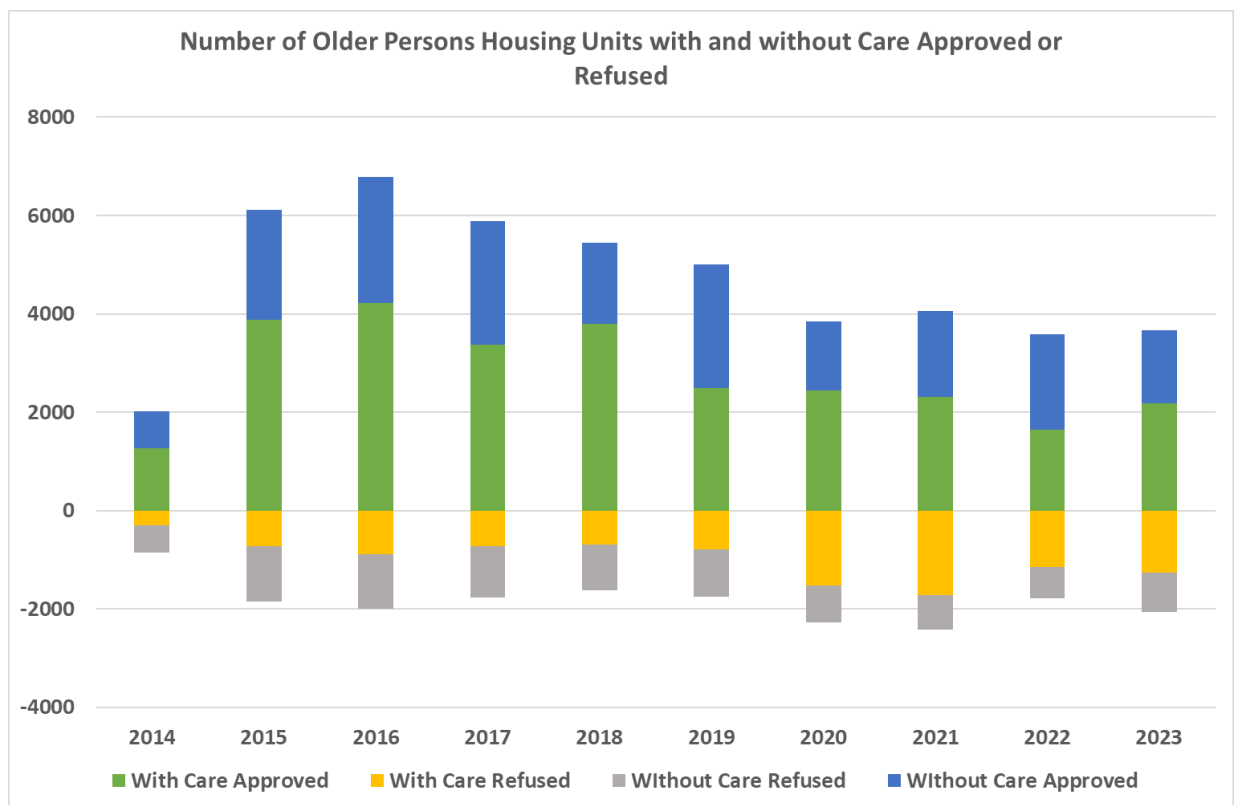
**Figure 2.1: OPH Applications Approved or Refused**



Source: SPRU/Landinsight

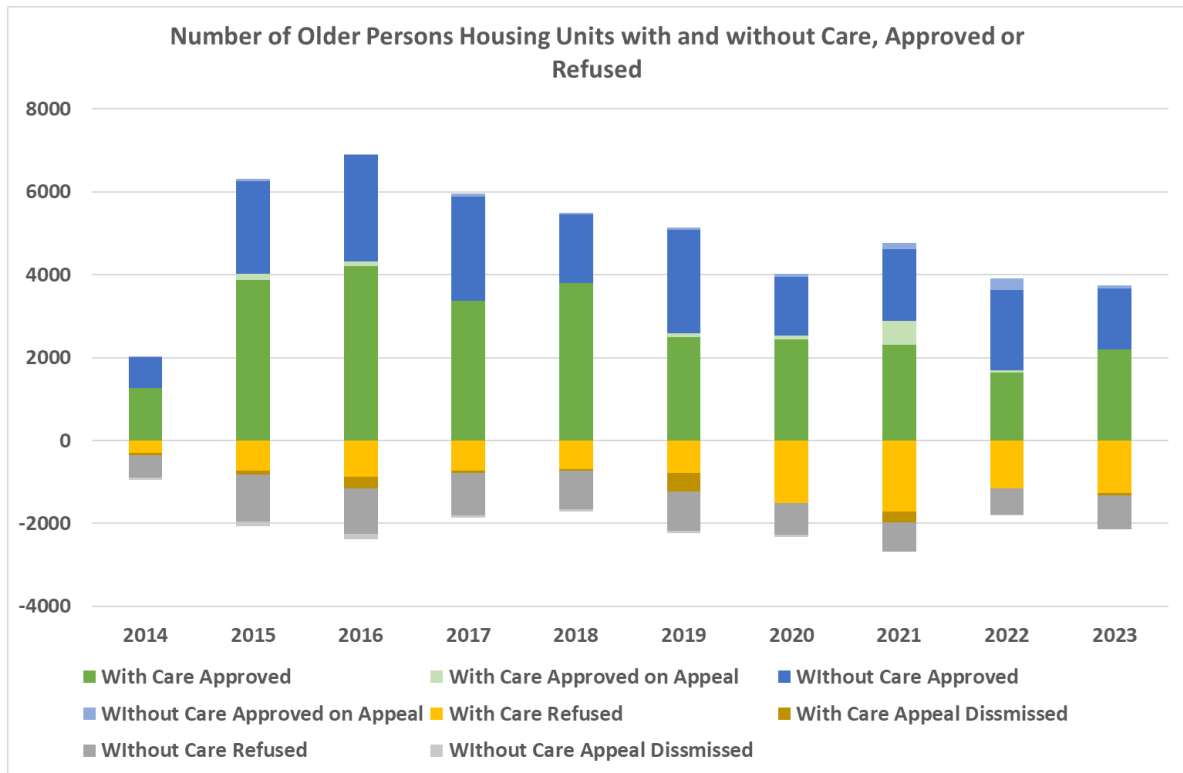
- 2.3 Figure 2.2 provides more detail in terms of these decisions but does so by focusing on the number of units of OPH that have been either approved or refused planning permission.
- 2.4 This suggests that while the number of applications might have decreased, the number of units applied for has not decreased to the same extent, which is an indication that applications are being made for larger schemes containing a larger number of units.
- 2.5 Figure 2.2 also shows that the number of units with care applied for exceeded the number of units without care. It also shows that the number of units with care that were refused planning permission increased from 2020 onwards
- 2.6 Figure 2.3 shows a breakdown of the decisions including appeals that have been either upheld (Planning Permission Granted) or dismissed (Planning Permission Refused).

**Figure 2.2: Summary of OPH with and without care Approved or Refused (including appeals)**



Source: SPRU/Landinsight

**Figure 2.3: Summary of OPH with and without care Approved or Refused (including appeals)**



Source: SPRU/Landinsight



### 3 Comparison of the Outcome of Decisions on Older Persons Housing to Applications for General Housing

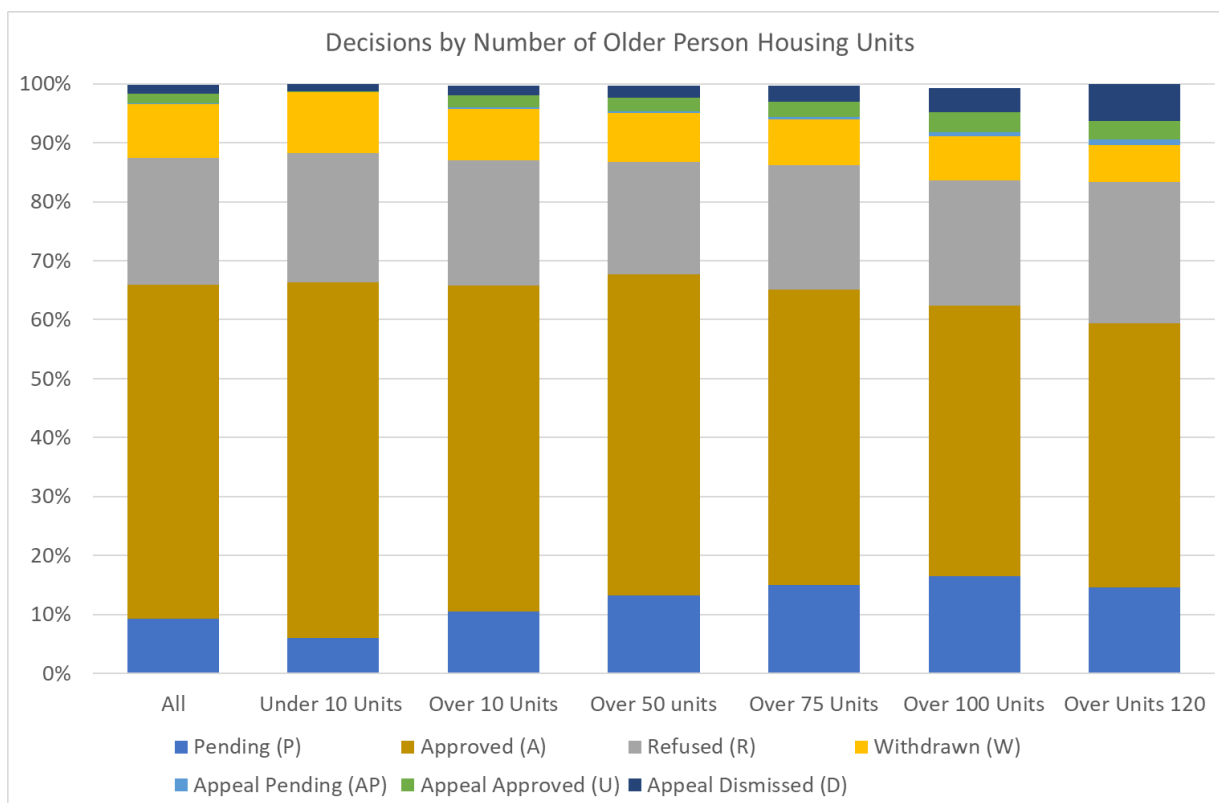
- 3.1 Table 3.1 shows that the approval rate for OPH schemes is 57% for all applications but that this rate falls as schemes get larger, with just 45% of schemes with 120 units or more being granted planning permission. The refusal rate increases as the size of the scheme increases.
- 3.2 The research also suggests that there are schemes that are simply withdrawn prior to being determined. There are two main reasons for applications being withdrawn, either the applicant deciding not to pursue the scheme for commercial reasons, or the applicant withdrawing the scheme after being informed by the planning officer that the proposal is likely to be refused. The latter often occurs when the applicant does not wish to have a refusal on record. The broader point here is that withdrawn schemes still represent a cost to the industry, even if a subsequent application is approved on the same site, which is sometimes the case.

**Table 3.1: Planning Application Outcomes for Older Person Housing Schemes by size of scheme**

Percentage of applications	All Applications	Under 10 units	Over 10 units	Over 50 units	Over 75 units	Over 100 units	Over 120 units
Pending (P)	9%	6%	11%	13%	15%	16%	15%
Approved (A)	57%	60%	55%	55%	50%	46%	45%
Refused (R)	21%	22%	21%	19%	21%	21%	24%
Withdrawn (W)	9%	10%	9%	8%	8%	8%	6%
Appeal Pending (AP)	0%	0%	0%	0%	0%	1%	1%
Appeal Approved (U)	2%	0%	2%	2%	3%	3%	3%
Appeal Dismissed (D)	2%	1%	2%	2%	3%	4%	6%
Appeal Withdrawn (AW)	0%	0%	0%	0%	0%	1%	0%
Total	100%	100%	100%	100%	100%	100%	100%

Source: SPRU/Landinsight

**Figure 3.1: Outcomes of the Development Management Process for OPH applications of different sizes**



Source: SPRU/Landinsight

3.3 Table 3.1 and Figure 3.1 show not only approvals and refusals of planning permission, but the other outcomes, including appeals. To make this research data comparable with the evidence published by the Government on planning decisions (Live tables on planning application statistics: District planning application statistics (PS2))<sup>2</sup>, Table 3.2 simply shows the percentage of approvals and refusals and does not count other outcomes. This still shows the trend of decreasing rates of approvals as the number of units within the proposal increases.

**Table 3.2: Ratio of Permissions and Refusals for OPH**

	All	Over 10 units	Over 50 units	Over 75 units	Over 100 units	Over 120 units
Approved (A)	47,017	45,721	29,418	15,643	9,850	7,164
Refused (R)	18,519	18,042	11,403	7,082	4,922	4,061
Approved (A)	72%	72%	72%	69%	67%	64%
Refused (R)	28%	28%	28%	31%	33%	36%

Source: SPRU/Landinsight

<sup>2</sup> <https://www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics>

3.4 Utilising the Government’s published data on planning decisions (GOV.UK District Planning Statistics (PS2)) for the same period (2014 to 2024), the Table 3.3 shows that for all planning applications (including those concerning general housing and OPH) the approval rate is 83%. It also shows that the approval rate is higher for major applications than it is for minor applications<sup>3</sup>.

3.5 Table 3.3 also illustrates that the rate of approvals has not changed in the last 5 years (2018 to 2023) compared to the period 2013 to 2023.

**Table 3.3: Outcomes for all Planning Applications (including Housing and OPH)**

<b>Planning Applications 2013 to 2024</b>	<b>Approved</b>	<b>Refused</b>	<b>Approved</b>	<b>Refused</b>
All Planning Applications	1,144,045	237,635	83%	17%
All Major Applications	126,851	20,898	86%	14%
All Minor Applications	1,017,194	216,737	82%	18%
<b>Planning applications 2018 to 2023</b>	<b>Approved</b>	<b>Refused</b>	<b>Approved</b>	<b>Refused</b>
All Planning Applications	1,144,045	237,635	83%	17%
All Major Applications	61,997	10,159	86%	14%
All Minor Applications	499,940	113,772	81%	19%

Source: GOV.UK District Planning Statistics (PS2)

3.6 Table 3.4 interrogates the same data but considers just those planning applications for dwellings. This shows that major applications for dwellings (10 units and over) have an approval rate of 81%, compared to 74% of all minor applications for dwellings (1 to 9 dwellings) being approved.

3.7 Again, these rates have not changed in the last five years.

**Table 3.4: Outcomes for all Housing (including OPH) Planning Applications**

<b>Planning Applications 2013 to 2024</b>	<b>Approved</b>	<b>Refused</b>	<b>Approved</b>	<b>Refused</b>
All Planning Applications for Dwellings	458,862	157,917	74%	26%
Major Applications Dwellings	59,179	13,998	81%	19%
Minor Applications Dwellings	399,683	143,919	74%	26%
<b>Planning applications 2018 to 2023</b>	<b>Approved</b>	<b>Refused</b>	<b>Approved</b>	<b>Refused</b>
All Planning Applications for Dwellings	229,969	81,900	74%	26%
Major Applications Dwellings	29,374	6,735	81%	19%
Minor Applications Dwellings	200,595	75,165	73%	27%

Source: GOV.UK District Planning Statistics (PS2)

3.8 Tables 3.3 and 3.4 suggest that approval rates are lower for all housing applications

<sup>3</sup> A major development is any application that involves: Mineral extraction, Waste development, Residential development of between 10 or more dwellings, Residential development on a site area of 0.5 ha or more and the number of dwellings is unknown, Development of floorspace of 1,000 sq m or more, Development on sites over 1 ha or more, Change of use over 1,000 sq or more. A Minor development is anything that is not considered to be a major planning application

(74%) than for all applications (83%). These tables also suggest that the approval rates are lower for applications of 9 dwellings or less (at 74%) than they are for larger applications for 10 dwellings or more (at 81%). This may in part be due to the fact that Local Plans are meant to identify and allocate sites for 10 dwellings or more and, as such, many applications will be policy compliant.

- 3.9 Comparing Table 3.2 with Table 3.4 shows that the approval rate for all sizes of OPH schemes (at 72%) is lower than that for all housing schemes (at 74%). It also highlights that, unlike housing applications of 10 or more, OPH dwellings are actually less likely to secure approval (74%) when compared to all housing applications over 10 dwellings, where the approval rate is 81%. Lastly, it is noted that approval rating actually decreases as the number of dwellings in an OPH application increases.
- 3.10 This evidence suggests that it is more difficult to achieve planning permission for OPH than for general housing, and that it is markedly harder to get planning permission for OPH as the number of units in the scheme increases, which is necessary when the number of operational services require certain economics of scale.
- 3.11 The research team have considerable experience in advising local authorities, developers, and operators of OPH of different types and tenures over many years. This has given the team first-hand experience in the issues facing the different types of OPH development. This experience, together with the sieving of the collected data, revealed trends and issues that arise in the planning system as it processes applications for OPH. This suggests that there may be a number of reasons for the lower success rate of applications for OPH, compared with both all types of planning applications and, more importantly, with planning applications for general needs housing. These include the following:
- Unlike general housing, most Local Plans do not make specific allocations for OPH, meaning that schemes either have to compete with general housing for sites, or try and gain permission on sites either not identified or not allocated for residential development;
  - Competition for open market housing sites is difficult as some OPH schemes, such as those including bungalows, are relatively low density. These schemes have reduced returns for the landowner. Other OPH schemes that include care can have, amongst other things, issues with increasing costs and have slower sales rates, impacting on viability.
  - The scale, form, and massing of OPH (and particularly housing with care) required to achieve a viable scheme is often different to many suburban environments and this can also lead to potential policy conflicts in terms of density, character, and urban design.
  - The difficulty in securing appropriate sites means that OPH schemes are often being pursued at unallocated locations, on sites allocated for other uses, or on

sites outside of existing development boundaries which increase the likelihood of policy conflict.

## 4 Time Taken to Achieve a Decision on Older Persons Housing Applications

- 4.1 Table 4.1 illustrates the average amount of time for a Local Planning Authority (LPA) to issue a decision for OPH schemes of various sizes. As would be expected, larger schemes, which are generally more complex, take longer, however some are determined in the first 13 weeks (91 days).

**Table 4.1: Time taken to determine OPH Scheme by size of scheme.**

<b>Time taken to determine applications</b>	<b>0 -10 units</b>	<b>11 – 50 units</b>	<b>51 – 99 units</b>	<b>100+ units</b>	<b>Total</b>
0-91	47%	12%	9%	6%	21%
91 – 180 days	27%	31%	25%	21%	28%
180 – 365 days	19%	32%	38%	32%	30%
365 – 730 days	6%	20%	22%	28%	17%
730+ days	1%	5%	7%	13%	5%
	100%	100%	100%	100%	100%

Source: SPRU/Landinsight

- 4.2 Table 4.2 compares the time taken to determine OPH schemes compared to the time taken to determine residential schemes, as reported in the Lichfield "Start to Finish" 2nd Edition Approval of Housing Sites. To make these comparable, the time taken to achieve a planning approval has been used.
- 4.3 This shows that OPH schemes appear to take less time to be determined than general housing schemes.

**Table 4.2: Time taken to determine OPH Scheme by size of scheme compared to Housing Schemes**

<b>Average time taken to determine OPH applications</b>	<b>Number of days to receive a decision on all OPH applications</b>	<b>Number of days to receive an approval on all OPH applications</b>
Up to 10 units	137	143
11 to 50 units	279	299
51 to 99 units	319	331
Over 100 units	364	375
Average all	258	272
<b>Average time taken to approve applications for housing by size of scheme<sup>4</sup></b>	<b>Number of days to receive a decision on all OPH applications<sup>5</sup></b>	<b>Number of days to receive an approval on housing applications</b>
50 to 99		511
100 to 499		767

Source: SPRU/Landinsight/ Lichfield "Start to Finish" 2nd Edition

- 4.4 A refusal of planning permission, especially if it can be based on a breach of local plan policy, does not require the local authority to resolve all the technical issues that an approval requires. It is for this reason a refusal can often be quicker than an approval.

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<sup>4</sup> Lichfield "Start to Finish" 2nd Edition.

<sup>5</sup> Lichfield "Start to Finish" 2nd Edition does not include timescales of all housing applications just approvals, so these columns are blank.

## 5 The Outcome of Decisions on Older Persons Housing Applications on Sites with Constraints

- 5.1 Table 5.1 suggests that proposals for OPH are at times having to engage with national policy constraints; in particular with Green Belt and AONB policy. While these policies are engaged the results are not always negative, as local decision makers have on a number of occasions either found the OPH proposals to be consistent with these policies, or in the case of Green Belt, “Very Special Circumstances” (VSC) have been found to exist. Notwithstanding this observation, there is still a high rate of refusal for schemes that are subject to Green Belt and AONB designations.
- 5.2 Flood zones do not appear to be a barrier to the development of OPH, with only a few schemes being within these designations.
- 5.3 While the use of sites on the brownfield land register is encouraged by national policy, the analysis has shown a surprisingly high rate of OPH refusals on brownfield registered land. It should be noted that the research results contain many more sites that are brownfield sites where planning permission has been granted, but these are not on the official brownfield land register.
- 5.4 A similar point was found relating to settlement boundaries, as they are identified by the LandInsight programme if the local plan proposals map is available digitally online. However, there is the same issue with sites identified as being within settlement boundaries, as those on the brownfield land register i.e., not all sites within settlement boundaries are able to be identified. The results in Table 5.1 indicate a higher level of refusals than might be expected for sites within settlements and/or on brownfield sites.



**Table 5.1 Applications for OPH and known constraints.**

Units	Number of applications	Within brownfield land register site*	Within known settlement boundary	Within Flood Zone 2	Within Flood Zone 3	Within Green Belt	Within AONB
Pending (P)	199	21	83	1	9	28	5
Approved (A)	1,211	202	509	3	13	57	26
Refused (R)	457	56	168	0	6	53	17
Withdrawn (W)	196	21	75	1	2	19	9
Appeal Pending (AP)	3	0	1	0	0	1	0
Appeal Approved (U)	34	4	15	0	1	3	3
Appeal Dismissed (D)	33	3	11	0	0	5	4
Appeal Withdrawn (AW)	4	1	3	0	0	0	0
<b>Total</b>	<b>2,137</b>	<b>308</b>	<b>865</b>	<b>5</b>	<b>31</b>	<b>166</b>	<b>64</b>

Source: SPRU/Landinsight

5.5 Table 5.2 and Table 5.3 considers the number of refused applications compared to the total number of applications for OPH on sites covered by Green Belt policy, AONB, and/or are on the brownfield land register. The number of applications on sites within the AONB or on the brownfield land register appear to fluctuate, but the number of applications in the Green Belt has increased. Not only have the number of applications in the Green Belt increased, but so have both the number of refusals and the rate of refusal. The highest rate of refusal occurred in 2023; the year the Older Persons Housing Task Force was launched.

**Table 5.2: Refusal by year in Green Belt, AONB and/or Brownfield Land Register**

<b>Constraint</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>Total</b>
Green Belt applications total	6	10	14	14	18	9	12	17	17	19	136
Green Belt Refusals	2	3	6	3	7	4	5	5	7	10	52
AONB Applications	5	7	9	5	5	7	7	6	3	4	58
AONB Refusals	1	2	1	2	3	2	2	2	0	2	17
Brownfield Land Register Applications	8	32	45	43	33	34	22	26	24	16	283
Brownfield Land Register Refusals	1	3	9	10	5	5	5	5	5	8	56

Source: SPRU/Landinsight

**Table 5.3: Percentage of refusals by year in Green Belt, AONB and/or Brownfield Land Register**

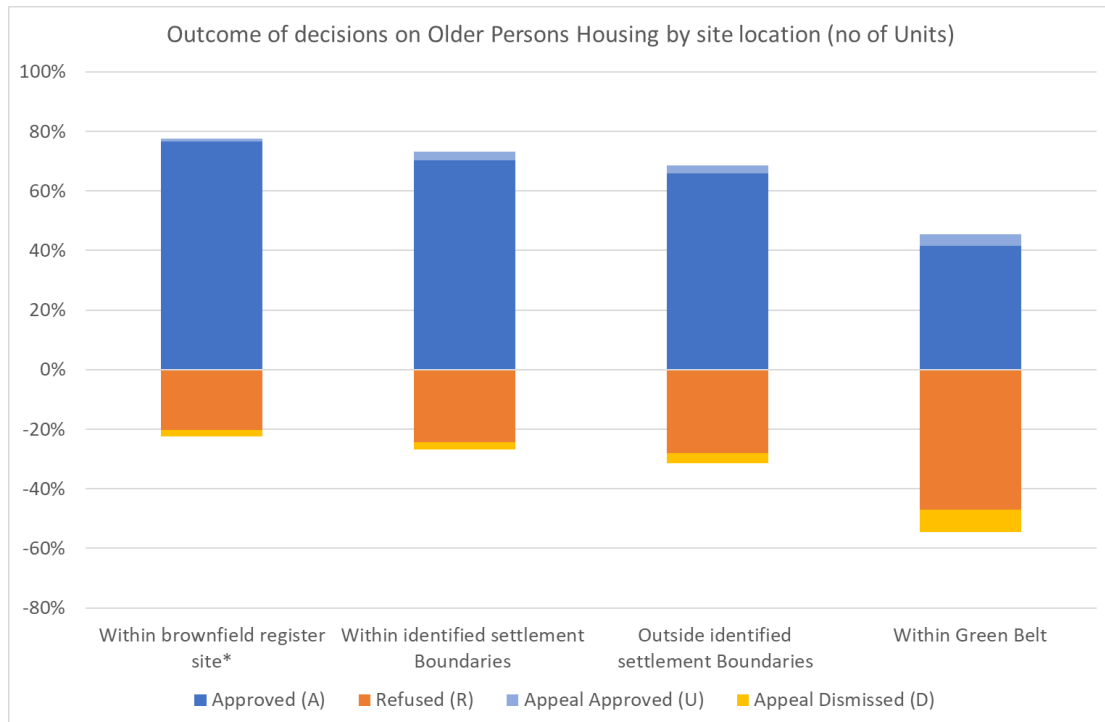
<b>Rate of refusals</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>Total</b>
Green Belt Refusals	33%	30%	43%	21%	39%	44%	42%	29%	41%	53%	38%
AONB Refusals	20%	29%	11%	40%	60%	29%	29%	33%	0%	50%	29%
Brownfield Land Register Refusals	13%	9%	20%	23%	15%	15%	23%	19%	21%	50%	20%

Source: SPRU/Landinsight

## 6 The Outcome of Decisions on Older Persons Housing Applications on Sites Within and Outside Settlement Boundaries

- 6.1 This section considers in more detail the relationship between the outcomes for OPH applications based upon the location of the site; be that on brownfield registered land, within identified settlement boundaries, outside of identified settlement boundaries or within the Green Belt.
- 6.2 There is a note of caution with regard to the programme used to collect the data on settlement boundaries in that these need to be available on line in order for the sites to be identified as being with a settlement. As not all councils have digitised Proposal Maps online that can be interrogated, the result is that some sites may not be classed as being within identified settlement boundaries even though they are. This means that the comparison between sites within and outside of identified settlement boundaries will be more muted than the potential reality, as sites which are within settlements will have been erroneously recorded as being outside of settlement. Notwithstanding this shortcoming, the following analysis is still considered to be useful as it does highlight some general outcomes including the differentiation between types of OPH within and outside of identified settlement boundaries.
- 6.3 Figure 6.1 suggests that the percentage of units approved is highest on sites identified in the Brownfield Register (77%). This is slightly higher than sites within identified settlement boundaries (70%), which in turn is slightly higher than sites identified as being outside of identified settlement boundaries (66%). The percentage of units approved on Green Belt sites is much lower than the other locations (42%).
- 6.4 The percentage of refusals increases from 20% on Brownfield Register sites to 47% of units proposed on Green Belt sites. Sites within the identified settlement boundaries have a refusal rate of 24% and sites outside of the identified settlement boundaries have a higher refusal rate of 28%.
- 6.5 In respect of the percentage of units allowed on appeal, these are all relatively small but increases from just 1% for sites on the Brownfield Register to 4% on Green Belt sites. The rate for sites within and outside of identified settlement boundaries is the same, at just 3%.
- 6.6 While the percentage of units allowed on appeal increases, so does the number of units dismissed on appeal, which highlights that the potential to go to appeal increases as the policy regime becomes more challenging. The percentage of units dismissed on appeal increases from 2% for Brownfield Register sites and sites within identified settlement boundaries, to 3% on sites outside of identified settlement boundaries, and up to 8% for Green Belt sites.

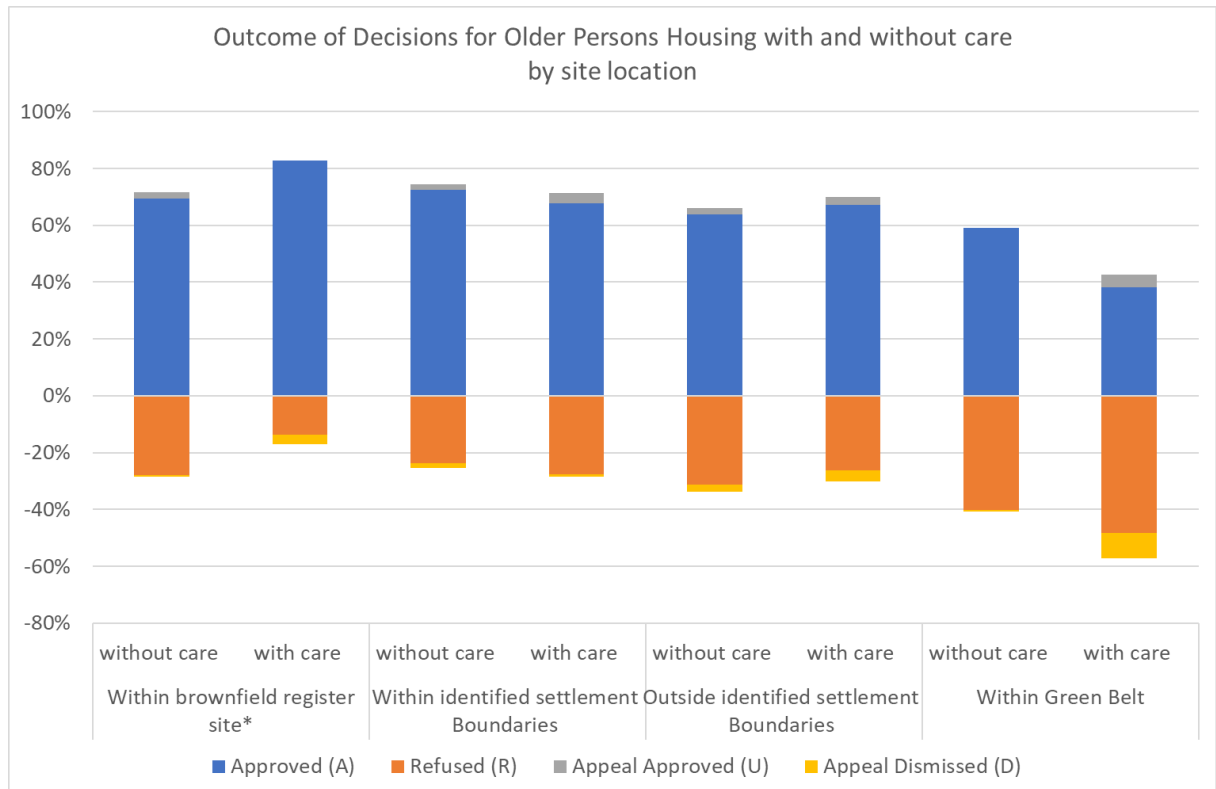
**Figure 6.1: Outcome of decisions on Older Persons Housing by site location (no of Units)**



Source: SPRU/Landinsight

6.7 Figure 6.2 considers if there are different outcomes for OPH without care and with care in different locations.

**Figure 6.2: Outcome of decisions on Older Persons Housing by site location (no of Units)**



Source: SPRU/Landinsight

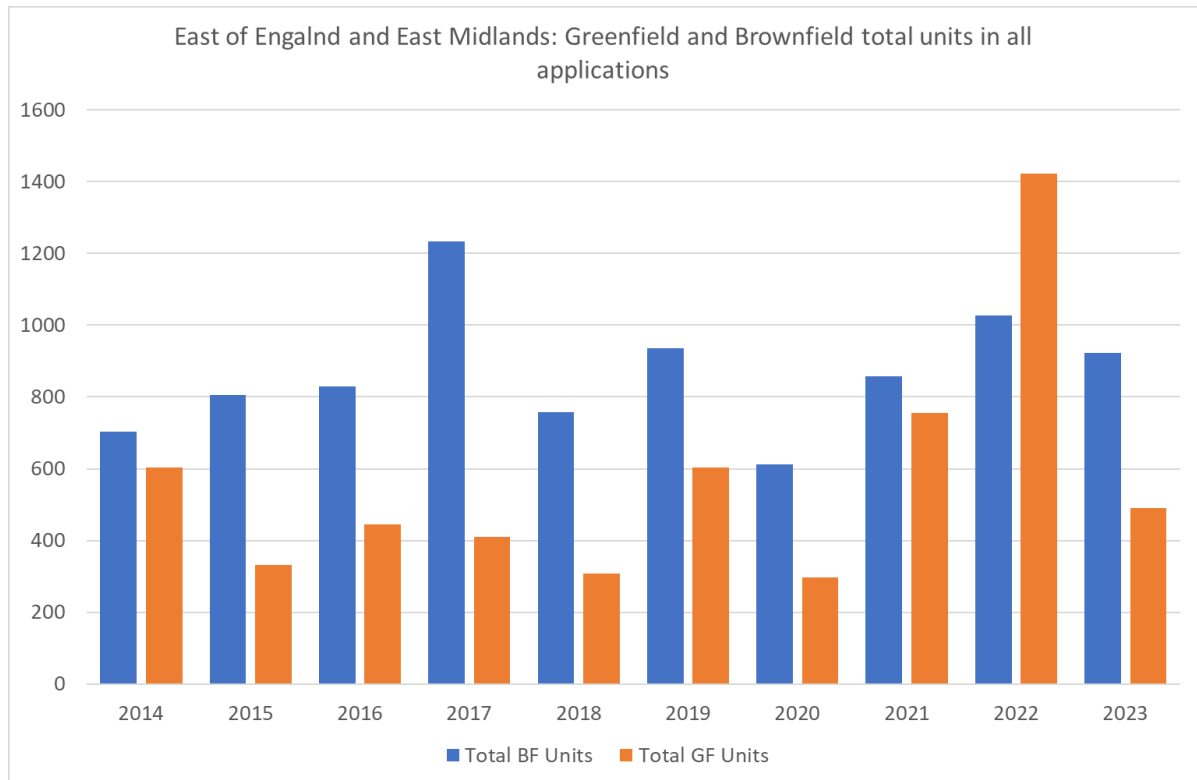
- 6.8 The percentage of OPH units with care achieving permission on Brownfield Register sites (83%) is higher than that for OPH units without care (69%).
- 6.9 Within identified settlement boundaries the percentage of OPH units gaining permission is broadly similar (72% of OPH without care and 68% of OPH with care). The same is true of sites outside of identified settlement boundaries where the rates are also similar to each other but lower than those within identified settlement boundaries (64% without care and 68% with care).
- 6.10 On Green Belt sites the percentage of units gaining permission is different as some 59% of OPH units without care gained permission, whilst just 38% of OPH units with care obtained permission. In this case it needs to be recognised that there were over 5 times the number of units with care applied for, so the resulting overall number of consented OPH units with care was still higher.
- 6.11 There is no difference between sites within and outside of identified settlement boundaries when considering OPH without care. In terms of OPH units with care there are slightly lower rates of approval on appeal (3% compared to 4%) for sites outside of identified settlement boundaries compared to those sites within boundaries. There is also a slightly higher percentage of units refused on appeal (4% compared to 1%).

6.12 In terms of Green Belt sites, a higher proportion of OPH units with care (5%) are approved on appeal than compared to other locations, but at the same time there is also a higher percentage of units refused (9%). Again, this is because more OPH units with care are pursued through the appeal process. A more in-depth consideration of the issues around Green Belt are set out in section 11.

# 7 The Outcome of Decisions on Older Persons Housing Applications on Brownfield and Greenfield Sites

- 7.1 While the earlier chapter highlighted the difference between the success of applications recorded as being within and outside of settlement boundaries, this section considers the implications of the site's Brownfield/Greenfield status. This is different from the site being formerly listed as Brownfield in the Council's Brownfield Register, as this list does not capture all brownfield sites.
- 7.2 This analysis has required each individual application to be checked in terms of the characteristics of the site and as such the national data base established for this research was not of assistance. The approach taken, therefore, has been to use a combination of the EAC database of all schemes, together with a search of the individual Councils' planning application portals for unimplemented or refused schemes. Given the time restrictions for the research, it was decided to limit the sample to local authorities in the East of England and the East Midlands regions as these regions cover a range of settlement patterns and potential markets from those neighbouring London to the rural areas of Derbyshire.
- 7.3 For the sample area, Figure 7.1 illustrates that for all years except 2022 there have been more applications for units on Brownfield rather than Greenfield sites. This differential might be reducing as in 2022 there were more units applied for on Greenfield sites than Brownfield sites.

**Figure 7.1: East of England and East Midlands: Greenfield and Brownfield Total Units in all applications**

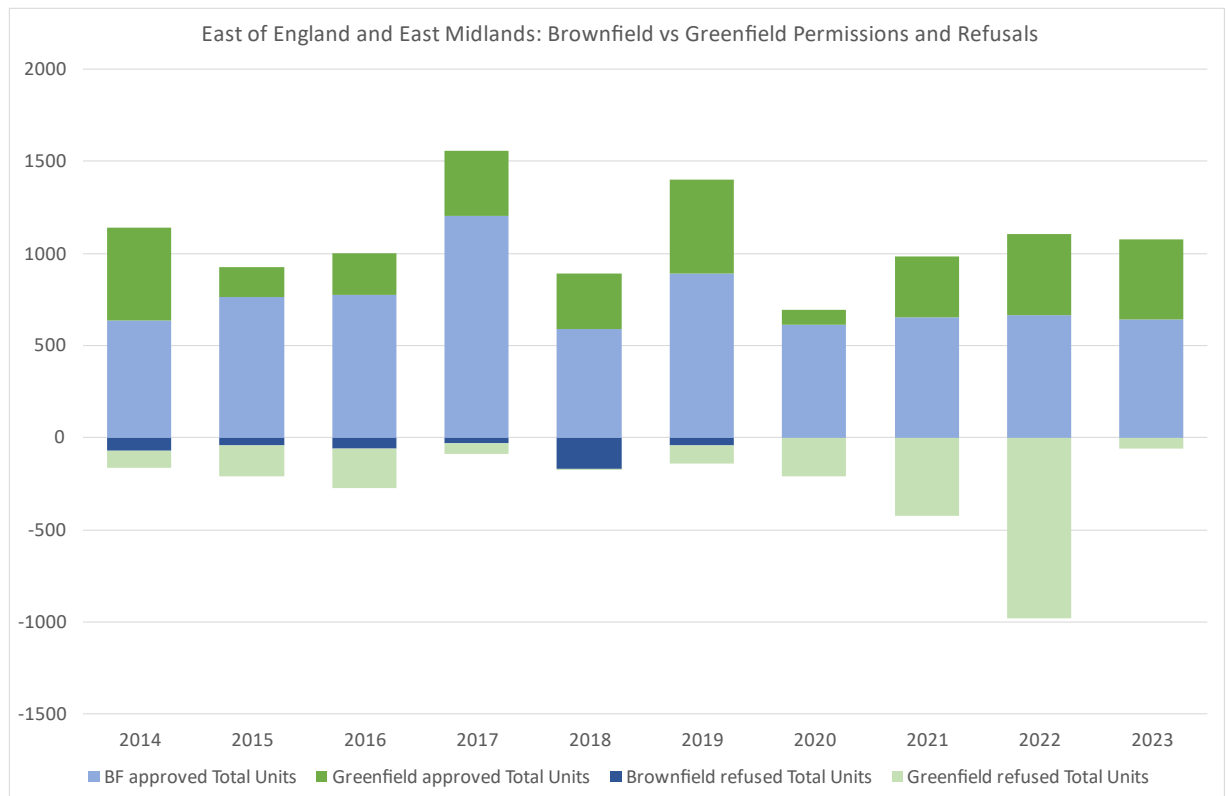


Source: SPRU/EAC/Landinsight/individual LPA

7.4 Not all of the applications were successful, and Figure 7.2 shows that many more units are refused on Greenfield sites compared to Brownfield sites. This could be due to the fact that OPH cannot compete for Greenfield allocations on the same basis as general market housing, which means such schemes may be diverted on to non-allocated Greenfield sites, especially if there are no suitable Brownfield sites available. Non-allocated Greenfield sites are likely to be subject to greater policy constraints than Brownfield sites.



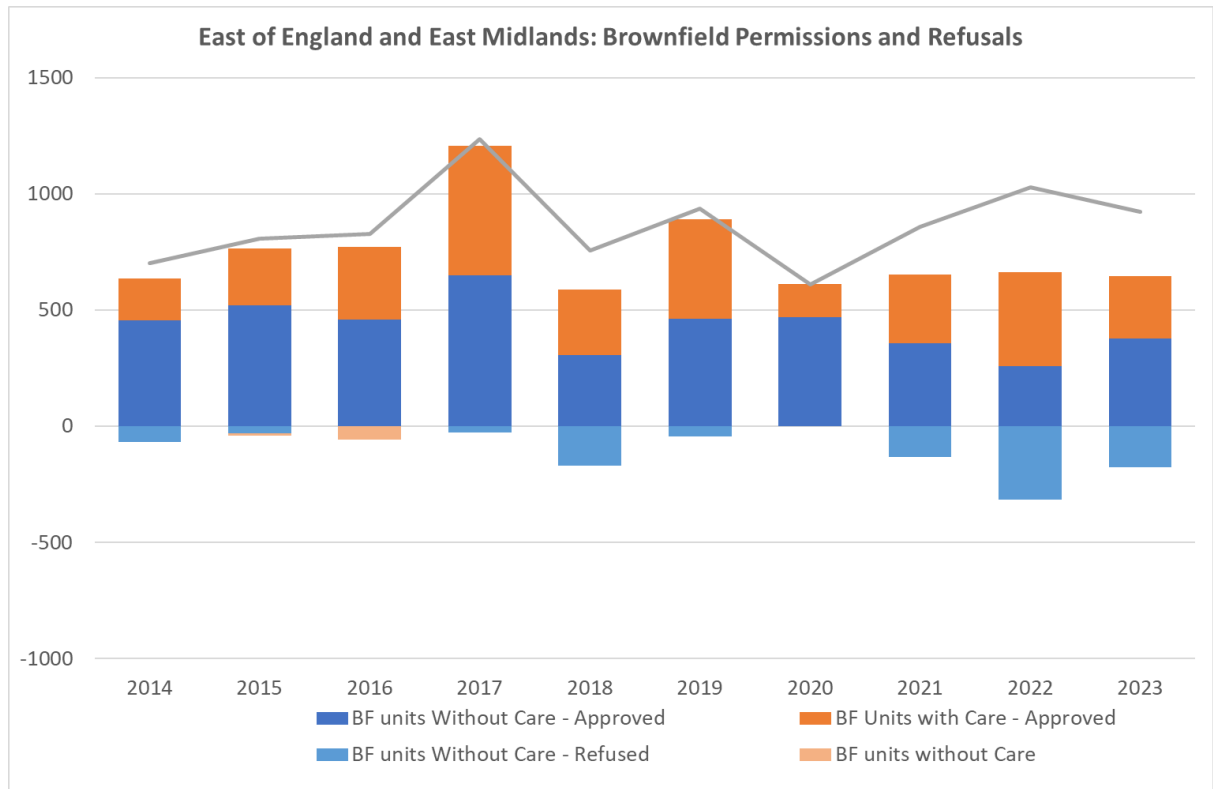
**Figure 7.2: East of England and East Midlands: Greenfield vs Brownfield Permissions and Refusals (Total Units).**



Source: SPRU/EAC/Landinsight/individual LPA

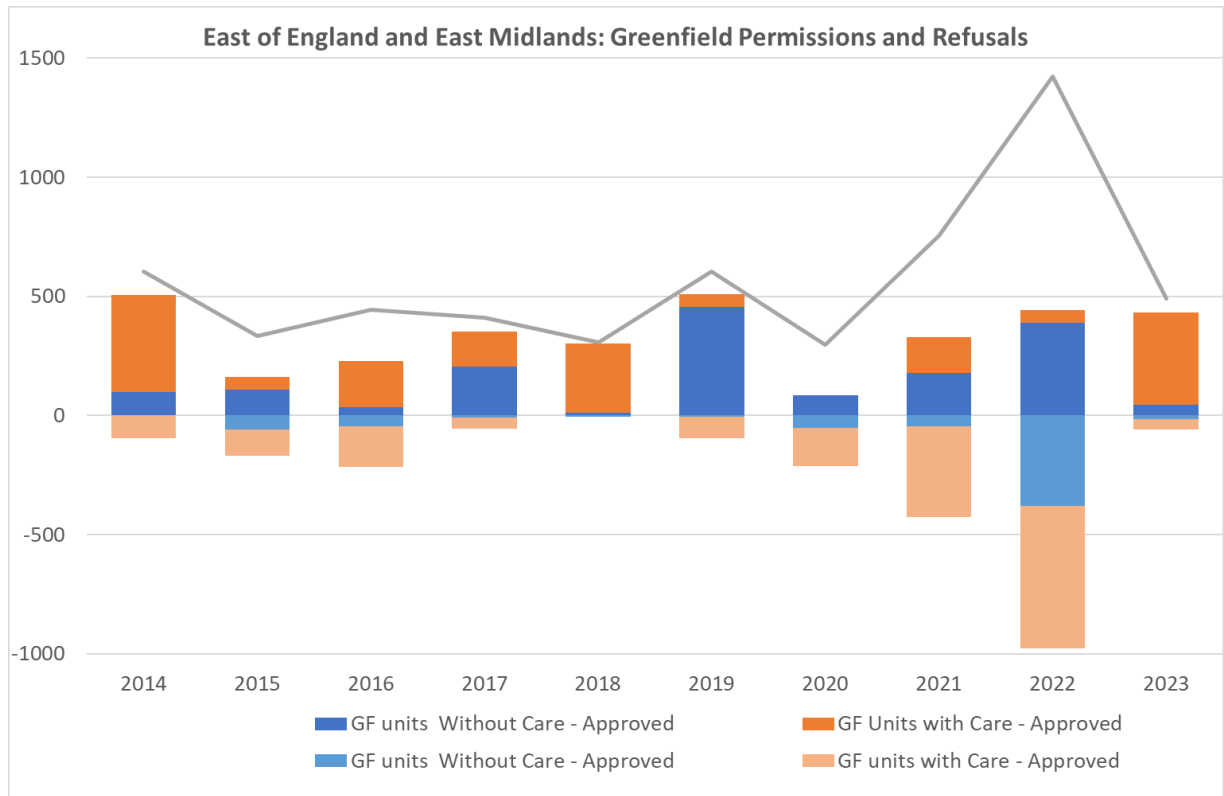
- 7.5 Figures 7.3 and 7.4 breakdown the Brownfield and Greenfield applications by decision and also by type of provision of OPH with and without care over the 10 years.
- 7.6 For applications on Brownfield sites, Figure 7.3 shows the makeup of approvals and refusals (as solid bars) and the overall number of applications (as a line). Figure 7.3 illustrates that there have been more refusals in the last five years on Brownfield sites than in the earlier five years. It also highlights that there are a greater number of OPH units without care refused on Brownfield sites compared to OPH units with care.
- 7.7 For applications on Greenfield sites the number of refusals peaked in 2022 with a large number of units both with and without care being refused. Overall, on Greenfield sites there are a larger number of OPH units with care being refused.

**Figure 7.3: East of England and East Midlands: Brownfield Permissions and Refusals (Total Units).**



Source: SPRU/EAC/Landinsight/individual LPA

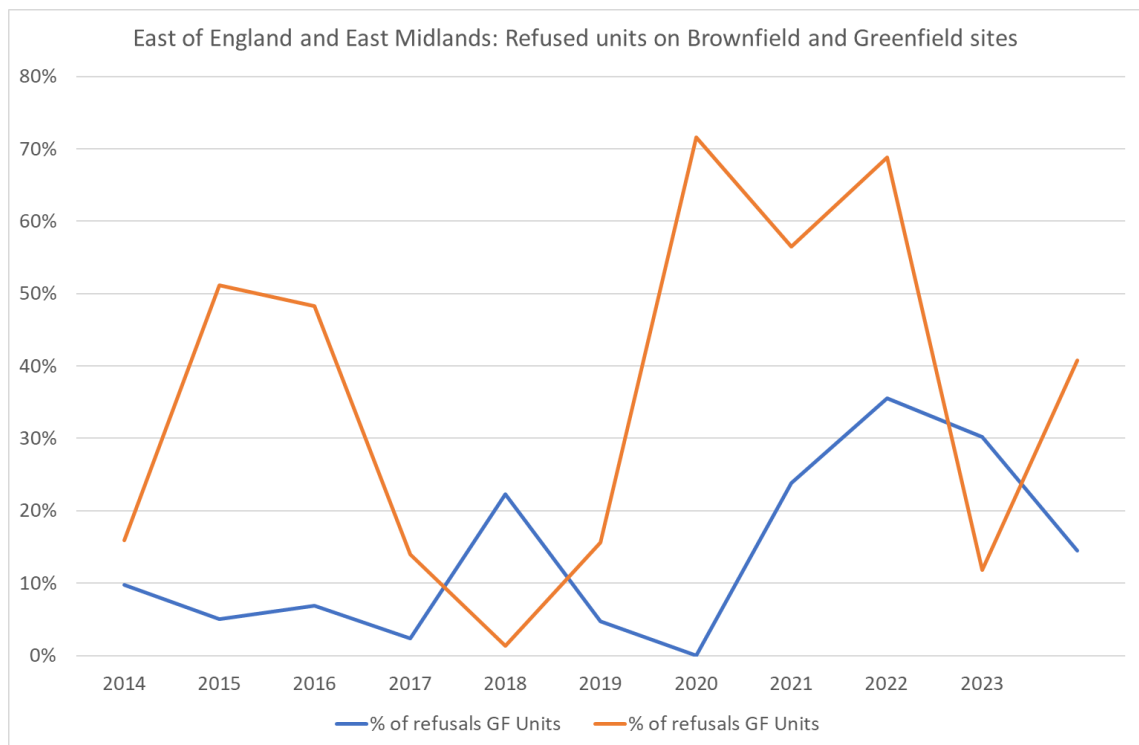
**Figure 7.4: East of England and East Midlands: Greenfield Permissions and Refusals (Total Units).**



Source: SPRU/EAC/Landinsight/individual LPA

7.8 Figure 7.5 suggests that the number of units refused on Greenfield sites as a percentage of the total number of units applied for is much higher than the ratio of refusals for Brownfield sites. This might be an expected outcome as a number of applications will be on unallocated Greenfield sites which would not benefit from policy support.

**Figure 7.5: East of England and East Midlands: Greenfield vs Brownfield Permissions and Refusals (Total Units).**



Source: SPRU/EAC/Landinsight/individual LPA

7.9 Although the above might suggest a trend of increasing refusals overall and especially on Greenfield sites these are not statistically strong trends from this sample.

# 8 The Outcome of Decisions on Older Persons Housing Applications and Existing Policy

8.1 Tables 8.1 – 8.4 use the assessment of the policy position in 2020 from “*Unlocking Potential for Seniors Housing Development: Meeting the need of an ageing population*”<sup>6</sup>. This was based on a review of Local Plans across all LPAs in England and graded them using the following system:

“Grade A:

Clear policies indicating details of the required number of dwellings or care home beds, how this will be achieved, and specific site allocations given.

Grade B:

A clear policy as above, but no land or site allocations

Grade C:

Site allocations given, but no clear seniors housing policy.

Grade D:

Neither – with policy (at the most) confined to generalisations such as “we will make provision for housing all types of people including the elderly and the disabled.””

8.2 It was considered that using the assessment of Local Plan policy in 2020 was more appropriate than using the 2022 assessment, as the earlier 2020 assessment is more likely to reflect the longer-term policy situation from 2014 onwards. It is recognised that the policy situation might have well changed within the period being considered by the research, however monitoring this change over the decade for all Council areas was not possible within the timescale of the research.

8.3 The results have been presented as an average number of applications per Council area as a way of addressing the fact that there are only a few Councils with well-developed policies of OPH.

8.4 Table 8.1 considers the average number of applications per LPA, and this suggests that on average there have been slightly fewer schemes approved in LPAs where an OPH policy has been more developed (Grade A and B) than in Councils where there

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<sup>6</sup> Mitchell and Knight Frank (2023)

is no clear policy for OPH (Grade C). The differences however are between 8.7 and 9.7 applications on average.

- 8.5 Councils that have plans with no allocations, but simply generalised policies, have the lowest average number of applications.
- 8.6 If, instead of considering applications made one considers applications approved, then again, it is those Grade C authorities who appear to approve slightly more applications on average.
- 8.7 It is interesting that, taking account of the percent of applications determined, it is the Grade D Councils that have the highest rate of approval and the lowest rate of refusals (60% approved and 22% refused) and the Grade A Councils have the lowest percentage of applications approved and the highest percentage of applications refused (51% approved and 24% refused).
- 8.8 The reasons for this may be that without specific policies, Grade D Councils have a reduced ability to refuse speculative planning applications for OPH, as there are no plan policies which could be relied upon to support refusal. In such situations where the Councils' plans have no specific policy or are "silent" on the issue of OPH, or the policies are out of date, then the "tilted balance" in favour of sustainable development in paragraph 11 of the National Planning Policy Framework (NPPF) could become engaged, resulting in percentage terms at least, fewer refusals and more permissions.

**Table 8.1: Outcomes of Applications for OPH against Policy status: Average Number of Applications per LPA**

<b>Policy 2020</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
Number of local authorities	37	70	40	118
Pending (P)	1.0	0.8	1.2	0.5
Approved (A)	4.5	5.2	5.3	4.0
Refused the	2.1	2.0	2.4	1.3
Withdrawn (W)	0.9	0.8	0.7	0.6
Appeal Pending (AP)	0.0	0.0	0.0	0.0
Appeal Approved (U)	0.1	0.2	0.1	0.1
Appeal Dismissed (D)	0.1	0.2	0.0	0.0
Appeal Withdrawn (AW)	0.0	0.0	0.0	0.0
<b>Total</b>	<b>8.7</b>	<b>9.2</b>	<b>9.7</b>	<b>6.5</b>

Source: SPRU/Landinsight

**Table 8.2: Outcomes of Applications for OPH against Policy status: Percentage of Applications**

<b>Policy 2020</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
Pending (P)	11%	9%	12%	7%
Approved (A)	51%	56%	55%	62%
Refused (R)	24%	22%	25%	20%
Withdrawn (W)	11%	8%	7%	9%
Appeal Pending (AP)	0%	0%	0%	0%
Appeal Approved (U)	1%	2%	1%	1%
Appeal Dismissed (D)	2%	2%	0%	1%
Appeal Withdrawn (AW)	0%	0%	0%	0%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

Source: SPRU/Landinsight

8.9 While Table 8.1 and Table 8.2 might suggest that a policy neutral approach would create more favourable conditions for OPH, this would lose sight of the obvious advantage that clear policies on OPH need and specific OPH allocations provide greater certainty for investment. The challenge then becomes ensuring that future plan policies make provision to meet the level of OPH that is considered to be needed and do not have the impact of then resisting further provision over the planned level should it be required. In other words, allocations and requirements should be a minimum rather than a maximum target.

8.10 In addition, it must be recognised that there are other potential factors impacting on the number of applications in any local authority, beyond the policy status. Table 8.3 considers the number of applications in each policy area, compared to the population aged over 75 in those combined local authority areas.

**Table 8.3: Outcomes of Applications for OPH against Policy status: Applications per 1000 population over 75**

<b>Policy 2020</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
Population Over 75	557,930	1,079,165	684,982	1,736,047
Pending (P)	0.07	0.05	0.07	0.03
Approved (A)	0.30	0.34	0.31	0.27
Refused (R)	0.14	0.13	0.14	0.09
Withdrawn (W)	0.06	0.05	0.04	0.04
Appeal Pending (AP)	0.00	0.00	0.00	0.00
Appeal Approved (U)	0.01	0.01	0.00	0.00
Appeal Dismissed (D)	0.01	0.01	0.00	0.00
Appeal Withdrawn (AW)	0.00	0.00	0.00	0.00
<b>Total</b>	<b>0.58</b>	<b>0.60</b>	<b>0.56</b>	<b>0.44</b>

Source: SPRU/Landinsight

8.11 Table 8.3 considers the number of applications. However, as well as the size of the population there is also the issue of the size of the scheme.

8.12 Table 8.4 considers the number of units permitted under each policy regime as a prevalence rate (i.e., units per 1000 population over 75). Table 8.4 also suggests that there have been slightly more units delivered in Grade B policy areas, i.e., a policy that outlines need but makes no specific allocations, rather than Grade A Councils.

**Table 8.4: Outcomes of Applications for OPH against Policy status: approved units per 1000 population over 75**

<b>Policy 2020</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
Total units Approved	5,311	11,604	6,625	17,366
Population of area over 75	557,930	1,079,165	684,982	1,736,047
Ratio of units approved per 1000 population over 75	9.5	10.8	9.7	10.0

*Source:* SPRU/Landinsight

8.13 As has been suggested above, this analysis may appear to suggest that a policy neutral approach, or at least policies which do not contain specific allocations, would create more favourable conditions for OPH. However, this would lose sight of some of the obvious advantages that clear policies have, including defining the level of provision required and specific allocations provide greater certainty for investment and reduces costs.

8.14 It is however important that the potential lessons are not lost, including that a strict policy regime which underestimates need or presents need as a maximum rather than a minimum may well have a negative impact on the number of schemes delivered. This is because there will be an up-to-date policy that Councils can rely upon to support refusal of schemes not on the specific allocations.



## 9 Average Size of Scheme Proposed in Applications by Type over Time

9.1 Table 9.1 illustrates that the average size of scheme that has been applied for over the last 10 years has increased. It also shows that the average size of sites with care is higher than the average size of sites without care.

**Table 9.1: Average size of OPH schemes by Type.**

Type	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Applications without Care	72	174	145	151	123	114	91	92	95	84
Units without care	1,436	4,030	4,285	3,858	3,130	3,804	2,774	2,859	3,455	2,808
Average number of units in applications without care	20	23	30	26	25	33	30	31	36	33
Applications with care	38	105	106	93	95	74	79	76	61	54
Units with care	1,895	5,325	6,118	4,636	4,831	4,107	4,227	5,226	3,481	4,056
Average number of units in applications with care	50	51	58	50	51	56	54	69	57	75

Source: SPRU/Landinsight

# 10 Analysis of Appeal Decisions

- 10.1 When considering the issue of appeal, not only should it be borne in mind that every application is dealt with on its merits but also the relatively small number of examples means care should be exercised in drawing conclusions on trends.
- 10.2 Table 10.1 considers the success of appeal decisions both in overall terms and in terms of whether or not care is delivered. This suggests that appeal decisions for schemes without care are likely to be slightly more successful, but this could well be due to the fact that such schemes are likely to be smaller and are less likely to be in conflict with national constraints like Green Belt or AONB. The impact of increasing conflict with these national constraints is investigated in the next chapter.
- 10.3 Table 10.1 below illustrates that, while refusals have increased in recent years, so has the number of successful appeals.

**Table 10.1: Summary of appeal results for OPH by year and provision of care.**

All applications	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	Total
Approved on Appeal	1	5	2	3	2	2	3	7	7	2	34
Appeal Dismissed	4	5	5	3	5	4	2	2	1	1	32
Applications for OPH with Care											
Approved on Appeal	0	3	1	0	0	1	1	4	1	0	11
Appeal Dismissed	1	2	2	1	1	2	0	2	0	1	12
Applications for OPH without Care											
Approved on Appeal	1	2	1	3	2	1	2	3	6	2	23
Appeal Dismissed	3	3	3	2	3	2	2	0	1	0	19

Source: SPRU/Landinsight

- 10.4 Table 10.2 also suggests that the rate of success at appeal has increased for all types of OPH in recent years, but this has to be considered against the trend of an increased number of refusals of planning permission in spite of the lower number of applications in recent years (see earlier tables). For clarity, it is only the final decision on the application that has been counted so applications refused by Councils and subsequently appealed are counted just once in terms of the decision at appeal.

**Table 10.2: Relative success of appeals for OPH: results by year compared to overall level of refusals and number of appeals submitted.**

All applications	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	Total
Refused	32	60	57	57	52	44	42	38	32	39	453
Approved on Appeal	1	5	2	3	2	2	3	7	7	2	34
Appeal Dismissed	4	5	5	3	5	4	2	2	1	1	32
Total refused	37	70	64	63	59	50	47	47	40	42	519
Percentage of all refused applications upheld on appeal	3%	7%	3%	5%	3%	4%	6%	15%	18%	5%	7%
Percentage of all appeals upheld	20%	50%	29%	50%	29%	33%	60%	78%	88%	67%	52%

Source: SPRU/Landinsight

10.5 Table 10.3 and Table 10.4 show the same analysis but for housing with care and housing without care. These suggest that there might be a marginally greater success rate of OPH schemes without care than schemes with care.

**Table 10.3: Relative success of appeals for OPH with care: results by year compared to overall level of refusals and number of appeals submitted.**

	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	Total
<b>All applications</b>											
Refused	7	16	18	13	13	13	18	19	13	15	145
Approved on Appeal	0	3	1	0	0	1	1	4	1	0	11
Appeal Dismissed	1	2	2	1	1	2	0	2	0	1	12
Total refused	8	21	21	14	14	16	19	25	14	16	168
Percentage of all refused applications upheld on appeal	0%	14%	5%	0%	0%	6%	5%	16%	7%	0%	7%
Percentage of all appeals upheld	0%	60%	33%	0%	0%	33%	100%	67%	100%	0%	48%

Source: SPRU/Landinsight

**Table 10.4: Relative success of appeals for OPH without care: results by year compared to overall level of refusals and number of appeals submitted.**

	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	Total
<b>All applications</b>											
Refused	25	44	40	44	39	31	24	20	19	23	309
Approved on Appeal	1	2	1	3	2	1	2	3	6	2	23
Appeal Dismissed	3	3	3	2	3	2	2	0	1	0	19
Total refused	29	49	44	49	44	34	28	23	26	25	351
Percentage of all refused applications upheld on appeal	3%	4%	2%	6%	5%	3%	7%	13%	23%	8%	7%
Percentage of all appeals upheld	25%	40%	25%	60%	40%	33%	50%	100%	86%	100%	55%

Source: SPRU/Landinsight

10.6 Part of the reason for these differences is likely to be that although the research identified some 64 applications for OPH without care made on sites in the Green Belt, of which 22 were approved and 23 were refused (others are either withdrawn or pending). Only one was appealed and subsequently dismissed.

10.7 In contrast, the research identified some 106 applications of OPH with care made on sites within the Green Belt, of which 35 were approved and 31 were refused. 8 of the applications were appealed, of which half (4 applications) were upheld.

10.8 Table 10.5 and Table 10.6 demonstrate how the appeals identified have been determined in the period from 2014.

**Table 10.5: Green Belt approvals refusals and appeal decision for OPH with Care**

	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	Total
<b>OPH with Care</b>											
Refused (R)	1	1	3	2	3	3	3	4	4	7	31
Appeal Approved (U)	0	0	0	0	0	0	1	2	1	0	4
Appeal Dismissed (D)	0	0	0	0	0	1	0	2	0	1	4

Source: SPRU/Landinsight

**Table 10.6: Green Belt approvals refusals and appeal decision for OPH without Care**

<b>OPH without Care</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>Total</b>
Approved (A)	2	3	4	3	2	2	1	1	2	2	22
Refused (R)	1	2	3	1	4	1	2	2	3	3	23
Appeal Approved (U)	0	0	0	0	0	0	0	0	0	0	0
Appeal Dismissed (D)	0	0	0	0	1	0	0	0	0	0	1

Source: SPRU/Landinsight

- 10.9 Making applications and progressing refusals to appeal is both costly and time consuming especially in the case of housing development (including OPH). The risks of such applications and appeals increase where they are on Green Belt sites where in most circumstances proposals for OPH are likely to be “inappropriate development” which require VSC to justify an approval or the upholding of an appeal. The fact that developers and operators have recently chosen to lodge applications for OPH in the Green Belt and pursue these applications through to appeal suggests that, at least from the providers’ and developers’ point of view, there is a lack of suitable sites subject to fewer constraints within these locations.
- 10.10 The issue of the Green Belt and VSC is considered in greater detail in the next chapter.
- 10.11 In conclusion, it would appear that schemes consisting of OPH units with care have a slightly higher percentage of units refused on appeal in general than schemes without care but a higher rate of success on green belt appeals compared to schemes without care. This also highlights that schemes with care are more likely to be utilising the appeal process.

# 11 Further analysis of Green Belt Schemes and Very Special Circumstances (VSC)

- 11.1 Table 11.1 identifies 57 schemes approved at the local level for OPH in the Green Belt. Although not all of these are Greenfield, some are partly previously developed but simply not on the Brownfield Land Register.
- 11.2 What is immediately clear from the results is that it is predominately applications for OPH with care that are being pursued in the Green Belt.
- 11.3 The reasons for this may be varied but are likely to include the following:
- The need for a minimum number of units to make the provision of care viable;
  - The inability of operators to successfully compete with general residential developers for non-Green Belt sites in areas of highest housing need;
  - The incorporation of Extra Care facilities as part of larger urban extensions.
- 11.4 The number of approvals at a local level (57) is high for a type of development that would normally be considered “inappropriate development” in the Green Belt context.

**Table 11.1: Outcomes of applications for OPH within the Green Belt**

	<b>Number of applications</b>	<b>Number of units without care</b>	<b>Number of units with care</b>	<b>Total Units</b>
Pending (P)	28	430	2,216	2,646
Approved (A)	57	677	2,231	2,908
Refused (R)	53	461	2,824	3,285
Withdrawn (W)	19	0	0	0
Appeal Pending (AP)	1	0	170	170
Appeal Approved (U)	3	0	380	380
Appeal Dismissed (D)	5	7	523	530
Appeal Withdrawn (AW)	0	0	0	0
<b>Total</b>	<b>166</b>	<b>1,575</b>	<b>8,344</b>	<b>9,919</b>

Source: SPRU/Landinsight

- 11.5 Table 11.2 and Table 11.3 provide an indication of the number of units being proposed on Green Belt sites. This suggests it is predominantly large scale OPH schemes with care that are being promoted on Green Belt sites.

**Table 11.2: Number of OPH units with care being promoted on Green Belt sites and resulting decisions.**

OPH with Care	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	Total
Approved (A)	39	83	20	309	410	4	408	484	236	215	2231
Refused (R)	96	92	161	184	237	154	333	277	450	840	2824
Appeal Approved (U)	0	0	0	0	0	0	100	330	60	0	490
Appeal Dismissed (D)	0	0	0	0	0	192	0	261	0	70	523

Source: SPRU/Landinsight

**Table 11.3: Number of OPH units without care being promoted on Green Belt sites and resulting decisions.**

OPH without Care	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	Total
Approved (A)	27	66	128	144	3	40	50	43	136	40	677
Refused (R)	1	10	32	6	151	24	50	110	7	50	461
Appeal Approved (U)	0	0	0	0	0	0	0	0	0	0	0
Appeal Dismissed (D)	0	0	0	0	7	0	0	0	0	0	7

Source: SPRU/Landinsight

- 11.6 Of the 8 appeals identified in the Green Belt, 7 were for larger scale OPH with care schemes (Figure 11.1).
- 11.7 At appeal, 5 of the 8 examples have been dismissed, primarily as the need for OPH was not deemed to represent the VSC required to justify inappropriate development in the Green Belt (figure 11.1). Examples of these refused schemes are included in the Case Studies presented in Appendix 1 and these illustrate that, while unmet need might be a major factor in establishing VSC, it has not been found on its own sufficient to justify Green Belt release as successful schemes have also delivered other benefits.
- 11.8 Further examples of Green Belt sites granted on appeal are summarised below as these give an insight into how the balance between the need for OPH and the very strict control of development within the Green Belt have been reconciled.

**Case Study 2: Green Belt, Brownfield, Outside Settlement Boundary, Application Approved (scale design layout, affordable housing)**

- 11.9 In this context, Case Study 2 (detailed in Appendix 1) provides a useful insight in that, although deemed inappropriate development and harmful to the AONB by the case officer, the members took a more positive view on the provision of OPH and the need for this to be accessible locally rather than outside of the Green Belt some considerable distance away.
- 11.10 It is this locally based assessment of VSC in which officers and members took a different view on the weight to be attached to the delivery of OPH.

**Case Study 13: Green Belt, Greenfield, Appeal Allowed, East of England (Increased accessibility to countryside, Alternative sites, Character, Biodiversity)**

- 11.11 Case Study 13 (detailed in Appendix 1) relates to an outline application for the development of land for a retirement care village in Use Class C2 comprising housing with care, communal health, wellbeing and leisure facilities, public open space, landscaping, car parking, access and associated development and public access countryside park.
- 11.12 Although the inspector stated that the proposal was inappropriate development in the Green Belt, they found that VSC in this case existed which consisted of the need for extra care housing which was not being met, biodiversity enhancements to the Green Belt sought by national and local policy but was
- 11.13 not being delivered, as well as recreational provision.
- 11.14 The biodiversity gain and recreational provision was to be achieved in the form of a large-scale Country Park proposed as part of the development.
- 11.15 Other benefits also taken into account were the release of housing stock, enhanced landscaping, employment provision, economic benefits and social cohesion.

**Case Study 18: Outline Continuing Care Retirement Community – Brownfield, Outside Settlement Boundary, Green Belt, Appeal Allowed, (Green Belt, Local Need, Scale form and Massing, Alternative sites, Health and wellbeing, Distance to facilities) South East**

- 11.16 This was an outline application for demolition of the existing golf clubhouse and hotel and erection of a continuing care retirement community (CCRC) for the elderly alongside a new golf clubhouse with hotel accommodation containing shared social, managerial and operational space to operate and service the continued golf course use and the CCRC with some matters reserved except for access.
- 11.17 The inspector concluded that the proposal would be inappropriate development and would therefore, by definition, be harmful to the Green Belt. They also found that it would cause significant harm to the openness of the Green Belt.



- 11.18 In view of the Council's significant shortfall in housing supply, the inspector placed substantial weight on the contribution the proposal would make to general housing supply within the District of 100 units, including through the release of family housing to the market.
- 11.19 Significant weight was given to the provision of 100 units of extra care OPH as it would address an existing shortfall and contribute to meeting a critical need, notwithstanding its location on the edge of the settlement with limited direct access to the existing services and facilities.
- 11.20 In conclusion, the inspector determined that VSC had been demonstrated.

**Case Study 20: Retirement Care Village – Green Belt, Greenfield, Outside Settlement Boundary, Previous Applications, Appeal Allowed, East of England**

- 11.21 Although determined too late to be included in the wider analysis, this appeal was allowed for development of a retirement care village in class C2 comprising housing with care, communal health, wellbeing and leisure facilities; and C3 affordable dwellings (comprising up to 30 percent on-site provision).
- 11.22 The appeal followed the Council's failure to determine the planning application within the prescribed time period. The Council's putative reasons for refused included:
- “i) impact on the Green Belt and that very special circumstances do not exist as the totality of harm would not be clearly outweighed by other considerations; and,
- ii) inconsistency with the locational strategy set out in the Local Plan and harm to the character and appearance of the area.”
- 11.23 Other issues included impact on the setting of a Grade II listed Building.
- 11.24 The first point to note is that the scheme overcame the issue of affordable housing provision by providing on site affordable housing but not affordable OPH.
- 11.25 In reaching the conclusion that VSC existed the inspector:
- Attributed substantial weight to this Green Belt harm;
  - Attributed limited weight to the conflict with the recently updated locational strategy and Policy GROWTH 2 because the Local Plan failed to provide the necessary allocations or policy basis to support the identified need for the specific housing type proposed in this appeal, housing-with-care, contrary to the approach advocated by paragraph 63 of the NPPF;
  - Found that the significant market constraints affecting delivery potential and the lack of alternative sites led to the conclusion that the identified acute extra care housing needs are unlikely to be realised over the plan period. As such, the

proposal was considered to make a significant and meaningful contribution to addressing the need for older people's extra care housing, a matter which attracted very substantial weight in favour of the proposal;

- Attributed significant weight to affordable housing as there was a notable deficiency in provision;
- Found that the employment benefits carried significant weight;
- Found that the indirect benefits associated with the release of under occupied housing stock also carried significant weight.

11.26 A further point to note in this appeal decision is the objection from the Local Medical Practice that the provision of this facility would increase the number of elderly patients, which generally demand higher health care needs. The inspector did not accept this argument, stating that factoring in the benefits of the proposal to the wider healthcare system the care needs would likely be reduced, as would costs associated with GP, nurse and hospital visits.

**Further Case Study - redevelopment of a golf club for residential dwellings including affordable housing, custom build (Use Class C3), retirement homes and care home (Use Class C2), Green Belt, South East.**

11.27 This was an outline application for the demolition of all existing buildings and the erection of residential dwellings, including affordable housing, custom build (Use Class C3), retirement homes and care home (Use Class C2), new vehicular access point and improvements to existing access, new pedestrian and cycle access including construction of new pedestrian and cycle bridge and associated highway works, a local centre including a community building, land safeguarded for educational use, public open space and associated infrastructure.

11.28 This proposal was for the redevelopment of a golf club, although the proposed development far exceeded the extent of the existing buildings on the site and as such the proposal was inappropriate development in the Green Belt.

11.29 As well as being within the Green Belt, the site was in the AONB and contained some Best and Most Versatile Agricultural land.

11.30 The VSC in this case consisted of the provision of market and affordable housing as well as retirement and care and self-build homes in the context of a "chronic" lack of five-year housing land supply. Furthermore, the inspector concluded the need was so large it could not be addressed through the reuse of urban land.

11.31 Economic benefits of the scheme were also identified.

11.32 The extent of the Biodiversity Net Gain also attracted substantial weight as the

Sustainable Alternative Natural Greenspace (SANG) was considered to serve the wider community as well.

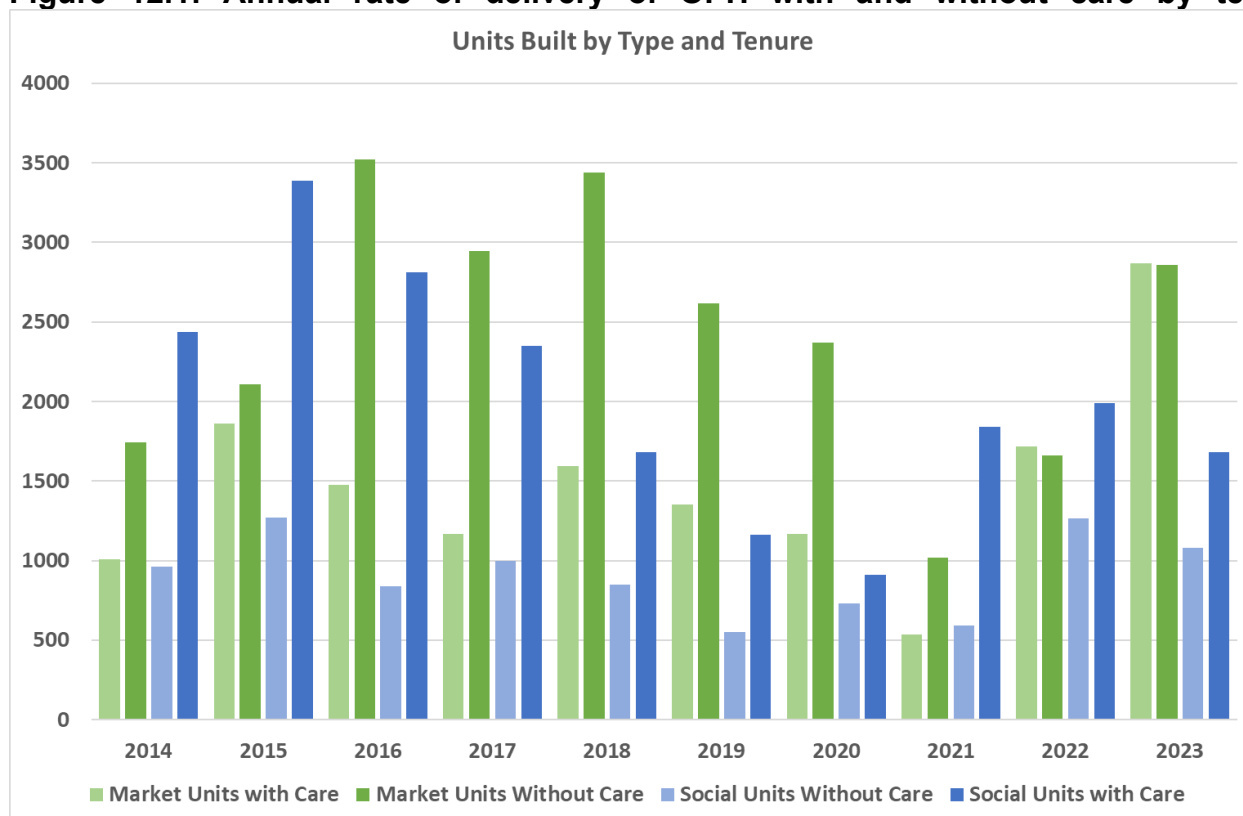
### **Conclusion of issues around Older Persons Housing and Green Belt.**

- 11.33 There appears to have been an increase in the number of applications made on sites in the Green Belt mainly in the form of market OPH with care, and predominately at scale. As highlighted by this research, this is just one element of the range of solutions required to address the housing needs of the aging population.
- 11.34 Given the costs, time and risks associated with Green Belt applications and appeals there are clearly strong drivers at work.
- 11.35 As highlighted earlier in this study, the increasing size of schemes means that there will be fewer available sites within settlements. This, together with the lack of either strong policies or specific allocations in the majority of Local Plans and the difficulty of all OPH schemes to compete for open market housing sites, are all likely drivers of the increased pressure to find appropriate OPH sites and hence the increased number of applications on Green Belt sites, which are likely to be the last choice given the risks and costs associated with such applications.
- 11.36 What is evident from the above, as well as a review of the results of the research, is that simply the need for OPH schemes, no matter how acute, is unlikely in itself to be sufficient justification for planning permission to be granted on a Green Belt site at appeal. Applications that have been upheld on appeal and granted planning permission have provided additional benefits such as affordable housing, improvements to Biodiversity Net Gain, or additional open space.
- 11.37 The numbers of units that are being refused on Green Belt sites is indicative of an unmet need for this particular type of OPH. For local authorities with tight Green Belt boundaries the choice is a stark one, either making specific allocations for OPH (potentially including Green Belt release) or simply not addressing this need.
- 11.38 It is clear from the appeal decisions that meeting OPH need can be part of VSC to justify granting planning permission in the Green Belt on appeal and this suggests meeting OPH need could also be considered to meet the slightly lower test of "Exceptional Circumstances" required for Green Belt release though the local plan process.

## 12 Schemes and Units Delivered (by type and tenure)

- 12.1 This analysis is based on data from the EAC who monitor existing facilities. Figure 12.1 below shows that there has been a change in the delivery in the type and tenure of OPH units over the period 2013 to 2023. In particular, it shows the increase in the overall number of market units being delivered and the increase in the number of extra care market units being delivered (housing with care).
- 12.2 The analysis shows the delivery of new social rent properties has fallen and since 2016 the rate of market delivery has exceeded the rate of social rent for both OPH with and without care.
- 12.3 These rates of change need to be viewed in the context that at 2014 there were about 161,400 OPH market units compared to over 467,700 OPH social rented units and that according to the 2021 Census the prominent tenure in England for people over 75 is home ownership (92% home ownership, compared to 3% private rented and 5% social rented).

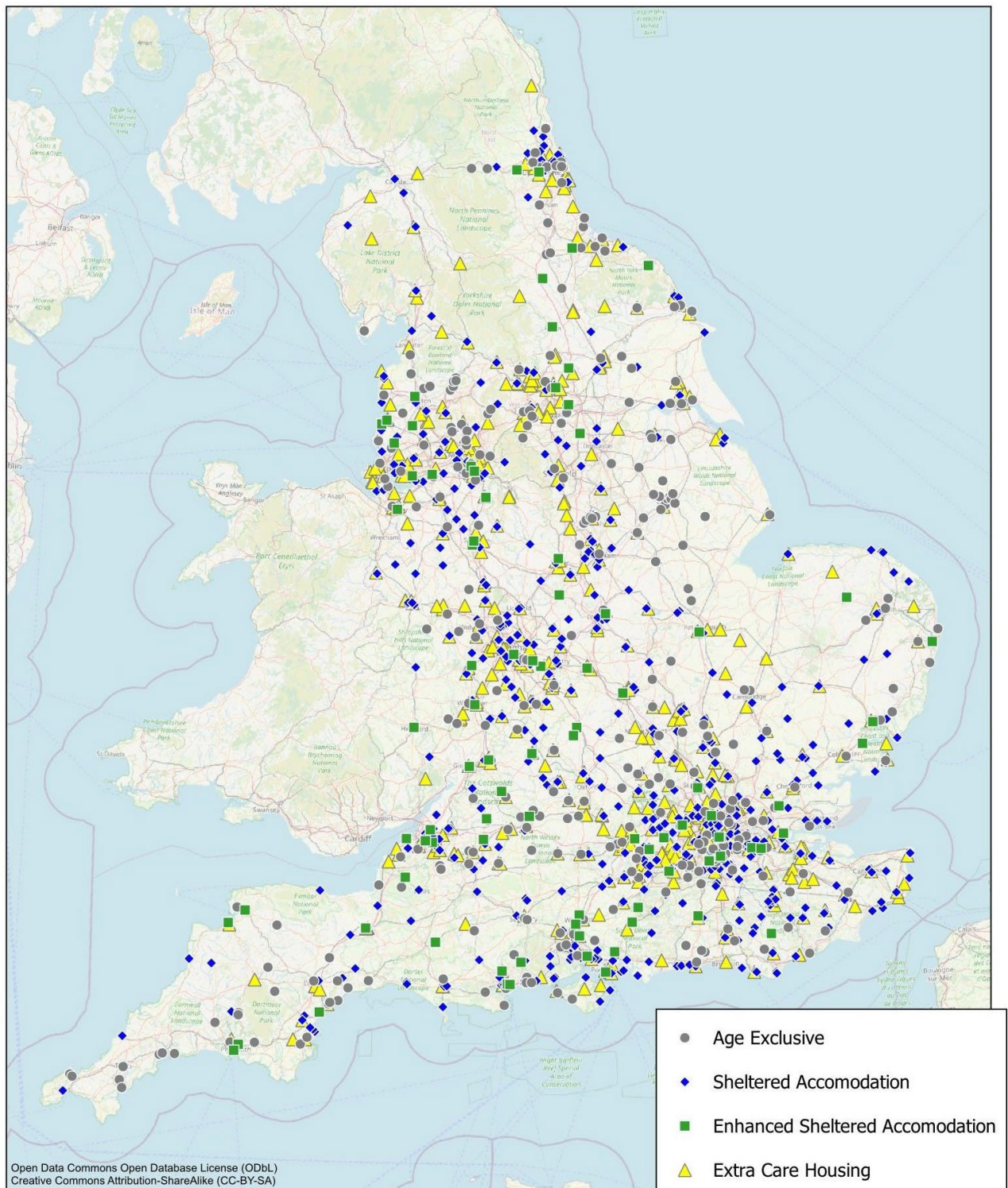
**Figure 12.1: Annual rate of delivery of OPH with and without care by tenure**



Source: EAC data base/SPRU

12.4 The distribution of these new completions is illustrated in Figure 12.2 which reflects the spatial distribution of applications, in particular showing a concentration of provision in the South East. However, the number of units applied for predominantly aligns with the proportion of the population aged over 75 years.

**Figure 12.2: Distribution of applications for Older Person Housing**



Source: EAC data base/SPRU

12.5 While the above data sets out the location and number of different types and tenures of OPH it does omit one of the typologies which is the provision of OPH in the form of Age Exclusive Park Homes. Applications of this type were picked up in the review of the evidence and a couple of examples have been included in our case studies as they have particular challenges in gaining approval. The overall number of Age Exclusive Park Home schemes and their regional distribution is set out in Table 12.1.

**Table 12.1: Number and distribution of Age Exclusive Park Home Schemes**

Region	Count of Age exclusive Park Homes	Number of units	Average Size of Scheme
East Midlands	17	1,423	84
East of England	35	2,247	64
London	3	289	96
North East	2	165	83
North West	12	1,033	86
South East	78	4,970	64
South West	54	3,151	58
West Midlands	6	476	79
Yorkshire & The Humber	5	459	92
Total	212	14,213	67

Source: EAC data base/SPRU

# 13 Nomenclature: The description of the OPH development in Planning Applications

- 13.1 As highlighted in the introduction to this research, there is very little consistency on how proposals for OPH are described. While some may attribute this to a lack of a specific use class, this is not the only cause. Certainly, the increasing range of OPH and varying tenures adds to the potential confusion.
- 13.2 There are similarities with the definition of affordable housing, although this is defined in Annex 2 of the NPPF, and a similar approach could be taken to the definition of OPH, the definitions of which are currently within the PPG.
- 13.3 The most commonly used term is “retirement” housing, but this term is sometimes used alongside further descriptions.
- 13.4 The range of descriptions used in the applications reviewed as part of this research are in Table 13.1.

**Table 13.1: Description of development in planning applications.**

	Number of applications	Percentage of applications using description	Percentage of applications as actually proposed
Retirement	1,035	48%	
Age Restricted	69	3%	
Sheltered	252	12%	
Applications without Care			59%
Assisted	422	20%	
Extra Care	559	26%	
Applications with Care			42%
C2	468	22%	
C3	270	13%	
All Affordable Tenures	108	5%	
Total	2,153		

Source: SPRU/Landinsight

- 13.5 In addition, Table 13.1 illustrates how rarely proposals are described as “affordable”, although during the cleansing of the database it was noted that charities and social providers did not always define their proposals as being “affordable” but rather simply as “sheltered”.



# 14 Regional distribution of decisions

## Summary of regions

14.1 Table 14.1 and Table 14.2 illustrate that the South East and East of England regions experienced applications for the most OPH units. Although comparison of the two tables suggest that while these are the regions where the most units are being applied for, there appears to be a fairly high attrition rate in terms of withdrawals and refusals. This is explored in further detail in the remainder of this section.

14.2 At a regional level, the impact of the amalgamation of local authorities is likely to be more apparent in the ability to collect the data.

**Table 14.1: Total units in all applications by region by year**

Region	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
East Midlands	232	550	637	472	612	942	894	242	471	273	
East of England	568	477	1,580	1,642	780	1,511	1,397	1,908	1,517	1,593	
London	94	1,064	696	474	580	424	267	395	198	241	
North East	126	186	113	89	104	386	180		137	64	
North West	336	1,015	1,020	611	831	442	783	880	1,170	585	36
South East	616	2,918	2,242	2,462	2,243	1,847	2,383	2,563	1,950	2,217	318
South West	536	1,296	1,600	1,213	1,123	567	450	643	467	1,005	
West Midlands	332	1,372	1,573	940	1,056	845	365	1,003	545	218	
Yorkshire and The Humber	491	477	942	591	632	947	282	451	481	668	
Total	3,331	9,355	10,403	8,494	7,961	7,911	7,001	8,085	6,936	6,864	354

Source: SPRU/Landinsight

**Table 14.2: Total units approved by region by year.**

Region	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
East Midlands	230	407	261	420	496	714	603	178	356	181	
East of England	238	220	1,241	1,164	448	1,048	551	1,108	742	778	
London	92	768	335	387	257	424	246	229	95	209	
North East	125	144	55	57	91	282	180		120	64	
North West	273	746	887	430	629	172	425	604	937	517	36
South East	203	1,871	1,389	1,292	1,439	952	1,066	1,260	923	1,315	
South West	306	918	1,205	940	882	374	359	408	157	371	
West Midlands	205	1,019	1,040	712	655	395	191	708	249	42	
Yorkshire and The Humber	365	216	505	565	602	776	197	382	336	274	
Total	2,037	6,309	6,918	5,967	5,499	5,137	3,818	4,877	3,915	3,751	36

Source: SPRU/Landinsight

14.3 Table 14.3 and Table 14.4 illustrate that there is a regional differential between the number of units approved with and without care. This is unlikely to be a reflection of need but is more likely to be a reflection of the affordability of housing with care and hence the viability of the provision of specialist older persons with care.

**Table 14.3: Total units approved by region by year for housing with care.**

Region	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
East Midlands	157	174	226	217	308	363	515	52	165	120	
East of England	144	82	635	526	265	538	208	724	242	480	
London	52	466	256	320	20	278	88	125	65	187	
North East	87	77		8	79	282	126		52	64	
North West	109	536	639	417	272	73	326	421	524	135	36
South East	109	1,322	780	783	1237	434	568	681	491	1072	
South West	206	417	822	505	689	121	202	256	5	122	
West Midlands	43	875	766	422	466	236	121	480	62		
Yorkshire and The Humber	365	73	204	167	455	255	184	225	97	9	
Total	1,272	4,022	4,328	3,365	3,791	2,580	2,338	2,964	1,703	2,189	36

Source: SPRU/Landinsight

**Table 14.4: Total units approved by region by year for housing without care.**

Region	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
East Midlands	73	233	35	203	188	351	88	126	191	61	
East of England	94	138	606	638	183	510	343	384	500	298	
London	40	302	79	67	237	146	158	104	30	22	
North East	38	67	55	49	12		54		68		
North West	164	210	248	13	357	99	99	183	413	382	
South East	94	549	609	509	202	518	498	579	432	243	
South West	100	501	383	435	193	253	157	152	152	249	
West Midlands	162	144	274	290	189	159	70	228	187	42	
Yorkshire and The Humber		143	301	398	147	521	13	157	239	265	
Total	765	2,287	2,590	2,602	1,708	2,557	1,480	1,913	2,212	1,562	

Source: SPRU/Landinsight

14.4 Table 14.5 sets out the total population for each region over 75 and the population over 75 who have bad or very bad health as this provides a background to the levels of potential need in each region. This shows that, according to the 2021 census, the South East had both the largest population over 75 and the most aged over 75 with bad or very bad health.

14.5 At a regional level, there is a very strong relationship between the number of OPH applications, the number of units applied for, and the number of people aged over 75 in the population.

**Table 14.5: Population over 75 with bad or very bad health and number of OPH units applied for by region.**

Region	Total population over 75	Rank	Population with Bad or very bad health	Rank	Units applied for	Rank
East Midlands	437,090	8	70,415	8	6,127	7
East of England	587,918	4	84,014	6	16,381	2
London	467,938	7	84,489	5	4,632	8
North East	240,544	9	46,198	9	1,827	9
North West	630,833	2	111,942	2	8,907	4
South East	860,436	1	118,582	1	25,249	1
South West	606,958	3	87,569	4	9,786	3
West Midlands	529,611	5	91,005	3	9,123	5
Yorkshire and The Humber	475,830	6	80,959	7	6,702	6
CORREL against Units applied for	0.90	0.92	0.72	0.7		

Source: Census 2021

14.6 The Figures in this chapter for the regions use the same assessment of the policy position as used in section 8 of this report; that is the policy position in 2020 as defined by “Unlocking Potential for Seniors Housing Development: Meeting the need of an ageing population”<sup>7</sup>. For convenience this is reproduced again below:

“Grade A:

Clear policies indicating details of the required number of dwellings or care home beds, how this will be achieved, and specific site allocations given.

Grade B:

A clear policy as above, but no land or site allocations

<sup>7</sup> Mitchell and Knight Frank (2023)

Grade C:

Site allocations given, but no clear seniors housing policy.

Grade D:

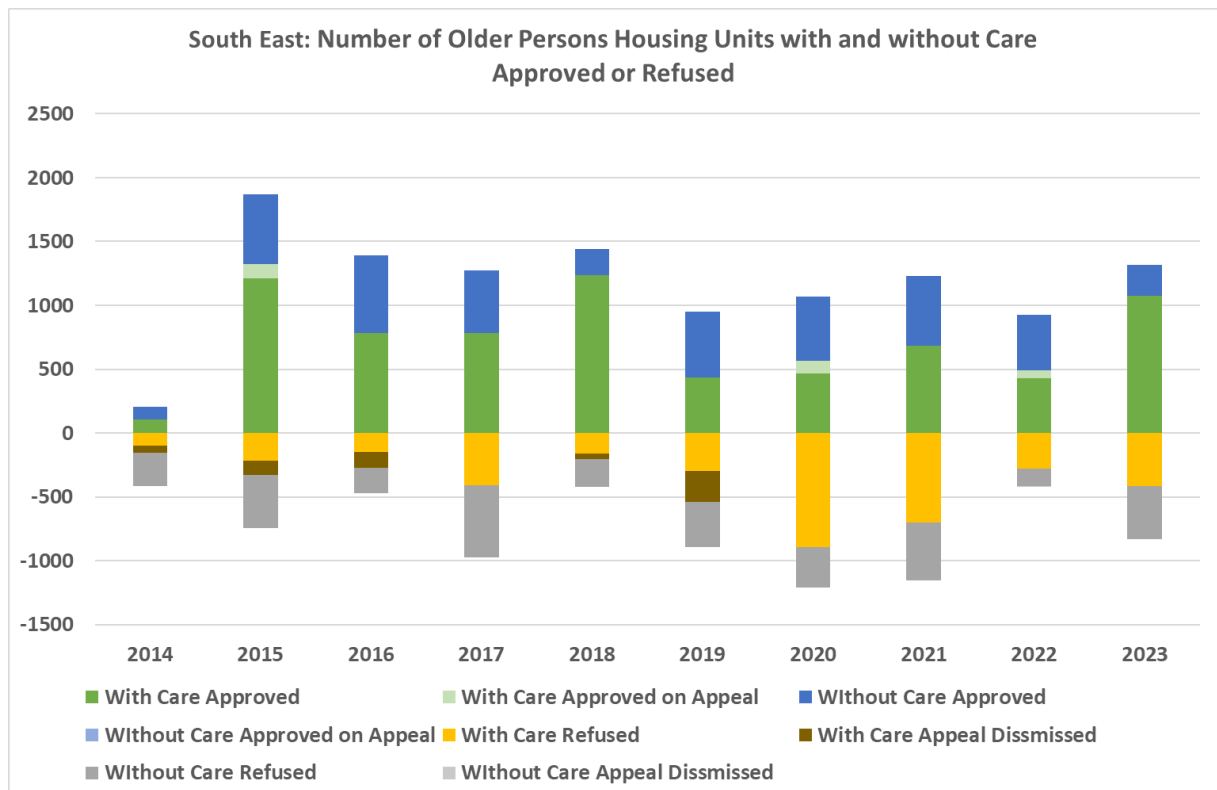
Neither – with policy (at the most) confined to generalisations such as “we will make provision for housing all types of people including the elderly and the disabled.””

## South East

14.7 The South East is the region which has seen the greatest number of OPH units applied for and granted in the last 10 years. These have predominantly been OPH units with care. The region has the highest population aged over 75 and also the highest population aged over 75 with bad or very bad health.

14.8 The region has also seen the highest levels of refusals and dismissals at appeal of OPH units.

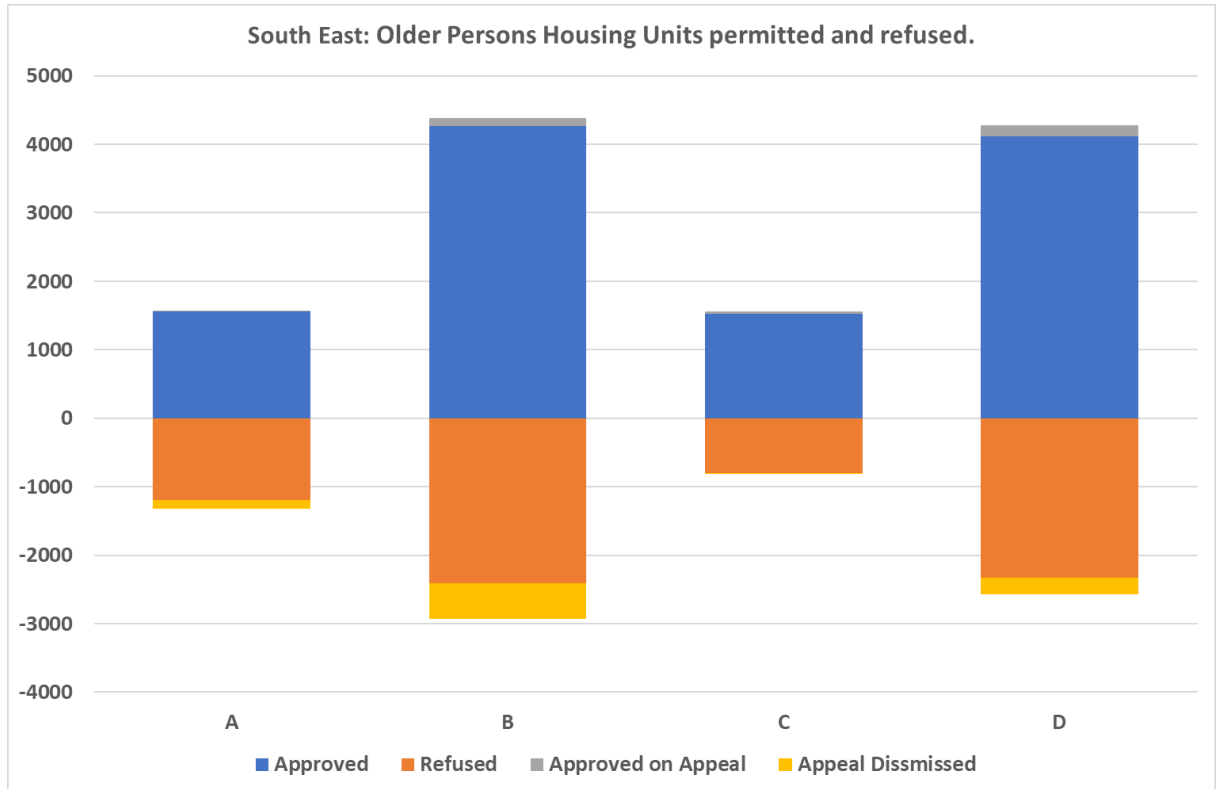
**Figure 14.1: South East: Number of Older Persons Housing units with and without Care Approved or Refused**



Source: SPRU/Landinsight/Mitchell and Knight Frank (2023)

14.9 Figure 14.2 shows the policy status of the local authorities which shows that the general rate of refusal was similar across most of the authorities with only those authorities with Grade C having proportionally fewer refusals.

**Figure 14.2: South East: Older Persons Housing Permitted and Refused**

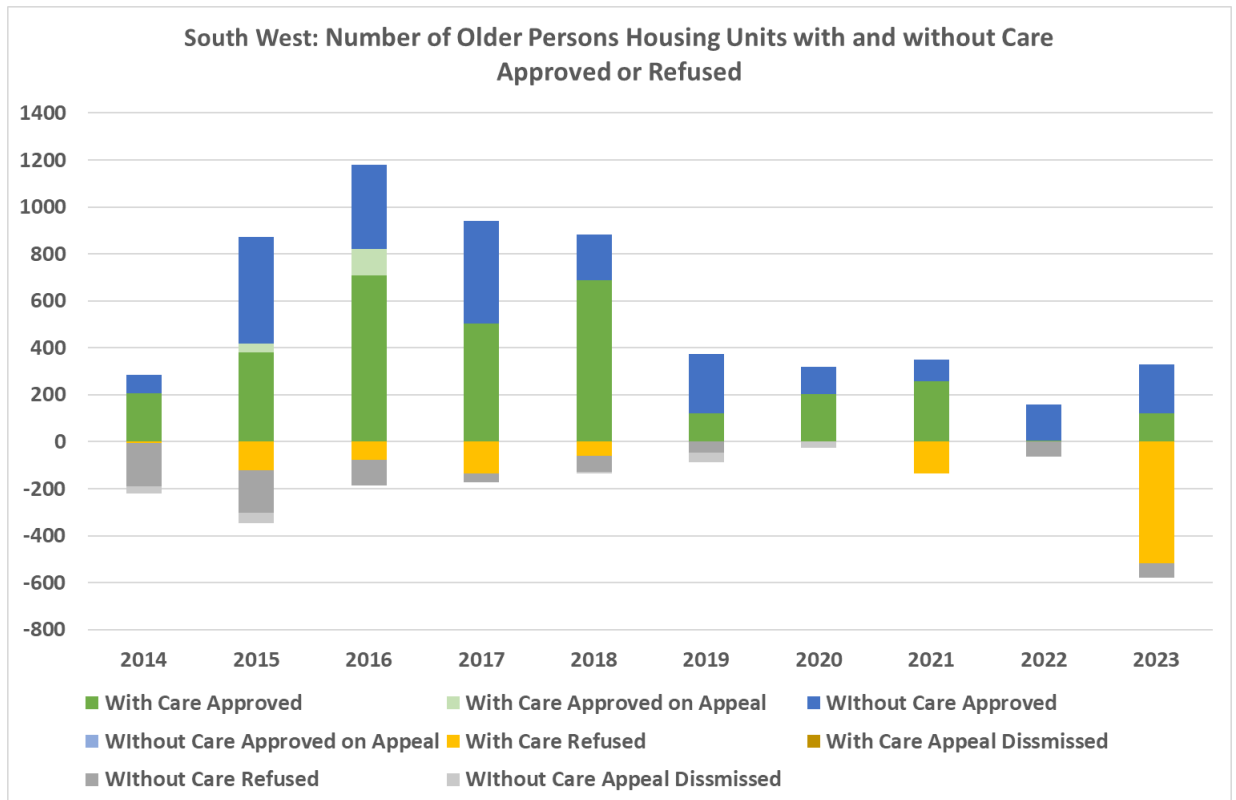


Source: *SPRU/Landinsight/Mitchell and Knight Frank (2023)*

## South West

14.10 The South West is ranked third in terms of the total number of OPH units applied for and, like the South East, the majority of units applied for and approved have been OPH with care. It has the third highest number of people aged over 75 and is ranked 4<sup>th</sup> in terms of the number with bad or very bad health. The impact of the refusal of a number of large OPH schemes in 2023 is noticeable.

**Figure 14.3: South West: Number of Older Persons Housing units with and without Care Approved or Refused**

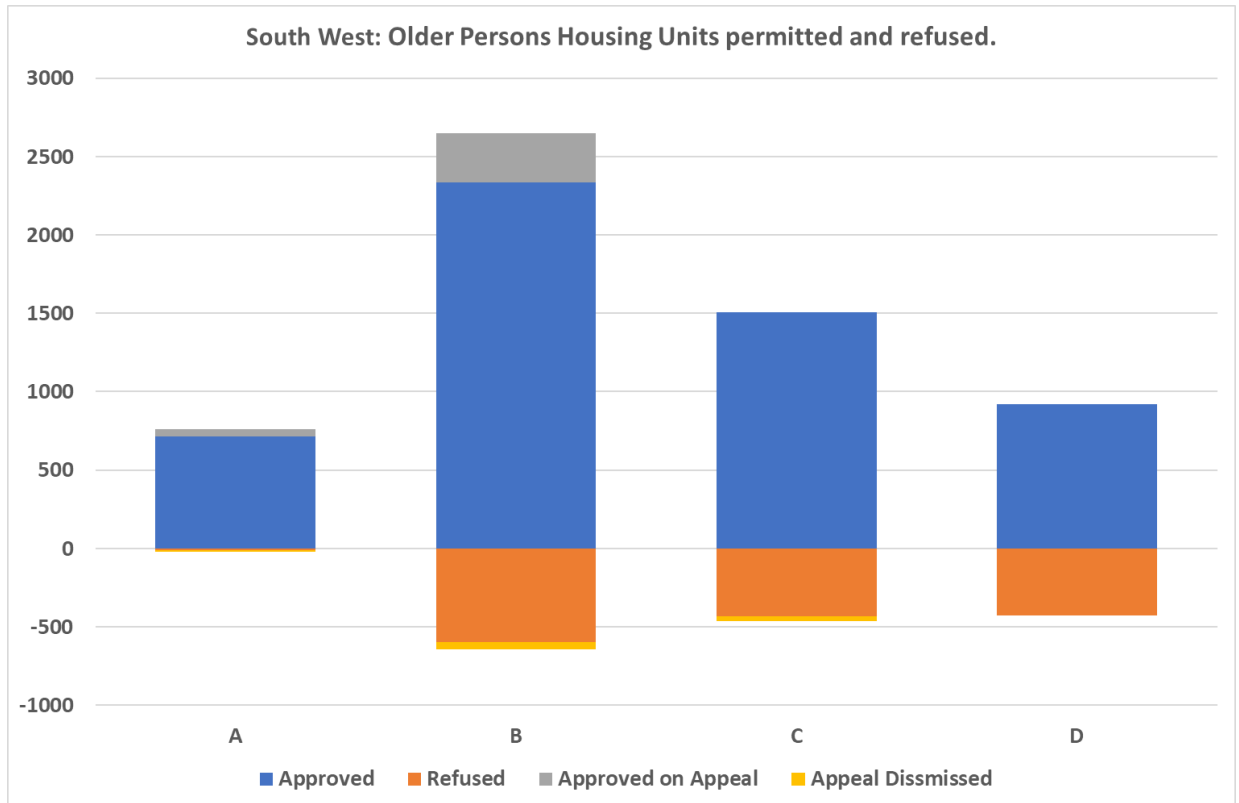


Source: SPRU/Landinsight



14.11 What is noticeable is that the rate of refusals is less than in the South East, but this might also be a function of simply fewer units being applied for and so a greater ability for schemes to be policy compliant. Unlike the South East the rate of refusal seems to increase as the Policy Status of the local authority becomes less favourable to OPH.

**Figure 14.4: South West: Older Persons Housing Permitted and Refused**



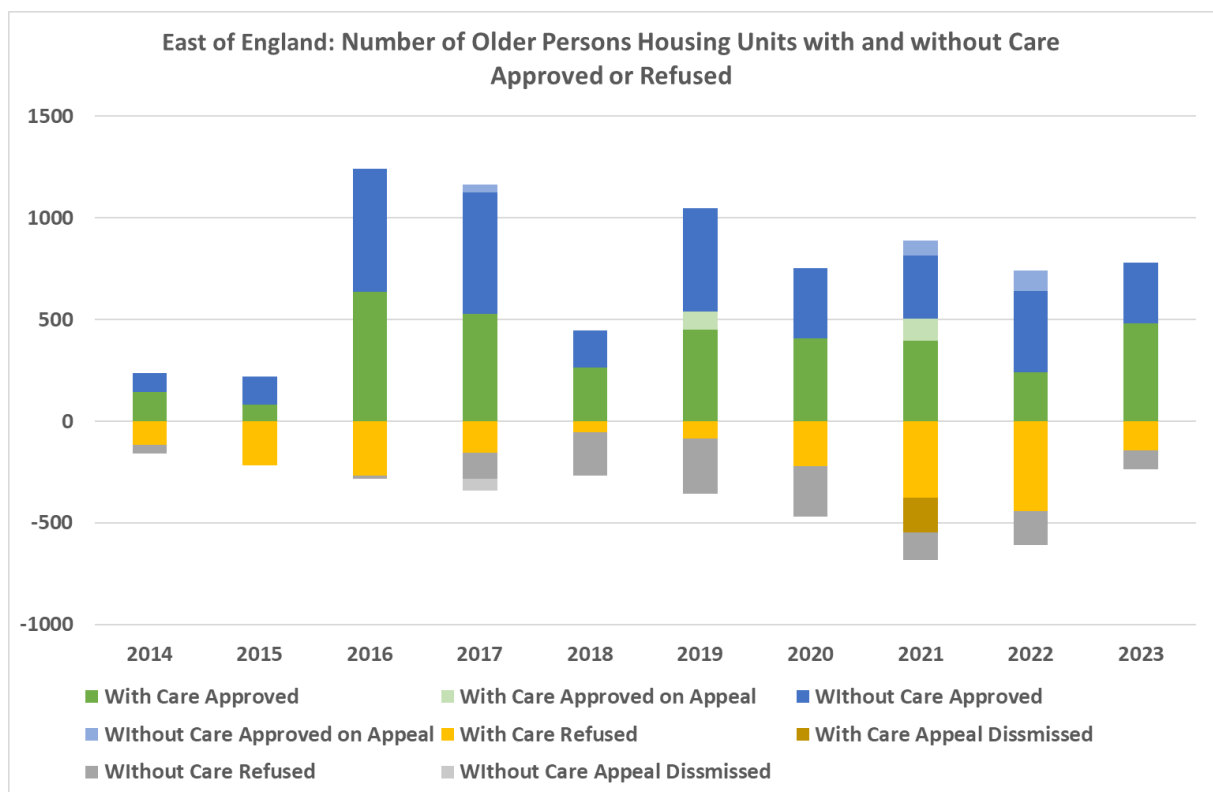
Source: *SPRU/Landinsight/Mitchell and Knight Frank (2023)*

## East of England

14.12 In some respects, as the East of England shares some characteristics with the South East a similar pattern of applications might be expected, and it was ranked 2<sup>nd</sup> in terms of the number of units applied for. This is somewhat unexpected as it has a smaller population aged over 75 and is ranked 4<sup>th</sup> in terms of population over 75 and 6<sup>th</sup> in terms of those with bad or very bad health. It is nevertheless ranked second in terms of the number of OPH units applied for.

14.13 Unlike the South East, the OPH units applied for were balanced between those with care and those without care. But like the South East, there was an increase in the rate of refusals since 2018.

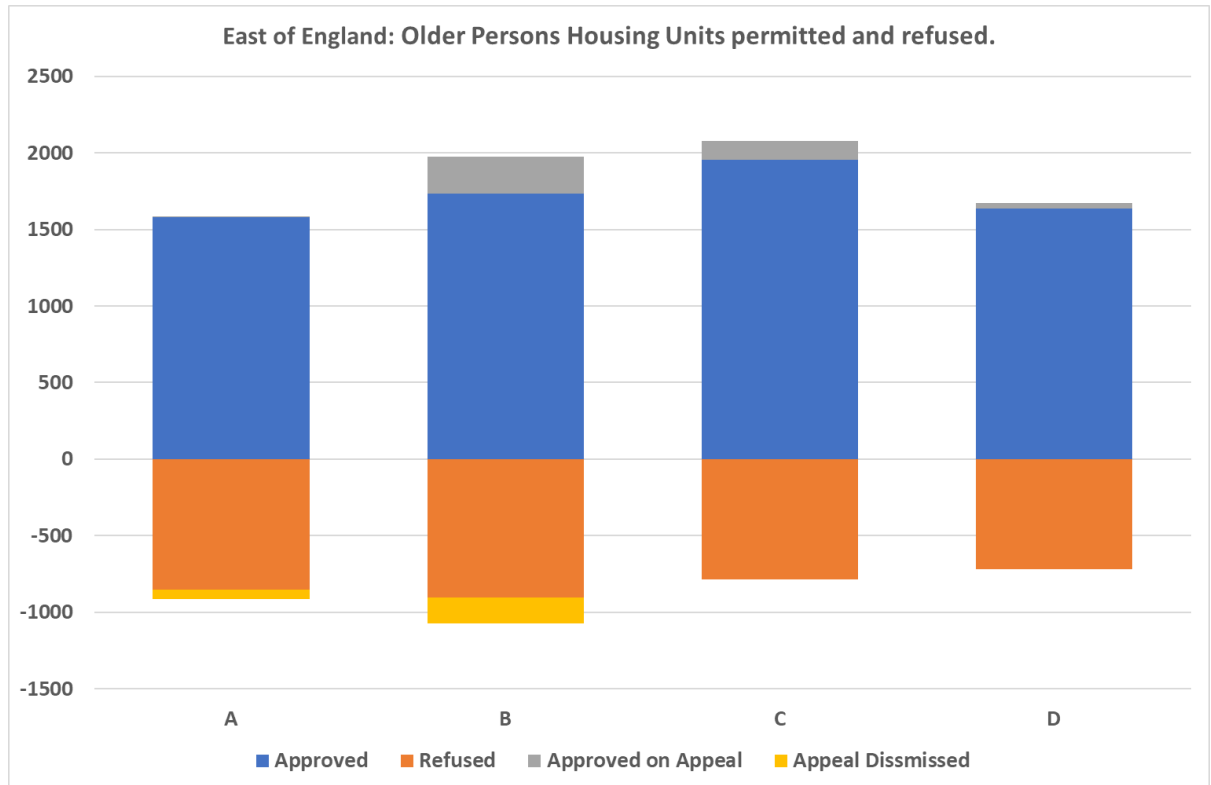
**Figure 14.5: East of England: Number of Older Persons Housing units with and without Care Approved or Refused**



Source: SPRU/Landinsight

14.14 Like the South East, the highest rate of refusals of OPH units are in authorities which have the most developed policies for OPH. The potential reasons for this have been discussed earlier and this emphasises that when policies are drafted and allocations made, these do not under-estimate the need for OPH.

**Figure 14.6: East of England: Older Persons Housing Permitted and Refused**



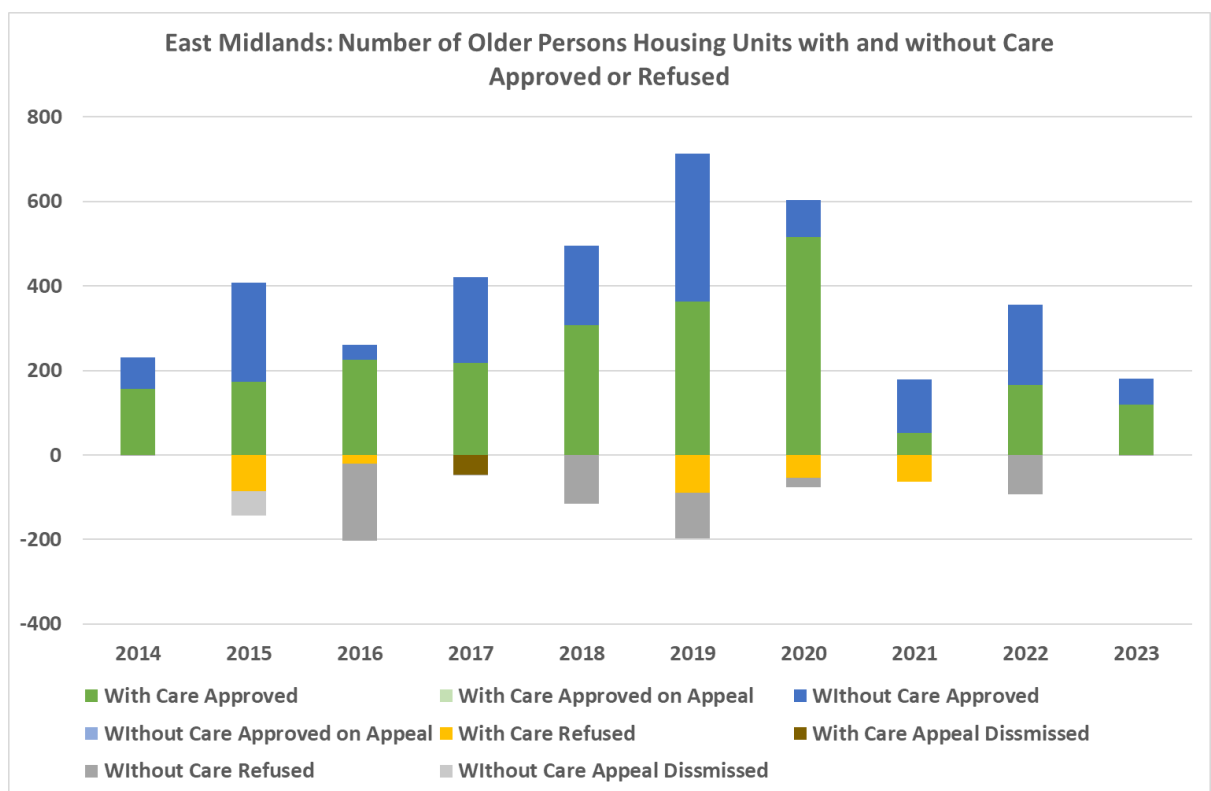
Source: SPRU/Landinsight/Mitchell and Knight Frank (2023)

## East Midlands

14.15 The East Midlands has seen applications for a greater number of OPH units with care than without care. In terms of overall number of units applied for it is ranked 7<sup>th</sup> and it is also ranked 8<sup>th</sup> for both for the total population over 75 and the population over 75 with bad or very bad health.

14.16 Unlike some other regions, it has not experienced an upturn in the number of units being refused in the last few years.

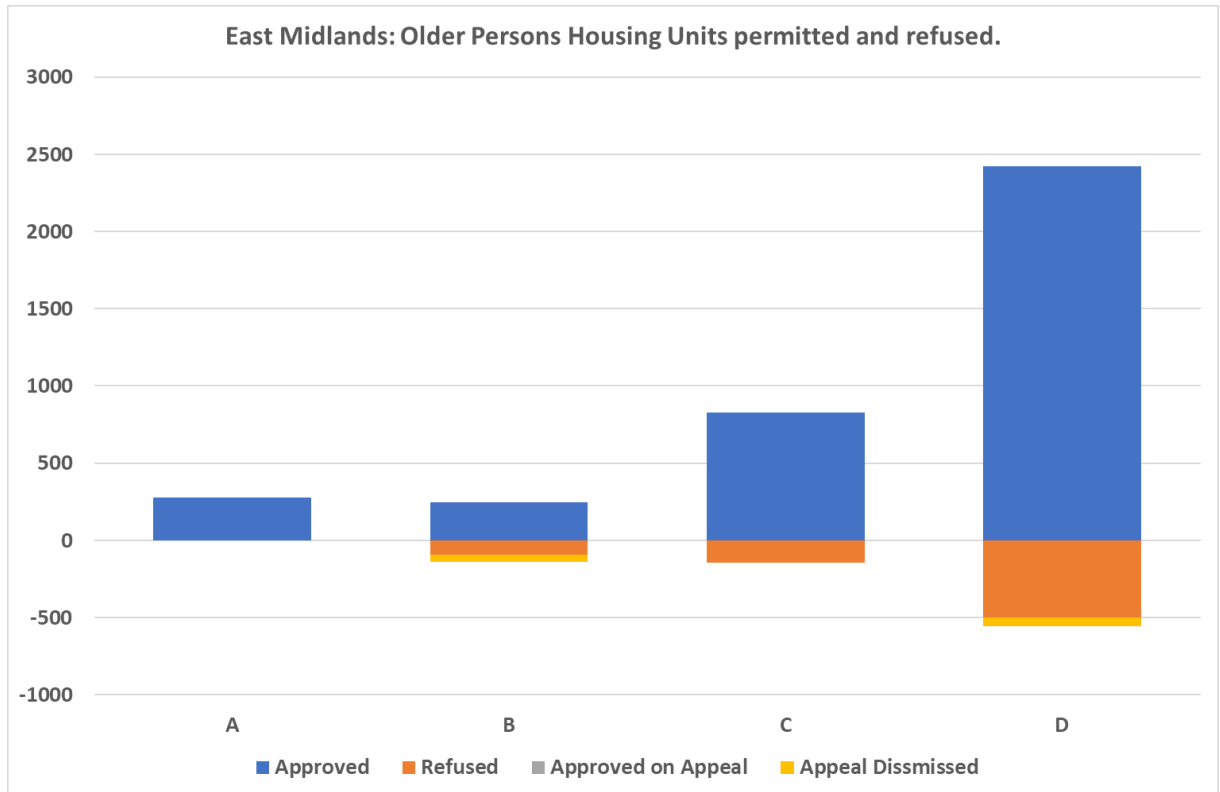
**Figure 14.7: East Midlands Number of Older Persons Housing units with and without Care Approved or Refused**



Source: SPRU/Landinsight

14.17 Most of the OPH units have been delivered in authorities with very undeveloped policies for OPH, which is reflective of the fact that fewer authorities have plans containing such policies. Unlike other regions, the level of refusals has increased as the policy position becomes less developed.

**Figure 14.8: East Midlands: Older Persons Housing Permitted and Refused**



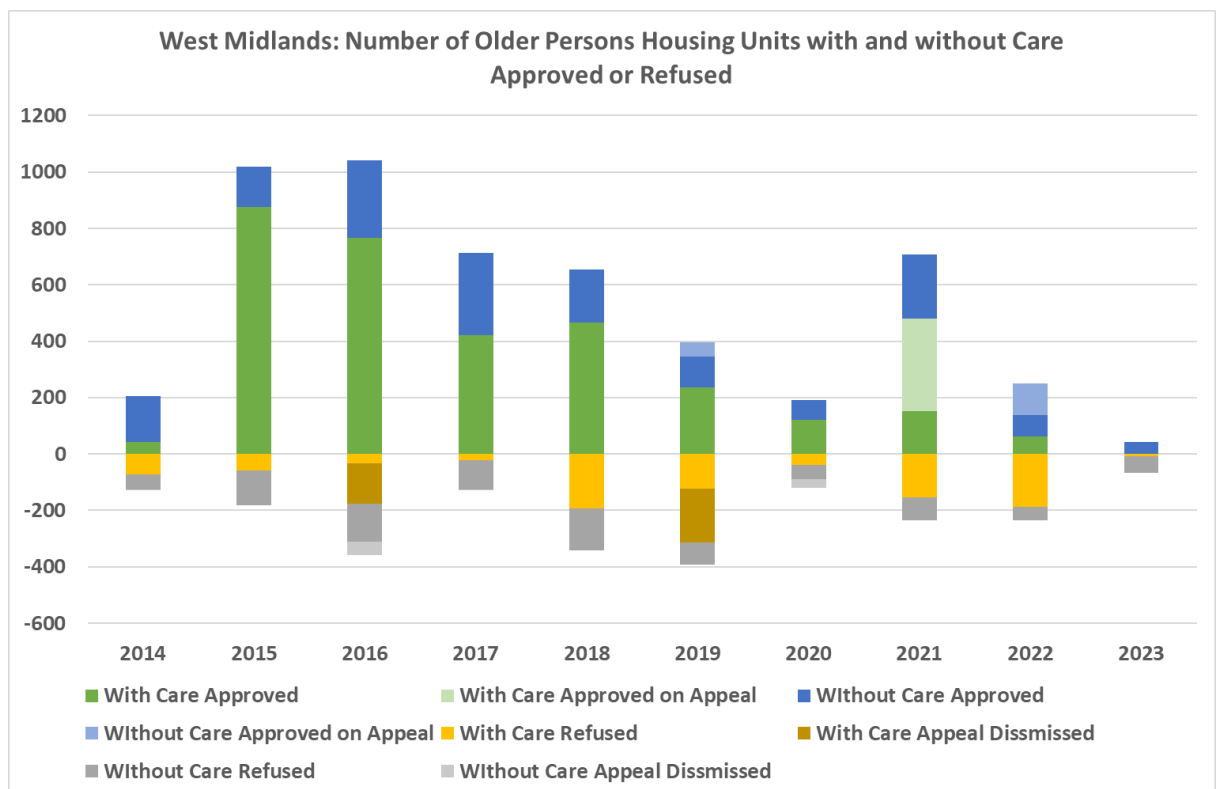
Source: SPRU/Landinsight/Mitchell and Knight Frank (2023)

## West Midlands

14.18 Like the East Midlands, the West Midlands region has seen applications for a greater number of OPH units with care than without care. The region is ranked 5<sup>th</sup> in terms of total number of units applied for and it is also ranked 5<sup>th</sup> for the population aged over 75 but ranked 3<sup>rd</sup> in terms of the population aged over 75 with bad or very bad health.

14.19 Unlike some other regions, it has not experienced an upturn in the number of units being refused in the last few years.

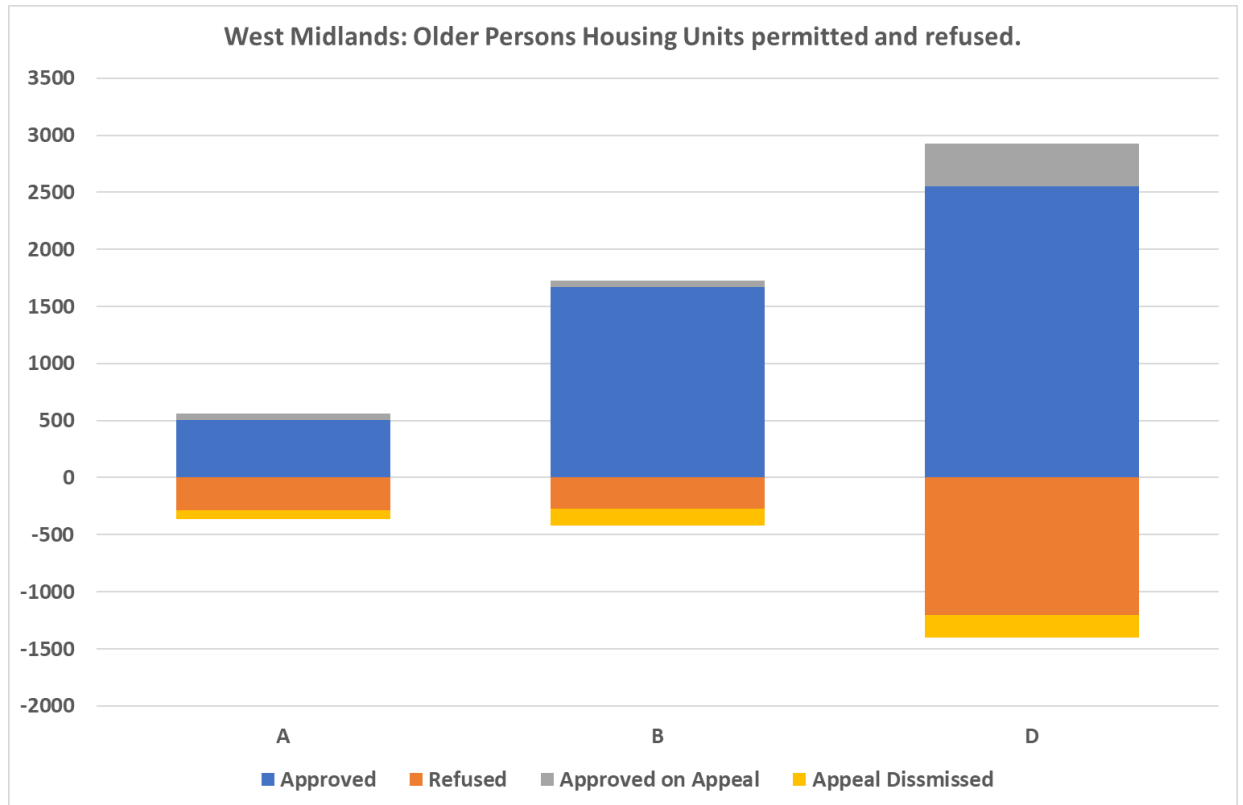
**Figure 14.9: West Midlands: Number of Older Persons Housing units with and without Care Approved or Refused**



Source: SPRU/Landinsight

14.20 Like the East Midlands, most of the OPH units in the West Midlands have been delivered in authorities with very undeveloped policies for OPH which is reflective of the fact that fewer authorities have plans containing such policies. Also, like the East Midlands, the level of refusals has increased as the policy position becomes less developed. There are no Category C authorities in the West Midlands.

**Figure 14.10: West Midlands: Older Persons Housing Permitted and Refused**



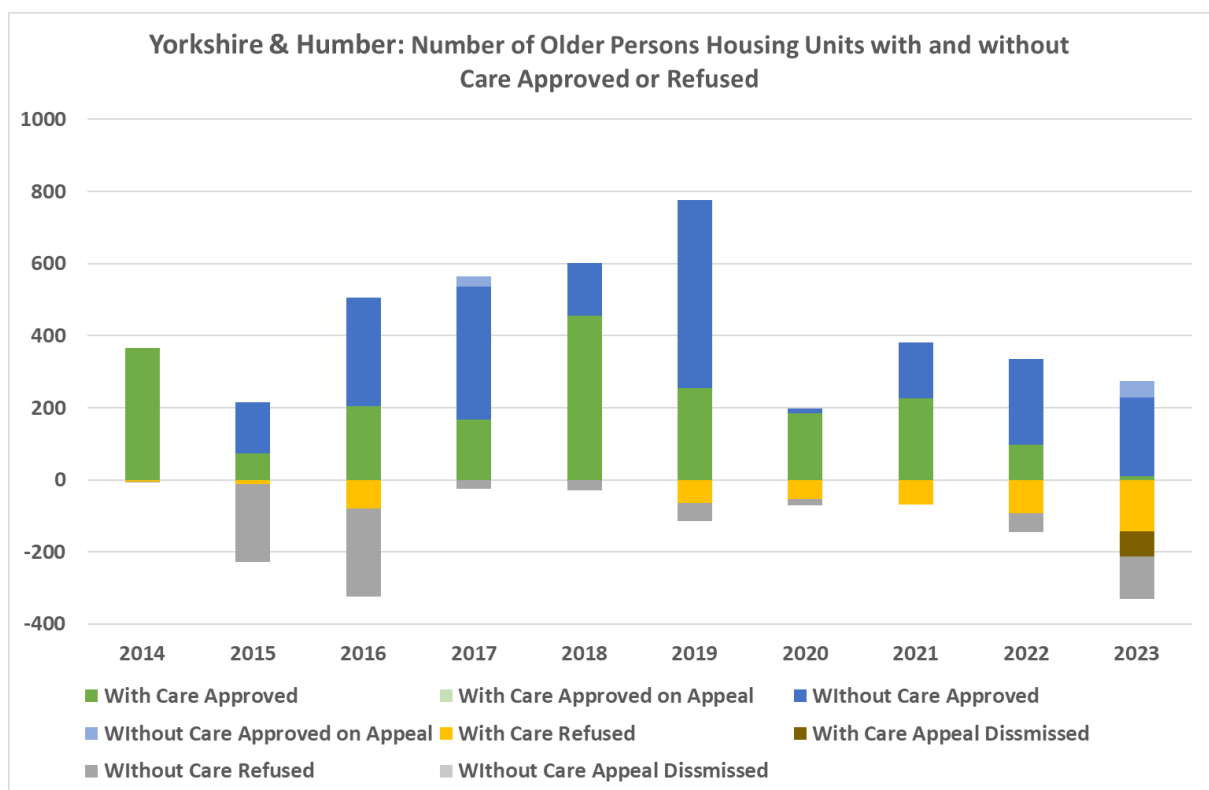
Source: SPRU/Landinsight/Mitchell and Knight Frank (2023)

## Yorkshire and the Humber

14.21 Unlike the regions considered above, Yorkshire and the Humber has seen applications for a greater number of OPH units without care than with care. The region is ranked 6<sup>th</sup> in terms of total number of units applied and it is also ranked 6<sup>th</sup> for the population aged over 75 and 7<sup>th</sup> in terms of the population aged over 75 with bad or very bad health.

14.22 Like some other regions, it has experienced an upturn in the number of units being refused in the last few years although these include a proportion of units without care.

**Figure 14.11: Yorkshire and Humberside Number of Older Persons Housing units with and without Care Approved or Refused**

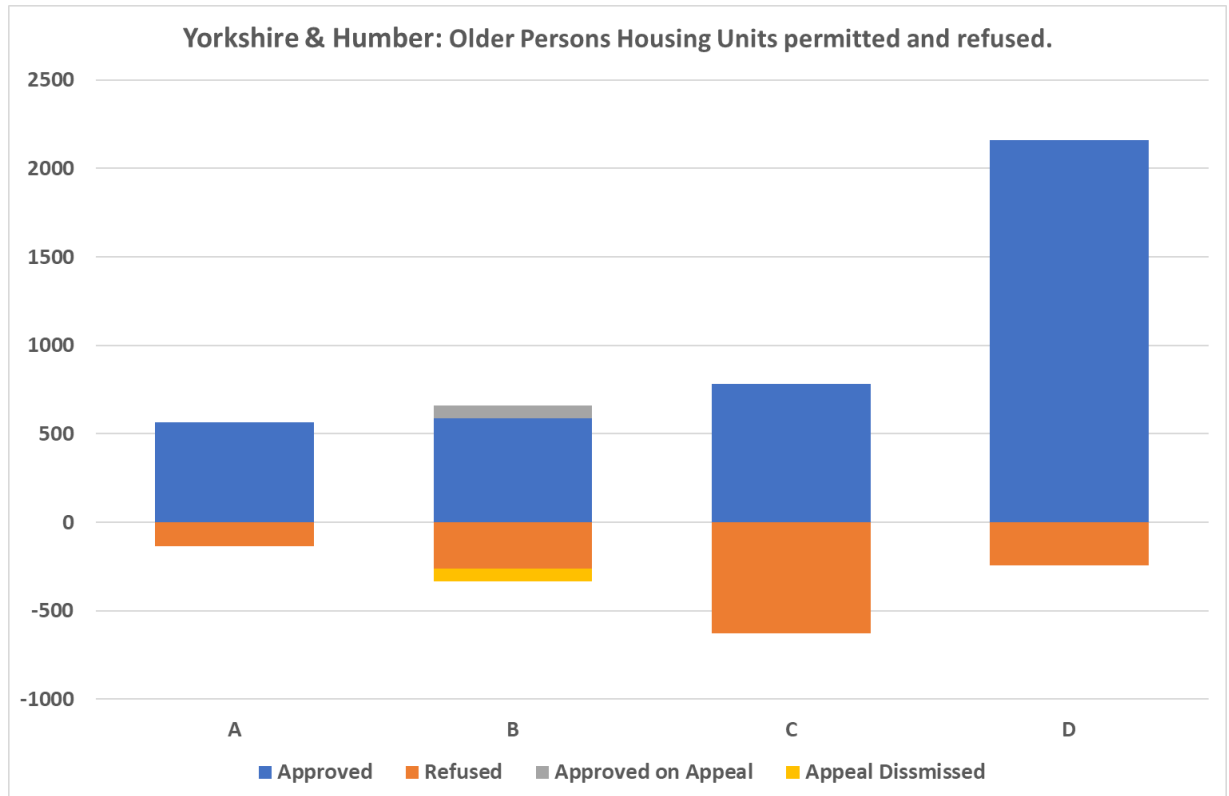


Source: SPRU/Landinsight



14.23 Like the Midlands, most of the OPH units in Yorkshire and the Humber have been delivered in authorities with very undeveloped policies for OPH which is reflective of the fact that fewer authorities have plans containing such policies. The highest rate of refusals is in Authorities with less well-developed policies for OPH; in this case category C sites.

**Figure 14.12: Yorkshire & Humber: Older Persons Housing Permitted and Refused**

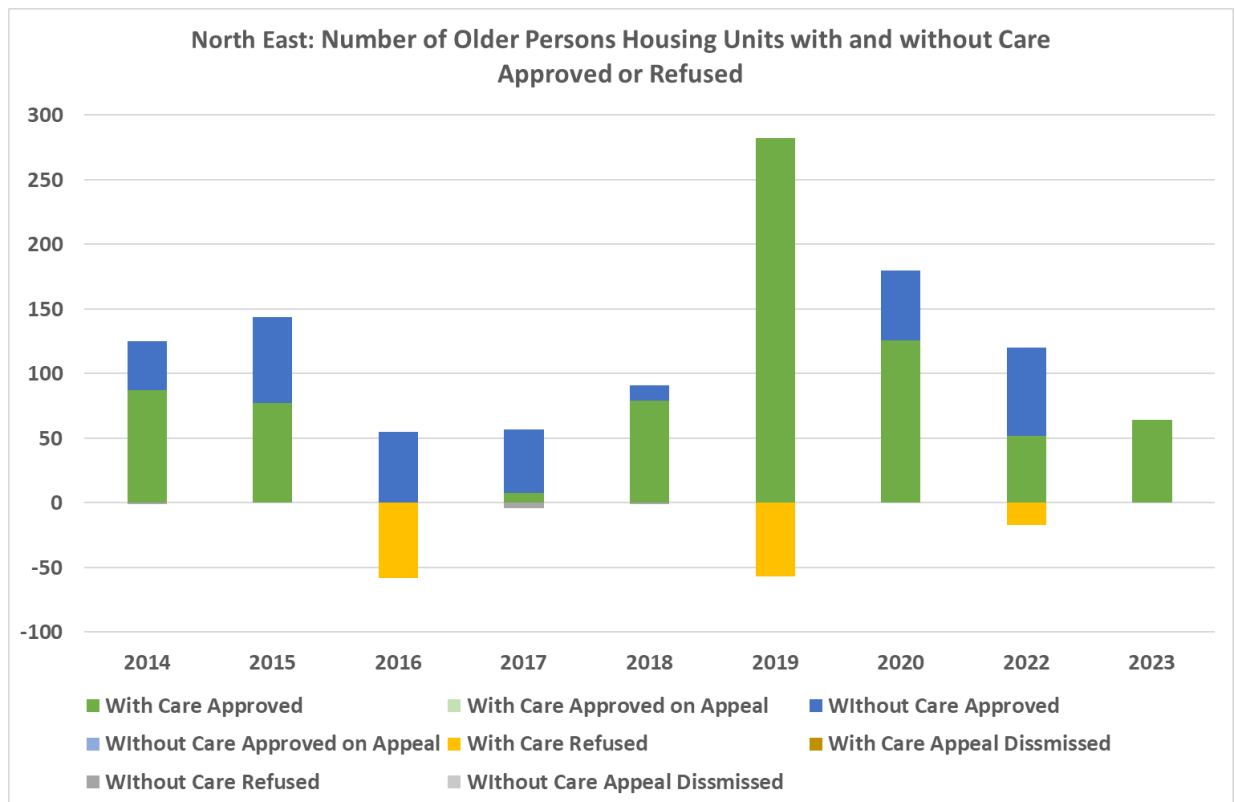


Source: SPRU/Landinsight/Mitchell and Knight Frank (2023)

# North East

14.24 The data for the North East is limited as the combination of authorities in Northumberland may have impacted on data gathering, so any results need to be treated with caution. The North East is ranked 9<sup>th</sup> in terms of OPH units being applied for and is also 9<sup>th</sup> in both number of persons aged over 75 and the number of those who have bad or very bad health. From the available data it appears that there was a greater number of units with care applied for and approved, with refusals being relatively rare. Again, the units refused were OPH units with care.

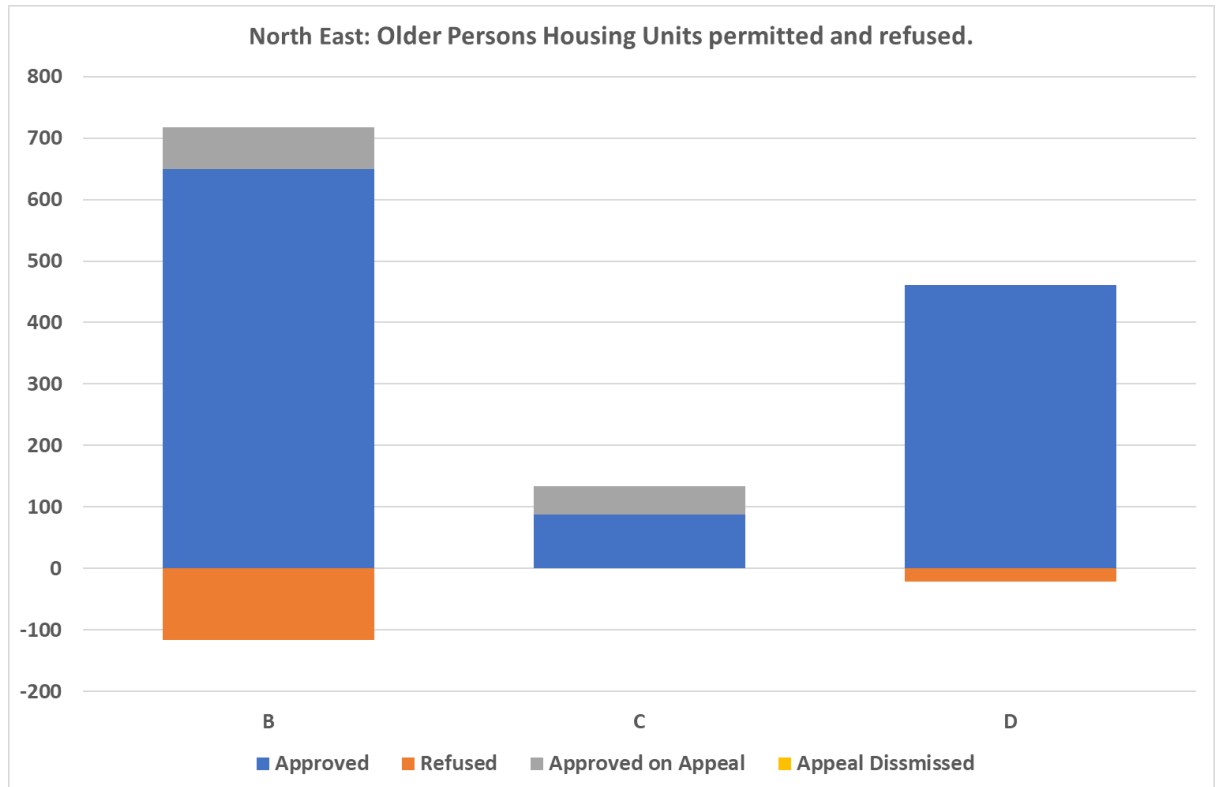
**Figure 14.13: North East: Number of Older Persons Housing units with and without Care Approved or Refused**



Source: SPRU/Landinsight

14.25 Following a similar pattern to the southern regions, the majority of the OPH units in the North east have been delivered in authorities with more developed policies for OPH (grade B);. But this also had the highest rate of refusals. There are no Category A authorities in the North East.

**Figure 14.14: North East Older Persons Housing Permitted and Refused**



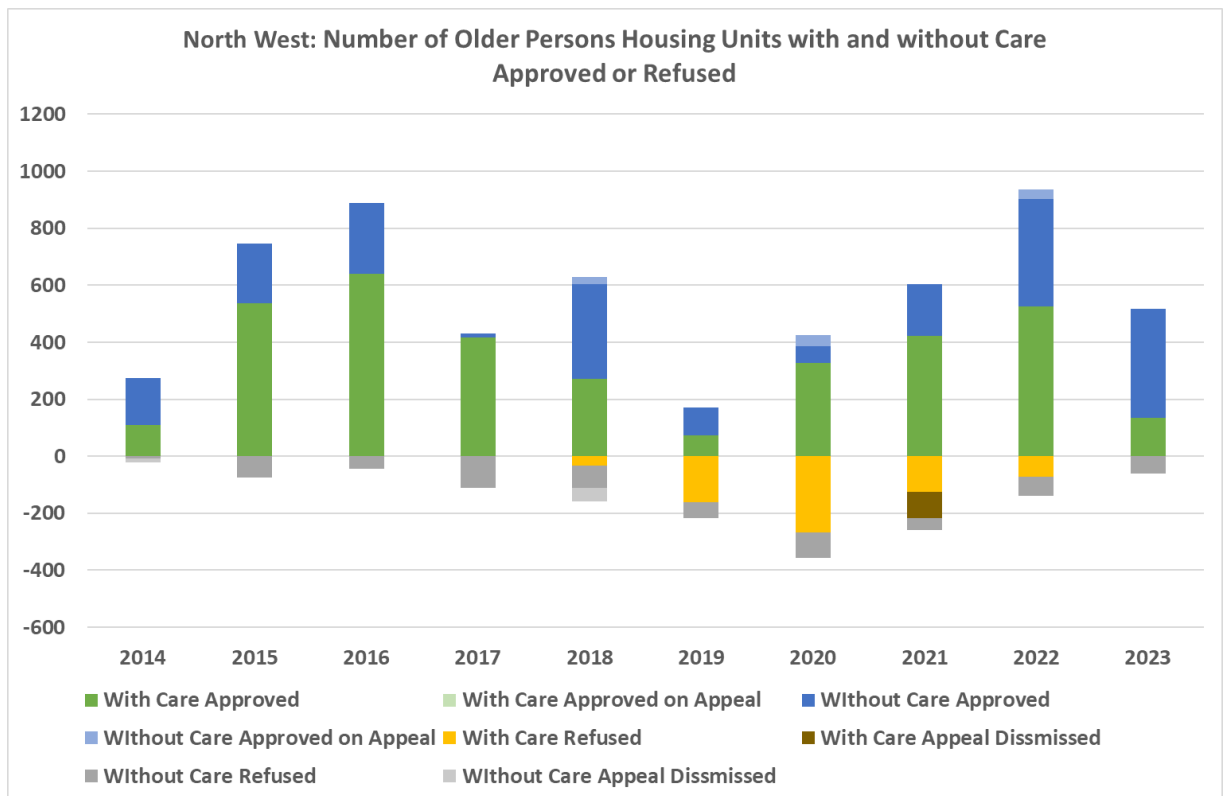
Source: SPRU/Landinsight/Mitchell and Knight Frank (2023)

# North West

14.26 Like most other regions, the North West had applications for a greater number of OPH units with care than without care. The region is ranked 4<sup>th</sup> in terms of total number of units applied for but is ranked 2<sup>nd</sup> in terms of both the population aged over 75 and the population aged over 75 with bad or very bad health. As such, a higher level of OPH units might have been expected to have been applied for than was evident from the data.

14.27 Unlike other regions, the North West has experienced an upturn in the number of OPH units being applied for and granted in the last few years, including an increase in units without care.

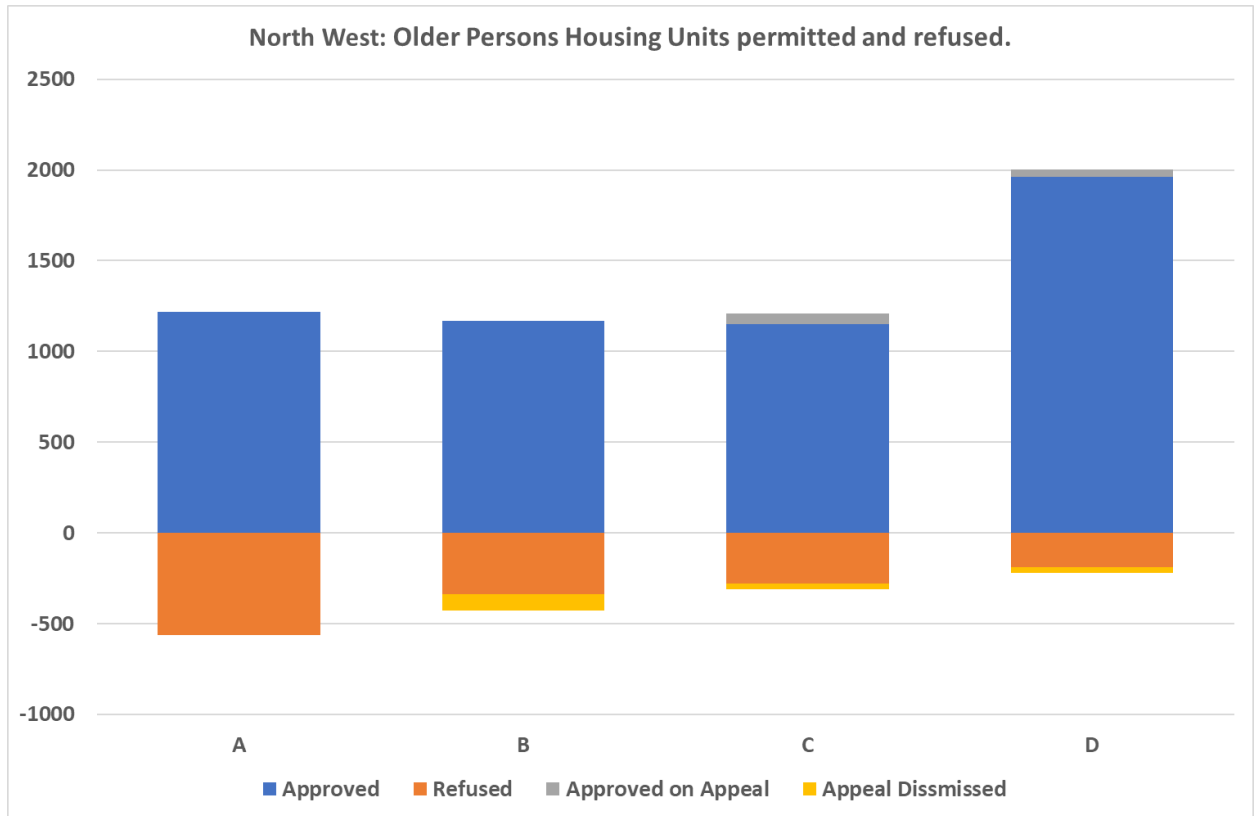
**Figure 14.15: North West Number of Older Persons Housing units with and without Care Approved or Refused**



Source: SPRU/Landinsight

14.28 Although the number of refused OPH units reached their peak in 2020 (mainly units with care), unlike other regions, the number of units refused have reduced since then. The highest rates of refusal are still in authorities with the most developed policies for OPH.

**Figure 14.16: North West: Older Persons Housing Permitted and Refused**



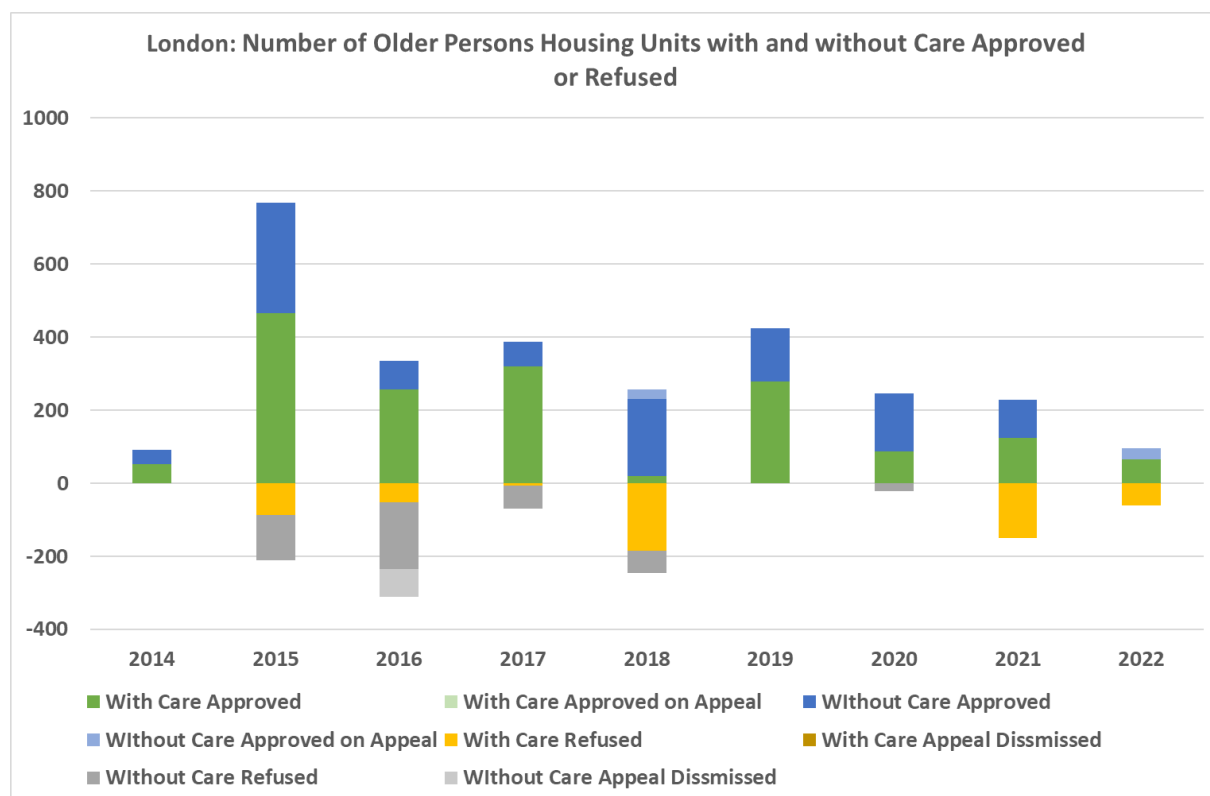
Source: SPRU/Landinsight/Mitchell and Knight Frank (2023)

## London

14.29 Fewer units were applied for in London than might be expected and this means it is ranked 8<sup>th</sup>, although it is ranked higher at 7<sup>th</sup> in terms of population aged over 75 and 5<sup>th</sup> in terms of population aged over 75 with bad or very bad health. A higher level of applications could have been expected but, as has been highlighted already and will be developed further in the case studies, OPH proposals can be disadvantaged in the competition for sites. One explanation is the transference of demand from London into the wider South East and the East of England, which might explain the higher level of units being applied for in the East of England compared to its population over 75 in age. Like most other regions, over half the number of OPH units applied for in London are OPH units with care.

14.30 Unlike the neighbouring regions (the South East and the East of England), which experienced large number of units being refused in the last two years, levels of refusal in London were higher earlier in the decade, particularly in 2015 and 2016.

**Figure 14.17: London: Number of Older Persons Housing units with and without Care Approved or Refused**



Source: SPRU/Landinsight

14.31 The pattern of the majority of units being granted in authorities with the least developed policies for OPH is continued in London, but again this is reflective of the low number of authorities with well-developed policies. There are no Category C authorities in London.

**Figure 14.18: London: Older Persons Housing Permitted and Refused**



Source: SPRU/Landinsight/Mitchell and Knight Frank (2023)

# 15 Case Studies

## The exploration of emerging themes from the research through case studies

- 15.1 The case studies detailed in Appendix 1 consist of a selection of applications and appeals across a range of local authorities, concentrating mainly on decisions made within the last five years. They have been selected to highlight some of the themes emerging from our research.
- 15.2 Some case studies highlight straightforward policy conflicts, such as Green Belt policy and countryside designations (i.e., outside the existing settlement boundaries), while others highlight some of the more subjective issues associated with the development of urban and Brownfield sites.
- 15.3 The research illustrates that Councils can and do on occasion grant planning permission for OPH in the Green Belt, accepting that at local level VSC can be demonstrated for such proposals. These case studies illustrate that often, OPH needs is just one of a suite of factors has been determined to represent the VSC necessary to allow a proposal for OPH in the Green Belt.
- 15.4 The case studies in Appendix 1 also highlight that there remain issues for OPH proposals within existing settlement limits, which while not representing conflict with national policy nevertheless result in refusals and delays in securing planning permission. These policies come in two basic forms; policies that specifically allocate land for other uses such as open space or employment and do not allow for alternative development, and policies that protect unallocated sites (often employment sites). At the very least, these policies require demonstration that the sites are no longer suitable for the identified use while other policies may also require alternative sites to be assessed. Given the critical need for OPH and the dearth of plans with suitable allocations, such comprehensive restrictions on potential sites should be reviewed.
- 15.5 The case studies also highlight the common issues that are found across many OPH developments, which away from the difficulties related to the major constraints, are often the design of the proposed development, the traffic arrangements for the proposed development, the effects on the local landscape, the local character, and the accessibility of amenity services. Except for highways, many of these issues are subjective but nevertheless these issues and the related policies feature in the decision-making process.
- 15.6 In addition, the case studies consider examples of how OPH can be delivered through mixed-use development, which are often but not always larger green field urban extensions.



- 15.7 The case studies also provide insight into the relevance and weight attributed to the local authority's housing land supply and the weight given to the supply of older persons housing in this context. In some circumstances it is shown that even when there is no five-year land supply and a demonstrable need for OPH, nevertheless, landscape and design concerns can still result in applications being refused and dismissed at appeal.
- 15.8 The case studies also highlight that decision makers are applying differing weight to the various benefits of OPH, with some separating out and considering each of the benefits in turn, while others simply deal with the benefit of meeting need.
- 15.9 Each selected case study has a different context to highlight the varied nature of OPH appeals and applications, while also providing the chance to look for overlapping issues.

## Introduction to Case Studies

- 15.10 The case studies in Appendix 1 have been selected to illustrate the different challenges faced by OPH in different policy regimes, and to also highlight common themes. In summary, the case studies detailed in Appendix 1 have been selected to illustrate the following:
- 15.11 The Case Studies consider the different policy challenges facing OPH Including: Green Belt, AONB, Countryside, Affordable housing, Employment, Flood Zones and Conservation Areas.
- 15.12 The Studies have also been chosen to reflect the different locations from urban areas, the edge of settlement to open countryside. They have also been selected to include a range of sites on the brownfield register, other previously developed sites, and undeveloped greenfield sites.
- 15.13 Finally, the case studies have also been chosen to illustrate other development management issues that arise with OPH including five year land supply, assessment of need for specialist OPH, highways, design (including scale and massing), character of area, access to facilities, impact on services and the importance of legal (106) agreements.

# 16 Conclusions

- 16.1 This research has found that applications for OPH have been decreasing since a peak in 2015.
- 16.2 While the number of OPH applications has decreased, the total number of OPH units has not decreased by as much, because applications are being made for schemes with a greater number of OPH units.
- 16.3 Over the last decade, a greater number of OPH units with care have been applied for and approved than for OPH without care.
- 16.4 The number of OPH units refused has been increasing since 2018, with OPH units with care making up the larger proportion of refused units. The peak of refusals was 2021 when almost 2,500 OPH units were refused in a single year.
- 16.5 The research has concluded that applications for OPH are more likely to be refused than applications for general housing. For major schemes (over 10 dwellings), some 81% of applications for general housing are approved. This compares to 72% for OPH schemes of 10 units and over.
- 16.6 Decisions for OPH are determined more quickly than for general housing. However, for scheme of 10 units or more, the average time between submission and determination is still 299 days. This compares to housing schemes of similar sizes taking between 511 and 757 days (for 50 to 99 dwellings and 100 to 499 dwellings) from submission to determination.
- 16.7 Many OPH applications are within the existing settlement boundaries and a number are on sites which are identified by Councils as being previously developed (on the Brownfield Land Register). Even in these locations the level of refusal is higher than might be expected.
- 16.8 In respect of national constraints, it is Green Belt policy that is most regularly engaged when determining OPH applications. However, there have been just 166 applications for OPH in the Green Belt out of a total 2,137 applications, so at present it cannot be concluded that there is a major conflict. Notwithstanding this, it is noted that the number of OPH applications in the Green Belt has increased in recent years, as has the percentage of those Green Belt sites that are being refused.
- 16.9 Looking beyond national policy, the comparison of the number of OPH application decisions and units granted or refused under different policy regimes has highlighted that approval rates are higher in authorities with poorly defined policies for OPH. Closer analysis suggests that the number of OPH units approved per 1,000 population aged over 75 is actually higher in authorities with better defined policies for OPH. However, this analysis still suggested that this rate fell for authorities which had both clear

policies detailing the required number of OPH units and made specific site allocations. This suggests that such, well drafted, policies provide a policy background to refuse speculative applications for OPH even though there might still be an ongoing unmet need. This is because in such scenarios the development plan would take precedence.

- 16.10 The size of OPH scheme applied for differs between those with and those without care, and the average size of both has also increased over time. For OPH schemes without care the average size of scheme has increased from 20 to 33 units, while for OPH schemes with care it has increased from 50 to 75. Larger schemes will require larger sites which are less numerous and can be more problematic when trying to design a scheme to fit into an existing urban environment.
- 16.11 As has been noted, the rate of refusals has increased in recent years, as has the rate of appeals both being made and being upheld (i.e., planning permission being granted on appeal).
- 16.12 There have been more appeals for OPH without care but as these schemes are smaller on average this represents a smaller number of OPH units at appeal. Conversely the larger scale of refused applications for OPH with care means that the larger number units appealed are OPH with care.
- 16.13 The success rate of OPH at appeal has been increasing, although the relatively small number of appeals means that any trend is required to be treated with caution. It is also of note that schemes without care might be more successful at appeal but that could be because more of the OPH with care schemes are on Green Belt sites.
- 16.14 In respect of Green Belt sites, while some OPH schemes have been found to meet the VSC required to justify inappropriate development in the Green Belt, such successes have not been a simple balance of unmet need for OPH balanced against harm to the Green Belt and there have always been other factors weighing in favour of the schemes.
- 16.15 The numbers of units that are being refused on Green Belt sites is indicative of an unmet need for OPH. For local authorities with tight Green Belt boundaries the choice may be a stark one, either making specific allocations for OPH (potentially including Green Belt release) or simply not addressing this need.
- 16.16 It is clear from the appeal decisions that meeting OPH can be part of VSC to justify granting planning permission in the Green Belt and this suggests meeting OPH need could also be considered to meet the slightly lower test of "Exceptional Circumstances" required for Green Belt release through the local plan process.
- 16.17 In considering the number of OPH units delivered through the planning system, there is always a delay between completion and permissions, however, the general trend is that market OPH is the largest contributor of new units, which is unsurprising given this is the prominent tenure for persons over 75 years of age.

- 16.18 The highest concentration of units being applied for is in the South East and this is also the region with the highest number units subject to appeals. Like many regions, the number of applications for OPH units with care in the South East exceed those without care. The second highest number of units being applied for was in the East of England, which only ranked 4th in terms of population over 75 and 6th in terms of those aged over 75 with bad or very bad health, so there are clearly other factors influencing the promoters and operators of OPH which might include proximity to the South East and London. Notwithstanding this, there is a strong correlation between the number of OPH units being applied for in each region and the population in that region aged over 75.
- 16.19 In conclusion, it is clear that it is more difficult to secure planning permission for OPH than for general housing. In part, this may be simply due to the fact that, unlike general housing, there is no requirement for Local Plans to make specific allocations for OPH, leaving such proposals to compete for sites with housing proposals on residential allocations and against other uses on unallocated sites. This means that often proposals for OPH will be either in locations where the policy is neutral to the provision of OPH or actually a barrier to it, either because the policy reserves the site for a different use (such as retained employment land) or requires it to remain undeveloped (Such as Open Space, Countryside or Green Belt).
- 16.20 A further difficulty in securing planning permission for OPH highlighted in the case studies is the issue around the more subjective policies regarding design and the impact on the character of an area. This can be particularly problematic for urban and suburban sites where the general approach requiring developments not to impact negatively on the character of an area can be difficult to negotiate if the area is generally of residential scale and in such cases where the schemes have either higher densities (due to smaller units) or increased height or massing (because it contains apartments).
- 16.21 The requirement to deliver affordable housing is a further issue in securing a viable consent and at present is dependent on the nature of the local plan policy and the scheme itself. This creates additional uncertainty and cost, and further clarification would certainly be of assistance and could reduce the need for viability testing of many schemes.
- 16.22 These conclusions highlight the following issues that have been identified in terms of the outcomes of the planning system for OPH that require further consideration:
- The lack of specific allocations in most Local Plans for OPH;
  - Potential underestimation of need when considering scale of allocations for OPH;
  - Lack of knowledge/understanding of types of OPH (despite definitions in PPG). This includes misconceptions of impact of developments on local care providers and the NHS;

- Negative policy environment for OPH on non-allocated sites;
- Uncertainty over the application of affordable housing policies;
- Local Character and Design policies being too restrictive and do not recognise the different form that is required to deliver some types of OPH;
- The weight that is attributed to the range of benefits delivered by OPH by decision makers appears to be inconsistent, with some decision makers only attributing weight to the fact that proposed provision is addressing an identified need while other decision makers also place significant weight on the wider benefits of the proposal.

## Recommendations for further research

16.23 This research was undertaken within a short period of time which limited the extent of the data collection and analysis, and it is considered there are additional areas of research that could be undertaken to investigate in more detail the outputs of the planning system for OPH proposals. This includes the following:

- Qualitative Research: interviews with Planning Officers, Members, operators and promoters as well as consultants on the outputs of this research. This will add further detail to the issues identified and the emerging trends;
- Consider the impact of Community Infrastructure Levy (CIL) and the relevance of Class C2 and Class C3 in this respect, and the impact on viability;
- Consider in more detail refusals in locations with detailed plan policies and allocations;
- As there is a growing number of OPH schemes proposed on larger urban extensions, it is considered appropriate to look at the actual, or likely, phasing of the delivery of these schemes given the critical need for OPH.

# Appendix 1: Case Studies

## Case Study 1: Greenfield, Outside Settlement Boundary, Appeal Approved, South East

### Title/Description

Hybrid planning application for the development of a continuing care retirement community care village of up to 133 units with ancillary communal and care facilities and green space consisting of (i) A full planning application for 73 assisted living units within a "village core" building with ancillary communal and care facilities, gardens, green space, landscaping and car parking areas and residential blocks B1-B4; and (ii) An outline application (all matters reserved except access) for up to 60 assisted living units with ancillary community space, gardens, green space and landscaping and car parking areas. (As per Amended Plans and Additional Information Received 27 May 2020).

**Start Date:** 12/12/2019

**End Date:** 25/06/2021

**Time Taken:** 80 Weeks

**Tenure:** Market Extra Care

**Decision Type:** Appeal Allowed

**Land Characteristics:** Greenfield

**Location:** Outside of Settlement

**Development Size:** Over 10 Units

**Constraint:** AONB

### Basket of Policies

**Neighbourhood Plan 2016**

Protecting the AONB

**Local Plan 2011**

The Landscape Setting of Settlements

Good Design and Local Distinctiveness

Housing in the Larger Villages

Transport Requirements for New Developments

**Core Strategy 2012**

Infrastructure Provision

Affordable Housing

## **Important Issues**

<b>AONB</b>	Exceptional Circumstances for Major Development in AONB
	Harm to the Landscape Character of the AONB
<b>Conservation &amp; Development</b>	Location and scale would be prominent and intrusion into Valued Rural Setting Accordance with Housing Distribution Strategy
	Suitable Access to Facilities and Services
<b>Design</b>	Scale, massing and layout.
	Access to Private Amenity Space & Public Green Space
	Overdominance of Car Parking
	Limited Tree Planting
<b>Transport</b>	Impact on Highway Network
<b>S106 Agreement</b>	Absence of Agreement – Secure Infrastructure & Affordable Housing

## **Long-Standing Issues**

<b>Affordable Housing</b>	Off-Site Contribution
<b>AONB</b>	Establishment of Exceptional Circumstances

## **Decision**

This was an application and appeal for an older person's housing, market, extra-care facility. It was a lengthy application that eventually went to appeal, following the officer's recommendation that exceptional circumstances for development inside the Area of Outstanding Natural Beauty where the site is located had not been established. There were 7 reasons for refusal reflecting the above issues.

Important issues through the application and appeal life cycle were the highways impact of the scheme, contributions for affordable housing and further infrastructure, and elements of the design.

In terms of design the issues of scale, massing and layout of the scheme was highlighted as not integrating with the village resulting in an alleged dominant and intrusive form of development having a significant urbanising effect on the settlement edge.

The appeal inspector specifically considered the 2 ½ storey elements of the scheme but considered the context also included 2 ½ and 3 storey buildings. The inspector accepted that the scheme was largely domestic in form and with detailing consistent with residential houses in the area.

Although a lack of affordable housing was originally a reason for refusal, this was resolved prior to the inquiry and the inspector reports that the proposal will deliver affordable housing via a contribution in lieu of on-site provision of some £7,510,350 to be paid by the owners.

In this context, the inspector in the planning balance states:

“In my view extra care housing cannot compete with housebuilders or even other forms of specialist housing for older people because of the build cost, the level of communal facilities and additional sale costs including vacant property costs.”

The land supply position was also raised, and found to be below the five-year threshold, meaning that the most important policies across the district were considered out of date. With the additional consideration of this tilted balance, no reason was found for the appeal not to be allowed and for the older housing development in the AONB to be approved.

In respect of the weight given to the elements of the proposal the inspector states weight was given to:

- The need case for extra care OPH.
- The provision of access to landscaped spaces and private woodland.
- Significant weight to the provision of extra care accommodation in `freeing up` existing family and other housing by allowing them to `right size` by moving to more appropriate accommodation.
- The health and well-being benefits of the appeal proposal was also be recognised and given significant weight.
- Significant weight was also given to the social and economic benefits including:
  - contributing to the overall supply of housing which is under five-years;
  - savings in public expenditure (NHS and adult care);
  - creating new employment and other economic investment (construction and operation);



- providing new facilities and services

The appeal was allowed with the inspector finding that the above combined to represent exceptional circumstances and that the localised landscape and visual impacts were relatively limited and as such the material harm to the AONB was similarly low.

# Case Study 2: Green Belt, Brownfield, Outside Settlement Boundary, Application Approved, East of England

## Title/Description

Construction of an integrated Care Village of up to 200 residential units (Class C2), including affordable housing units, with ancillary community and service space, garden and leisure areas, car parking areas and circulation space, principal and internal access ways and ancillary landscaping.

**Start Date:** 10/12/2018

**End Date:** 22/01/2020

**Time Taken:** 58 Weeks

**Tenure:** Market Extra Care

**Decision Type:** Application Approved

**Land Characteristics:** Brownfield

**Location:** Outside of settlement

**Development Size:** Over 10 units

**Constraints:** AONB, Green Belt

## Basket of Policies

**Local Plan Review 2004**

Keynote Policy

Design Considerations

Affordable Housing

Parking – New Development

**Neighbourhood Plan 2016 - 2031**

Provision of Housing to Address the Needs of Older People

Provision of New Cyclepaths

Provision of Medical Facilities

Heritage Greenway

## **Important Issues**

### **Officers Report**

Recommended for Refusal

Harm to Area of Outstanding Natural Beauty & Green Belt

Reliance on Car Journeys

### **July 2019 Committee Minutes**

Neighbourhood Plan Supported New Elderly Person's Accommodation

Council's Elderly Housing Aspirations

30-40% Previously Developed Land

Contribution to Council for further Elderly Person's Accommodation

## **Long-Standing Issues**

### **AONB & Green Belt**

Establishment of Exceptional Circumstances

## **Decision**

This is an interesting case as it was recommended by the planning officers for refusal but members at committee overturned the officer's recommendation and approved this scheme for a market extra- care facility.

The planning officer recommended the application be refused on a number of grounds including:

- The development would cause significant material harm to the Area of Outstanding Natural Beauty
- The development would cause material harm to the Green Belt.
- The location, scale, design and layout of the development would cause harm to the landscape character within which the site is located and to the character and appearance of the site and of the area.
- The site was isolated.

Affordable Housing emerged as an issue, but solution was to provide 12 affordable housing (general rather than OPH) as opposed to the 60 units required by policy.

A further 19 units were proposed on a separate "exemption site" outside of settlement boundary on land in same ownership. This was also recommended for refusal by officers but approved by members on the grounds that there was a need for such accommodation (Development Management Committee).

In addition, the Section 106 included a sum of £500,000 to be paid to the authority to provide further elderly persons accommodation in the local area.

Other important issues raised through the application process was the reliance on car journeys from the site to nearby facilities, other highways matters including parking provision, and effective provision of medical services.

At committee, members deliberated the reasoning behind the officer's report and concluded that the need for elderly housing (some 9,150 units by 2035 according to the Council's own aspirations), the use of previously developed land, a supportive neighbourhood plan position and additional contribution being made for even further elderly person's housing provision by the applicant meant that exceptional circumstances had been established, and the application could be approved without delay.

# Case Study 3: Brownfield, Outside Settlement Boundary, Application Approved, South West

## Title/Description

Erection of 130 residential dwellings, 39 units of age-restricted sheltered accommodation (C3), and 612 m2 of flexible commercial/community space (A1, A2, A3, A4, B1, D1 (Museum only) use classes), new road , new vehicular access (to serve sheltered accommodation only), new private and semi-private gardens, public open space, hard and soft landscaping, surface vehicular parking and residential garages, following the demolition of buildings including a police station and magistrates court and a pub.

**Start Date:** 27/11/2018

**End Date:** 04/11/2021

**Time Taken:** 153 Weeks

**Tenure:** Market Sheltered

**Decision Type:** Application Approved

**Land Characteristics:** Brownfield

**Location:** Outside of Settlement

**Development Size:** Over 10 Units

**Constraint:** N/A

## Basket of Policies

### **Core Strategy 2014**

Town Centre Vision (Town Centre Strategic Site)

The Size and Type of New Dwellings

Safeguarding Biodiversity and Geodiversity

Housing & Accommodation Proposals for Vulnerable People

Transport and Development

### **Local Plan 2002 Saved Policies**

Infill Development

Loss of Town Centre Parking

## Important Issues

### **Policy LN1 Fulfilment**

Size of Residential Homes

Attached Private Open Space

<b>Town Centre Vision</b>	Allocated Site
	Achievement of Vision
<b>Parking &amp; Transport</b>	Additional Bus Stop & Pedestrian Crossing
	Additional Car Parking & Cycle Lane
<b>Biodiversity</b>	Revisions to Biodiversity and Enhancement Management Plan
	Enlargement of Ecological Corridor
<b><u>Long-Standing Issues</u></b>	
<b>Policy LN1 Fulfilment</b>	Reviewed & Decided in Officer's Report
<b>Town Centre Vision</b>	Achievement & Delivery

### **Decision**

This was an application for a mixed-use strategic allocation. The site was formerly a police station that was allocated to deliver residential and sheltered older persons housing as part of the Local Plan Part 1: Core Strategy. It was a lengthy application that took almost three years before eventual approval with officer recommendation at committee.

As a strategic allocation, the development was expected to deliver improvement and benefit at the scale and specifications as agreed and set out within the strategic vision of the Local Plan. Successful assessment of this application against the provisions of this policy is the primary reason it took multiple years of discussion and amendments before the scheme was approved at committee.

The most important issues focused on the size of homes on site, the transportation and highways arrangements that the development would deliver, and the biodiversity enhancement and mitigation plans for maintaining and improving local ecology.

The provision of the older persons accommodation did not appear to be at the centre of the deliberations. Local Plan Policy (Housing & Accommodation Proposals for Vulnerable People) stated that to achieve sustainable and inclusive communities, larger scale development should make provision for older and vulnerable people. The proposed units were considered to fulfil this policy even though the age restricted units provided no element of affordable housing.

Affordable housing was provided separate to the age restricted provision.

The issue around the size of some of the homes to be delivered was only finally considered acceptable as part of the officer's report submitted ahead of the committee meeting.

# Case Study 4: Within Settlement Boundary, Application Approved North East

## Title/Description

Demolition of existing canteen and food technology block, erection of a 58-unit extra care facility (Use Class C2) with associated car park and landscaping including removal of trees.

**Start Date:** 31/08/2017 & 03/04/2019

**End Date:** 10/07/2018 & 07/08/2019

**Time Taken:** 44 Weeks & 18 Weeks

**Tenure:** Market Extra Care

**Decision Type:** Application Approved

**Land Characteristics:** Brownfield

**Location:** Within Settlement

**Development Size:** Over 10 Units

**Constraint:** N/A

## Basket of Policies

**Unitary Development Plan 2020:**

Development Within Conservation Areas

Development Affecting the Setting of Listed Buildings

Measures to Protect the Archaeological Heritage

Tree Preservation Orders and Replacement of Trees

Proposals for Unallocated Development to be Compatible with the Neighbourhood

Development on Unstable or Contaminated Land or Land at Risk from Landfill/Mine Gas

Accessibility of New Developments, Need to Avoid Congestion and Safety Problems Arising

## Important Issues

**Archaeological Heritage**

Identified Area of Potential Archaeological Interest



## **Heritage & Conservation**

Impact on the Setting

Mitigation through Traditionally Influenced Design

## **Tree Removal**

Commensurate Measure of Mitigation

## **Long-Standing Issues**

### **Heritage & Conservation**

Impact on a Listed II Building

Design & Architectural Solutions Achieved

## **Decision**

This application was for the demolition and then replacement of a canteen and food technology block with an extra-care facility in the city. An application was previously approved for a similar scheme, which was approved at an extraordinary meeting of Development Control Sub-Committee.

The first application was considered twice by the planning committee and was called into question for its choice of design and impact on a listed building, a prominent grade II listed building that represents a key piece of the skyline. The original March 2018 Committee Report explains that the original application timeline was predominantly dominated with issues surrounding the preservation of the setting of the listed building, and the design decisions regarding both the location of the building and the detailed design (including fenestration).

This original report (March 2018) states that:

“The overall scale and massing of the care home has always raised concerns that the development could have an overbearing impact on the setting of the two listed buildings and conservation area”.

The reference to this extra care apartment scheme as a Care Home in the officer’s report illustrates the confusion of Council officers when dealing with these schemes.

The other issues of significance surrounded the site’s archaeological interest (as a prehistoric burial site was previously found in the vicinity of the listed building) and the removal of trees meaning that mitigating compensation was a point of note.

# Case Study 5: Greenfield, Outside Settlement Boundary, Appeal Refused, South East

## Title/Description

Outline application for a change of use to provide a retirement community park development with 40 mobile homes and associated tennis courts and facilities with all matters reserved.

**Start Date:** 29/08/2019 & 06/07/2021

**End Date:** 27/01/2021 & 16/05/2022

**Time Taken:** 73 Weeks & 44 Weeks

**Tenure:** Mobile Home

**Decision Type:** Appeal Dismissed

**Land Characteristics:** Greenfield

**Location:** Outside of Settlement

**Development Size:** Over 10 Units

**Constraint:** N/A

## Basket of Policies

**Policy District Planning Framework 2015**

Strategic Policy: Sustainable Development

Strategic Policy: Strategic Development

Retirement Housing and Specialist Care

Park Homes and Residential Caravan Sites

Development Principles

Sustainable Transport

Green Infrastructure and Biodiversity

Strategic Policy: Flooding

## Important Issues

**Housing Land Supply**

No Five-Year Supply (Second Application & Appeal)

**Further Information Requested**

Insufficient Information on Several Areas of Assessment

## **Suitability for Retired/Elderly Housing**

Proximity from Local Facilities, Services & Wider Public Transport Route

## **Long-Standing Issues**

### **Suitability & Benefits**

Dismissed with Council under the Presumption in Favour of Sustainable Development

## **Decision**

This site was subject to two separate outline applications for a mobile home development. Both applications were appealed against refusal, and both appeals were dismissed.

Both applications were submitted without all the information necessary for the application to be approved. Several statutory consultees submitted requests for further information that were not addressed, and after the application was refused, an appeal was lodged with the Planning Inspectorate.

The second appeal decision highlights a common theme with this type of provision for OPH, namely the location in the countryside. In this case the application site was some 500m from a settlement itself with only limited services and 1.3km from a larger settlement. Despite a proposed shop and club room on site, the inspector concluded on this main issue that the proposed development would not be in an appropriate location in the countryside, having had regard to access to local services and facilities.

While the inspector accepted the need for OPH and affordable homes no weight was placed on the proposal providing either, as the inspector rejected that this could be secured by condition suggesting both should be secured by legal agreement.

In terms of impact on countryside the inspector found that the impact of the proposed Park Homes would be incongruous and urbanising.

While the Council confirmed that they could not demonstrate a five-year housing land supply position the tilted balance was engaged as the inspector found that potential harm to habitats and lack of information regarding flood mitigation (it was Flood Zone 1) provided a clear reason for refusing the application.

# Case Study 6: Green Belt, Brownfield, Outside Settlement Boundary, Appeal Refused, Yorkshire and the Humber

Green Belt, Brownfield, Outside Settlement Boundary, Appeal Refused

Title/Description Erection of extra care accommodation including 72 apartments and decked car park with associated private amenity space, landscaping, substation and vehicular access alterations

**Start Date:** 21/12/2020 & 14/03/2022 & 24/03/2023

**End Date:** 11/01/2023 & 10/02/2023 & Appeal Pending

**Time Taken:** 107 Weeks & 47 Weeks & Pending (44 weeks to date)

**Tenure:** Market Extra Care

**Decision Type:** Appeal Dismissed, Application Refused & Appeal Pending

**Land Characteristics:** Brownfield

**Location:** Outside of Settlement

**Development Size:** Over 10 Units

**Constraint:** Greenbelt

## Basket of Policies

**Policy Local Plan 2018**

Extension Sites (Allocation)

Placemaking

Development in Green Belt

Sustainable Design and Construction of New Development

Sustainable Access

Landscape and Setting

**Policy H9 Local Plan 2018**

Older Persons Specialist Housing

## Important Issues

**Housing Land Supply**

No Five-Year Supply (All Applications)

**Form & Character**

Design and Location of Development

Lack of Active Street Frontage

**Point of Access**

Pedestrian Access Available Only by Bridge

**Long-Standing Issues**

**Single Reason for Refusal (All Three Applications):** The development fails to provide for a single point of access into the development integrating pedestrian with vehicular traffic giving on to the principal business areas including reception and the manager's office. This fails to provide for an active street frontage to and once again leaves the development appearing isolated and inward looking, a visual impression heightened by the pedestrian access being by a bridge across an alien moat like feature creating a physical boundary with the street frontage. As a consequence, it appears highly visually contrived and fails to properly reflect its wider context, creating an adverse relationship to the surrounding pattern of development which would give rise to substantial harm to the form and character of the wider street scene contrary to paragraphs 130c) and 134 of the NPPF and Policy D1 of the 2018 Publication Draft Local Plan.

**Decision**

There were three individual applications for an extra care development on this allocated site in the Local Plan which at the time was at examination. The Green Belt in this location had not been defined in detail so there was an issue as to whether Very Special Circumstances were required to be demonstrated.

The Local Plan has been at examination since 2018 and proposes to partially remove this allocation from the Green Belt. None of the applications have been refused on the Green Belt grounds.

All three applications were refused and while one was dismissed at appeal the latest appeal was granted. on the grounds that the design and layout of the development does not integrate well into the surrounding area, significant harm is caused by the failure to provide an active street frontage, and that all three versions of the development were deemed to negatively impact local character.

All these decisions were made while the City has been unable to demonstrate a five-year land supply.

It is of note that even prior to the last appeal there was still an ongoing dispute about the use class of the proposal and whether or not affordable housing contributions would be required. This was resolved prior to the Inquiry where the Council accepted that the use fell within Class C2, and this resolved issues around affordable housing and viability.

The appeal inspector found that there was insufficient evidence to support the claimed contribution for health services from the Care Commissioning Group.

All three decisions clearly outlined issues with street frontage and pedestrian accessibility from the Council's perspective, and despite the sites' allocation and removal from the Green Belt, none of the applications have activated the tilted balance, even when the City continues to be unable to demonstrate a five-year land supply.

In the first appeal decision the inspector found that the proposed building would appear as an alien feature which would not respond well to, and would appear wholly out of character with, the area, causing significant harm in the process.

In reaching this decision the inspector attributed the following weight to the benefits and disbenefits of the proposal:

- Benefits associated with OPH was given significant weight.
- The use of previously developed land both individually carry significant weight.
- Lack of five-year land supply and the release of family houses were not given any additional weight beyond the above.
- Very modest weight was given to the jobs created on the basis that the proposal addressed an existing housing need for older people in the city which should be met.

Against these findings the first inspector found that the harm that would arise to the character and appearance of the area would be very significant.

In the second appeal the inspector again found insufficient evidence to justify a Health Care contribution.

In granting permission the second appeal inspector noted that the design revisions made to the scheme provided an active frontage in terms of both appearance and function and subsequently, considered that concerns raised by the previous Inspector with regard to that matter had been addressed. The inspector attributed the following weight to the benefits of the proposal:

- Provision of OPH was given substantial weight.
- Lack of five-year land supply and the Housing Delivery Test results engaged the presumption in paragraph 11 d) of the NPPF.

# Case Study 7: Greenfield, Outside Settlement, under 10 Homes, Appeal Refused, South East

## Title/Description

Erection of 6 one storey age restricted dwellings (55 years) for older people with access, landscaping and associated infrastructure

**Start Date:** 23/12/2021

**End Date:** 09/03/2023

**Time Taken:** 63 Weeks

**Tenure:** Market Age-Restricted

**Decision Type:** Appeal Dismissed (application refused against officer recommendation)

**Land Characteristics:** Greenfield

**Location:** Outside of Settlement

**Development Size:** Under 10 Units

**Constraint:** N/A

## Basket of Policies

**Local Plan Part 1 2015**

Presumption in Favour of Sustainable Development

Improved Transport and Connections

District Wide Housing Distribution

Local Landscape Protection and Enhancement

The Character of the Built and Historic Environment

**Saved Local Plan 1996**

New Dwellings in the Countryside

Layout, Design and External Appearance of New Development

## Important Issues

**Housing Land Supply**

No Five-Year Supply

**Officer Recommendation**

Grant Permission

**Reliance on Private Vehicle**

Limited Services, Public Transport Links and Employment Opportunities

**Landscape Impact**

Projection Into Open Countryside

Impact of Single Storey Dwellings on Character & Appearance

**Long-Standing Issues****Significant & Demonstrable Harm**

Harm to Local Character & Appearance  
Inappropriate Scale, Layout & Design

**Decision**

This was an application for six age-restricted bungalows in a rural village. The location plan used as the front page of the officer report makes the development appear to be detached from the settlement edge, however the land directly south of this proposal had received outline approval for 25 homes at the time of this application, with a reserved matters application pending.

Considering the basket of relevant policies, and the authority's land supply situation at the time, it was the officer's recommendation that this proposal should be approved at committee. Members however, decided that the proposal represented harmful development into the open countryside with limited benefit, and so it was refused.

The applicant chose to appeal the decision and the inspector subsequently dismissed the appeal on the grounds that the harm to local landscape and character that committee members determined was sufficient cause to refuse this application, despite the planning officer's recommendation.

The council, for the duration of this application, was unable to demonstrate a five-year supply of deliverable housing, and so all consideration of this proposal acknowledged that the titled balance in favour of sustainable development was activated.

The inspector considered the accessibility to services but found the proposal lacking in that regard.

Issues around limited local services and public transportation links were noted during the decision-making phase of this application, however the final reasons for refusal and dismissal at appeal focused on the landscape impact and harm of the development to the area's character and appearance.

In reaching their decision, the inspector placed weight on the following:



- Despite an acute need for housing, because of a deteriorating 5YHLS position and the need for OPH, the inspector described the benefits as being modest.
- The proposal would fall considerably short of the requirement of paragraph 126 of the Framework which supports the creation of high quality, beautiful and sustainable buildings.

# Case Study 8: Green Belt, Greenfield, Outside Settlement Boundary, Strategic Urban Extension, Application Approved, East of England

## Title/Description

Hybrid planning application: (i) Planning permission for construction of the spine road, site accesses, drainage infrastructure and ancillary works and (ii) Outline planning for the erection of up to 618 homes, primary and pre-school, up to 1 80 bed care home and up to 50 assisted living homes (C2 use), neighbourhood hub comprising shops (up to 658 sqm of A1-A5 uses), community facilities (up to 400 sqm of D1 use), Travelling Showpeople site, public open space, landscaping, drainage infrastructure, all associated and ancillary development.

**Start Date:** 22/01/2019

**End Date:** 18/12/2020

**Time Taken:** 99 Weeks

**Tenure:** Care Home & Assisted Living

**Decision Type:** Application Granted

**Land Characteristics:** Greenfield

**Location:** Outside of Settlement

**Development Size:** Over 10 Units

**Constraint:** Green Belt

## Basket of Policies

**Policy Local Plan 2018**

Housing Supply

Land East of Settlement

Green Belt

Gypsies and Travellers and Travelling Showpeople

Sustainable Transport

Masterplanning

Landscape Character

Infrastructure and Service Delivery

## Important Issues

<b>Flood Risk Assessment</b>	Information on Micro-Drainage Calculations
<b>Foul Water Network Infrastructure</b>	Inability of Existing Network to Accommodate Development Needs  Installation of an Inhibitor to Control Flows from the Pumping Stations so that Only One Pumping Station is Operating Across the Site at a Time
<b>Transport Assessment Methodology</b>	Engagement with HCC Highway Authority Amendments to the Scheme
<b>Infrastructure and Site Delivery</b>	Construction Phase for Key Services
<b><u>Long-Standing Issues</u></b>	
<b>Transportation and Highways Arrangements:</b>	Extensive Engagement with HCC Highway Authority  Discussion Through Pre-Application Stage  Further Amendments During Outline Application
<b>Foul Water Consultation</b>	Discussion of Network Infrastructure Issue & Inhibitor Installation Agreement

**Decision**

This approval of an outline application was for a mixed-use urban extension. The area was released from the Green Belt and allocated in the 2018 District Local Plan. The application was preceded by extensive conversation between the developer and the local authority to streamline planning proceedings.

While several key issues meant that the outline application was submitted in early 2019 and only approved in late 2020, the officer's report references much of the pre-application work as being significant in avoiding several complex planning issues.

Infrastructure delivery and the construction phases for the urban extension were both important considerations throughout the lifespan of the application and implementing appropriate conditions that either must be met or discharged was an important planning decision for governing the later phase of reserved matters application prior to on-site commencement.

Transportation and highways matters were noted as a planning concern both prior to the application and during the outline consultation phase. Flooding information, alongside understanding the impact on the foul water network, also became planning issues than some other considerations for the strategic development.

The small element of assisting living was not a major consideration for progressing the application. However, the complexity of delivering a mixed-use SUE explains the length of time needed to achieve a positive outcome.

# Case Study 9: Brownfield, Within Settlement Boundary, under 10 Homes, Application Approved, East of England

## Title/Description

Demolition of existing dwelling and garage and erection of retirement living development comprised of six flats with associated parking and landscaping

**Start Date:** 05/09/2022 & 23/03/2023

**End Date:** 20/12/2022 & 26/05/2023

**Time Taken:** 15 Weeks & 9 Weeks

**Tenure:** Retirement Living Flats

**Decision Type:** Application Withdrawn & Application Granted

**Land Characteristics:** Brownfield

**Location:** Within Settlement

**Development Size:** Under 10 Units

**Constraint:** N/A

## Basket of Policies

**Policy Local Plan 2018**

Development Frameworks

Rural Centres

Development of Residential Gardens

Design Principles

Planning for Sustainable Travel

Protecting and Enhancing Landscape Character

Biodiversity

## Important Issues

**Highways Request**

Visibility Splays

**Neighbourhood Living Conditions**

Amenity Limitations

Harm to Occupiers

**Street scene**

Size of Apartments Relative to Nearby Homes

### **Long-Standing Issues**

**Transportation and Highways Arrangements:** Request for Information on Visibility Splays Followed by Application Withdrawal and Resubmission

### **Decision**

This was an approved proposal for six retirement living flats in a village. An initial application was submitted near the end of 2022 that was withdrawn before a second submission was made in early 2023 and approved shortly after.

Reviewing the consultation responses for the first application shows that the Local Highways Authority submitted a response that requested that the application should be refused because insufficient information had been prepared for the visibility splays, which is the information showing how visible and therefore how safe it would be entering and exiting the proposed development.

Several extensions of time were granted, however the application that received the response on visibility splays was removed before Christmas 2022. The follow-up application did not receive any objections from the Local Highways Authority or any other statutory consultees and was approved in short order the following year.

Other noted issues that were considered and checked as part of the planning officer's final report was the change to the neighbourhood if the retirement flats were approved. The effect on local services was also considered.

The height and massing of the development were considered, which while determined to be greater than that of surrounding development were considered acceptable as it would not appear excessive.

# Case Study 10: Greenfield, Within Settlement, Under 10 Homes, South West

## Title/Description

Erection of 3 terraced retirement bungalows.

**Start Date:** 05/02/2019

**End Date:** 15/04/2020

**Time Taken:** 62 Weeks

**Tenure:** Retirement Bungalows

**Decision Type:** Appeal Dismissed

**Land Characteristics:** Greenfield

**Location:** Within Settlement

**Development Size:** Under 10 Units

**Constraint:** N/A

## Basket of Policies

**Policy Local Plan 2015**

Presumption in Favour of Development

Distribution of Development

The Landscape and Townscape Setting

The Pattern of Streets and Spaces

The Design and Positioning of Buildings

Creating a Safe and Efficient Highway Network

## Important Issues

**Pattern of Development**

Juxtaposition with the Curve of the Road

Presence of an Easement Pipeline

**Bungalow Homes**

Home Style Contrasts Local Character

**Use of Space**

Awkward Undeveloped Area of Land

Ambiguity Around Private and Public Space

Loss of Green Space Detrimental to Local Area

**Upkeep**

Unclear Maintenance Plan for Grassed Land

**Long-Standing Issues**

**Limited Suite of Planning Documents**

Ambiguous or Poorly Designed Application Elements

**Housing Land Supply**

Presumption in Favour of Sustainable Development

**Decision**

This refusal and subsequent dismissal of a minor application relates to a site within the settlement which itself is situated on a small island off the south coast. The application was only for three bungalow homes at a time when the authority could not demonstrate a deliverable five-year supply. The application was however still refused, on the grounds that it did not represent sustainable development.

The major issues with this application were how the proposed bungalow development would fit and integrate into the local area. The application was refused mainly on the grounds of poor design and limited information.

In the appeal, the inspectorate found a lack of five-year land supply and applied the “tilted balance” but there was limited evidence on the need for OPH. In addition, the lack of a legal agreement to secure the retention of the dwellings for OPH further limited the weight given to the provision of OPH.

The planning inspector placed only modest weight on the provision of OPH development, because of its limited scale. This was considered to be outweighed by the negative impact of a development on the local character and appearance of the area.

The development, was refused on the loss of public amenity, without considerable benefit, and so despite the application taking just over a year to determine there was still little documented correspondence which in light of the above probably contributed to the refusal and dismissal at appeal.



# Case Study 11: Greenfield, Within Settlement, 10 Homes, South East

## Title/Description

Proposed construction of 10 Retirement 'Park Homes' with new vehicular access, parking, landscaping and footpath access

**Start Date:** 02/06/21

**End Date:** 16/09/2022

**Time Taken:** 67 Weeks

**Tenure:** Park Homes

**Decision Type:** Application Approved

**Land Characteristics:** Greenfield

**Location:** Within Settlement

**Development Size:** Under 10 Units

**Constraint:** N/A

## Basket of Policies

**Policy Core Strategy 2012**

Spatial Strategy

Design Quality for New Development

Landscape, Seascape, Biodiversity and Geodiversity

Sustainable Travel

Travel

Developer Contributions

## Important Issues

**Sustainable & Beautiful Design**

Submitted Design Revisions

Revised Reports

**Development Contributions**

Highways Contribution

Affordable Housing Contribution

Solent Mitigation

Assessment & Decision of Impact

**Ecology**

Bat & Badger Mitigation Works

**Long-Standing Issues**

**Mitigation Agreements**

Report Amendments

Assessment & Calculations of Contribution Figures

Planning Conditions for Pre-Commencement

**Housing Land Supply**

Presumption in Favour of Sustainable Development

**Decision**

This was an approval for a development of 10 park homes. The application was originally submitted for 12 Park Homes but was reduced to 10. The officer's report explains that the number and arrangement of the 12 units would have resulted in a cramped form of development within the site and that the layout of the site was not in keeping with the character of the area where dwellings generally benefit from more spaciouly sized plots.

The time taken to determine the application was primarily dominated by design revisions referred to above, assessments of the sustainability that is a consideration when the titled balance is applied, and the time taken to provide the applicant and agent with mitigation contribution figures.

Although a small site, under the policy requirement for Affordable Housing, off site contributions were sought as it was part of a larger site.

All required contributions for a positive recommendation were determined to be acceptable by the applicant. Additional conditions around necessary mitigation steps were outlined through planning conditions, and the park home development was approved just over a year after submission at planning committee.

# Case Study 12: Brownfield, Within Settlement, South East

## Title/Description

Demolition of existing building and redevelopment of the site to form 31 retirement apartments including communal facilities, retention of existing access, car parking and landscaping

**Start Date:** 28/11/2019

**End Date:** 14/05/2021

**Time Taken:** 76 Weeks

**Tenure:** Retirement Apartments

**Decision Type:** Non-determination appeal allowed

**Land Characteristics:** Brownfield

**Location:** Within Settlement

**Development Size:** Over 10 Units

**Constraint:**

## Basket of Policies

**Local Plan 1996 Saved Policies**

General Policy for Development

**Local Plan (Strategy and Sites) 2020**

Affordable Housing

Specialist and Supported Accommodation

Heaths Special Protection Area

Design

Infrastructure

**Policy Neighbourhood Plan 2019**

SPA Mitigation

## Important Issues

**Design**

Building Elevation

Active Frontage

**Local Character Impact**

Relation to Locally Listed Buildings

Visible Heritage Impact on Edwardian Character

## **Effect on SPA**

Within 5km SPA Buffer Zone

Natural England Objection

Preparation of Shadow Habitats  
Regulations Assessment

## **Contributions**

Off-Site Affordable Housing

Mitigation Measures

Reason for Refusal by Planning Committee

## **Long-Standing Issues**

### **S106 Agreement**

Calculation of Contributions

Correspondence with Statutory Consultants

Revision to Affordable Housing and Viability  
Statement

Final Agreement Made During Appeal  
Process

## **Design**

First Significant Issue Raised by Council  
During Appeal

Expert Witness Brought to Defend Poor  
Design Quality

Inspector Favoured the Appellant's  
Argument

## **Decision**

This appeal was against the non-determination appeal for a brownfield redevelopment of a police station.

The issue of the impact on the Special Protection Area required the applicant to demonstrate that the release mechanisms put in place to allow development existed in this case, even though Natural England, who had the initial objection against this development, had removed this objection before the start of the appeal.

The Council also took particular issue with the redevelopment's choice of design. They maintained that the application's impact on local character, heritage, and landscape would

have been severe. The Council however produced almost no evidence to back up this position at appeal. The witness called could not provide a meaningful example to back up the Council's case, and the inspector's report decidedly ruled again in the appellant's favour, due to a lack of supporting evidence.

In terms of Affordable Housing, off site contributions were negotiated via a revised viability assessment.

The inspector found the proposal to be in conformity with 6 of the plan's key policies regarding housing and the location of housing and gave this compliance very significant weight.

What is noticeable in this appeal is the extent to which the inspector decided to list the benefits on the planning balance. These were as follows:

- much needed housing for older people. The Council suggested that the weight to this benefit should be tempered because the residents of the scheme would not be restricted to being aged 85 or over. However, given the needs identified in the SHMA and the average age of residents of the Appellant's development being 79-80, the scheme meets the needs of the Council and significant weight should be given to this benefit;
- the development is of previously developed land (substantial weight);
- the development would be in a sustainable location (substantial weight);
- the development would make optimum use of the site (moderate weight);
- the development would provide 31 market dwellings and is a clear benefit (substantial weight);
- the provision of the Appellant's payment of £500,000 to the delivery of affordable housing would be a significant benefit (substantial weight);
- there is a benefit releasing under-occupied housing stock (substantial weight);
- the site would provide economic benefits by generating jobs, in the construction and operational phases of the development and by residents spending locally (substantial weight);
- there would be social benefits in specialised age friendly housing (substantial weight);
- the environmental benefits of the scheme are a clear benefit (moderate weight).

The inspector went on to state that cumulatively, these 10 benefits weigh heavily in favour of the appeal scheme especially given the critical need for housing for older people as identified at a national level in the NPPF and PPG and in local policy.

# Case Study 13: Green Belt, Greenfield, Appeal Allowed, East of England

## Title/Description

Outline planning for the development of land for a retirement care village in Use Class C2 comprising housing with care, communal health, wellbeing and leisure facilities, public open space, landscaping, car parking, access and associated development and public access countryside park with all matters reserved except for access.

**Start Date:** 03/07/2020

**End Date:** 29/12/2021

**Time Taken:** 77 Weeks

**Tenure:** Market Extra Care

**Decision Type:** Appeal Allowed

**Land Characteristics:** Greenfield

**Location:** Outside of Settlement

**Development Size:** Over 10 Units

**Constraint:** Green Belt

## Basket of Policies

**Policy Local Plan 2018**

Presumption in Favour of Sustainable Development

Green Belt

Development Frameworks

Design Principles

Protecting and Enhancing Landscape Character

Biodiversity

Mitigating the Impact of Development in and Adjoining the Green Belt

**Paragraph 144 - National Planning Policy Framework**

Very Special Circumstances

## Important Issues

**Appropriate Development in the Green Belt** Need for Specialist Older People's Housing

	Creation of 19-Hectare Countryside Park
	Impact on Landscape and Character
	Meeting Housing Requirement from Existing Sites
<b>Urban Form/Rural Character</b>	Impact of Extensive Urban Change to Village Edge
	Significance of Incursion into the Open Countryside
<b>Housing Land Supply</b>	Failure to Demonstrate Five-Year Housing Land Supply
<b>Local Plan Strategy</b>	Validity of Housing Strategy
	Delivery of Allocated Development
	Assessment Against the Decision to Allow for Very Special Circumstantial Green Belt Development
<b><u>Long-Standing Issues</u></b>	
<b>Very Special Circumstance Arguments</b>	Barrier that resulted in Application Refusal
	Eventual ruling of benefits easily outweighing loss of section of Green Belt
	Decision that council's housing strategy had not delivered
<b>19-Hectare Countryside Park</b>	Cited as an Exceptional and Unusual Benefit
	Size Relative to Development Also Noted
	Concluding In Writing to Represent a Special Circumstance

### **Decision**

This appeal granted permission in the Green Belt for a retirement village with on-site care, well-being and leisure facilities and simultaneously proposed delivery of a publicly accessible countryside park. The establishment of Very Special Circumstances, to allow for



the Green Belt policy to be overruled and development allowed was therefore a vital component of the application.

The officer's report recommending members to refuse the application reached the following conclusions:

- The need for the accommodation was given significant weight.
- The benefits of the Country Park were given significant weight.
- The release of housing stock was given limited weight as officers considered that the release of housing stock is intrinsically linked to addressing the issue of need.
- Only limited weight should be given to the economic benefits of the development.

In the subsequent appeal inspector found an inherent tension between the locational strategy of the adopted plan and the tightly drawn Green Belt boundaries.

The inspector accepted the outcome of the appellant's alternative site search.

The inspector accepted that unless sites were specifically allocated for C2 housing that this type of housing would be unable to compete for sites in the housing land supply market.

The inspector commented that despite studies being undertaken, the Council's approach was not expected to deliver anything like the required level of special care housing.

The inspector considered the lack of effective action to meet need was also a consideration.

The inspector found that new built form would not be inconsistent with the character of the Village.

The countryside park of approximately 19 hectares was beyond what development of this scale would normally propose to deliver and was found to contribute to the VSC.

In summary the inspector found the need for extra care housing, the biodiversity enhancement to the Green Belt and recreational provision all contributed to exceptional circumstances.

# Case Study 14: Brownfield, Within Settlement Boundary, Appeal Allowed, South West

## Title/Description

Demolition of existing structures and redevelopment to form 57 retirement living apartments for older persons including communal facilities, parking and landscaping.

**Start Date:** 06/10/2020

**End Date:** 22/07/2022

**Time Taken:** 93 Weeks

**Tenure:** Market Retirement Living

**Decision Type:** Appeal Allowed

**Land Characteristics:** Brownfield

**Location:** Within Settlement

**Development Size:** Over 10 Units

**Constraint:** N/A

## Basket of Policies

**Policy Local Plan 2016**

Design and Local Distinctiveness

Development Affecting a Designated Heritage Asset

Conservation Areas

**Policy Strategy Local Plan 2016**

Resisting Loss of Employment, Retail and Community Sites and Buildings

Balanced Communities

District Wide Affordable Housing Provision Targets

## Important Issues

**Setting of Conservation Area**

Medieval Origins

New Element in the Townscape

**Impact on Church**

Relationship of the Church to the High Street

Scale, Form, & Design to Protect Important Views

**Harm to Business and Employment Opportunities**

Effect on Wider Employment Opportunities and Employment Land Availability

Need to Demonstrate Marketing Approach for the Redevelopment

**Housing Considerations**

Meeting Specialist Housing Need

Affordable Housing Contribution

**Long-Standing Issues**

**Use of Conservation Area & Town**

Sensitive Redevelopment

**Centre Brownfield Site**

Preservation, Enhancement, & Harm

**Decision**

This was an appeal against non-determination of a retirement living apartments scheme. The proposal was taken to appeal in February 2021 after a November 2020 submission, with the major points of contention being the redevelopment's effect on local employment opportunities, and the town centre's conservation area and designated heritage asset.

Through considerate scale, form, & design the redevelopment was able to protect the designated heritage asset's important views that it may have impacted, and the more general effect that the redevelopment had on the town centre's medieval setting and character was also well-addressed and deemed to be immaterial.

A restrictive policy resisted the loss of all non-allocated employment land so the appellant was required to demonstrate, in this case successfully, to the inspector that the loss of employment resulting from change of use for the cattle market would not have a negative impact on wider employment opportunities or employment land availability.

Further to this, the appellant was required to demonstrate to the inspector that the buildings could not be reused for employment use. The inspector accepted the appellant's argument that considerable time and expense had been expended to demonstrate an underutilised and poor condition building should not be retained in what was a very marginal employment use.

While this particular style of older persons housing doesn't come with the employment benefit of others, the Council recognised that it had a healthy supply of available employment land remaining in this area.

In short, the inspector concluded:

“The scheme would meet an identified specialist housing need for older people on a very suitable brownfield site close to the town centre. It would not harm the setting of the conservation area and would preserve and enhance the setting of the Church. It would not harm employment or business opportunities. It would comply with the National Planning Policy Framework and the Local Plan as a whole.”

This case study serves as another example where the major issues of impact on the Conservation Area needed to be addressed by the scale, form, and massing, and where the argument had to be made to justify the loss of employment land, again highlighting that even urban brownfield sites represent challenges in terms of securing suitable planning permissions for older persons housing.

# Case Study 15: Within Settlement Boundary, Previous Applications, Application Approved, South East

## Title/Description

Re-development of site to create a block ranging from two to four-storeys containing 66 Assisted Living/Extra Care flats and a four-storey 80-bed Care Home with associated parking and landscaping

**Start Date:** 25/10/2021

**End Date:** 31/08/2022

**Time Taken:** 44 Weeks

**Tenure:** Market Assisted Living/Extra Care & Care Home

**Decision Type:** Application Approved

**Land Characteristics:** Brownfield

**Location:** Within Settlement

**Development Size:** Over 10 Units

**Constraint:** N/A

## Basket of Policies

**Policy – Core Strategy 2015**

Safeguarding Employment Sites

Housing Delivery

Affordable Housing

Transport: Reduce-Manage-Invest

The Delivery of Infrastructure and Developer Contributions

Fundamentals of Design

**Policy– Local Plan Review 2015**

Special Housing Need

Air Quality

## Important Issues

**Safeguarded Employment Land**

Proposed Redevelopment Delivering Care Accommodation Considered Suitable for Employment Land

	Creates Jobs in Management, Care and Support Staff
<b>Housing Land Supply</b>	Unable to Demonstrate a Five-Year Deliverable Supply During Time of the Application
<b>Affordable Housing</b>	Affordable Housing Policy Applicable for Extra-Care Flats
	Viability Review Done & Commuted Sum Payment Agreed
<b>Design and Heritage Impact</b>	Relationship with the Avenue Conservation Area
	Scale, Form, Massing and Articulation of the Extra Care Flats
<b>Air Quality</b>	Improve Air Quality Management Areas
	Reduction in Nitrogen Dioxide Levels
<b><u>Long-Standing Issues</u></b>	
<b>Safeguarded Employment Land</b>	Ensuring the Council Are Content the Redevelopment Delivers Sufficient Employment to Meet the Purposes of Safeguarding the Land
	Employment and Skills Plan Required
<b>Design Evolution</b>	Improve Building Appearance
	Incorporation of Frontage Trees
	Architectural Choices to Break Up Massing

## **Decision**

This scheme for the redevelopment of a car sales garage was approved. The site had been designated to remain safeguarded employment land in the city. Alongside addressing the special housing need for the city, assisted living/extra-care and a care home have management, care and other support staff. This meant that the redevelopment both brought forward housing to add to the city's deliverable supply and achieved an increase in local employment to satisfy the release from the safeguarded land bank.

The proximity of the redevelopment to the Conservation Area meant that the scale, form, massing, and articulation of the redevelopment were a consideration highlighted in the officer's report. Some amendments to the external appearance and architecture were done to improve the redevelopment's landscape setting.

The full assessment by the officer on the redevelopment stated that:

*"It is recognised that the design approach has its limitations as a result of the volume build product proposed however through careful consideration of material and details it is considered the scheme will have a neutral impact on the conservation area."*

It should be noted that despite all the favourable planning elements of a redevelopment that was bringing forward specialist housing when the City Council failed to demonstrate a five-year supply of deliverable homes, the officer remained concerned with the volume build development often associated with older persons housing.

The redevelopment was also assessed for the impact it would have on local air quality. The City has a number of Air Quality Management Areas, and the redevelopment needed to help reduce local emissions for it be considered acceptable. It was successfully demonstrated that the redevelopment would result in a net reduction in vehicle trips and advance the use of electric vehicles with EV charging points.

This scheme was approved.

# Case Study 16: Greenfield, Within Settlement Boundary, Previous Applications, Application Approved, East of England

## Title/Description

Development Comprising of 14 No. dwellings, 25 No. retirement apartments & a 75 bed care home

**Start Date:** 28/10/2019 & 21/12/2018 & 30/07/2014

**End Date:** 17/08/2022 & 04/03/2019 & 25/06/2015

**Time Taken:** 146 Weeks & 10 Weeks & 47 Weeks

**Tenure:** Market

**Decision Type:** Appeal Allowed & Applications Approved

**Land Characteristics:** Greenfield

**Location:** Within Settlement

**Development Size:** Over 10 Units

**Constraint:** N/A

## Basket of Policies

**Policy Local Plan 2020**

Infill and Garden Development

Infrastructure Provision

Sustainable Drainage Systems

Strategy for Growth

Sustainable Transport

Housing Mix

Landscape Character

**Policy SCLP Local Plan 2020**

Listed Buildings

**Policy Local Plan 2020**

Non-Designated Heritage Assets



## **Important Issues**

### **Density**

Successive Applications that Revise Development Scale, Form and Massing

Impact on Local Heritage Asset and Associated Infrastructure Works

### **Non-Designated Heritage Asset**

Previously Largely Destroyed by a Fire

Loss Not Objected To

### **Conservation and Landscape Impact**

Limited Views

Issues of Coalescence Appear Possible on a Map but Are Not Reflected on the Ground

### **Proposal Revisions**

Multiple Applications

Increasing Density and Adding More Extra-Care

## **Long-Standing Issues**

### **Density**

Consistent Consideration Through Multiple Applications

Location and Limited Views Allow Density Increases Without Significant Impact

### **Settlement Character Impact**

First Application Considered Prior To The Change in the Settlement Boundary

Appeal Approval Shifted Council's Perspective on Impact on Local Character and Settlement Coalescence on Future Applications

## **Decision**

This is a series of applications on a greenfield site at the edge of a settlement. The initial application was for a low-density residential development, then two more applications were submitted, each with increasing density and adding on a care-bed home and retirement apartments.

Given that the first application was approved for only 14 homes, the increase in development across the sites was substantial. Through each application, consultants and officers assessed the difference in impact with the increase in massing and density. It was both times decided that the nearby built form meant that the area had limited views, so the new proposals changed little once the principle of building on this green area had been established.

The 2022 approval officer's report stated:

- The principle of development of this site has been well established, and the consideration of this proposal primarily relates to the provision and number of units now proposed.
- The key public benefits of the scheme include:
- 14 dwelling contribution to District housing supply in a sustainable location (with the inclusion of affordable units);
- 25 retirement apartments to provide accommodation for older population;
- 75 bed care home again to provide care and accommodation for the older population;
- Local economic benefit through short-term construction jobs;
- Support for local shops/services from occupiers of the dwellings; and
- More efficient use of land than the extant permitted scheme.

The efficiency of using this area for development comes across as a key factor for the council in determining how acceptable the change in the form, massing, and scale of development at this location was. So long as other impacts remained similar, it was the opinion of the officers that increasing numbers, especially when there would also be delivery of specialist housing for older people, was of material benefit, rather than a disbenefit.

# Case Study 17: Brownfield, Outside Settlement Boundary, Flood Zone 2, Application Approved, East of England

## Title/Description

Conversion of vacant day centre to provide 4 no. extra care units and communal floorspace within existing extra care facility with minor external alterations.

**Start Date:** 29/04/2021

**End Date:** 27/08/2021

**Time Taken:** 17 Weeks

**Tenure:** Market Extra Care

**Decision Type:** Application Approved

**Land Characteristics:** Greenfield

**Location:** Outside of Settlement

**Development Size:** Over 10 Units

**Constraint:** Flood

## Basket of Policies

**Allocations & Development Management: Plan 2013**

Development in the Open Countryside  
Presumption in Favour of Sustainable  
Development

**Spatial Policy 7 – Core Strategy 2019**

Sustainable Transport

**Spatial Policy 8 – Core Strategy 2019**

Protecting and Promoting Leisure and  
Community Facilities

**Core Policy 9 – Core Strategy 2019**

Sustainable Design

**Core Policy 10 – Core Strategy 2019**

Climate Change

## Important Issues

**Open Countryside**

Outside Settlement Boundary

Provision for Limited Development

**Flooding**

Located in Flood Zone 2

Strategic Flood Risk Assessments

**Redevelopment of Community Facilities**

Facility Closed in 2014

Surrounding Development Existing  
Privately Run Retirement Housing Scheme

**Visual Amenity Impact**

Proposed Conversion Involves No External  
Change

**Long-Standing Issues****Flooding**

Existing Problem; Demonstration  
Redevelopment Prepared for 1 in 100 Year  
Event

**Open Countryside**

Redevelopment Required to Show  
Favourable Argument for Presumption in  
Favour of Sustainable Development

**Decision**

This proposal was for the redevelopment of a vacant daycare building outside the settlement boundary. The development surrounding the daycare building was an existing privately run retirement housing scheme, however because of the daycare building's location outside of the settlement, the proposal still had to demonstrate that the building's conversion met the relevant policies for development in the open countryside.

The planning officer determined that because the daycare building's conversion would result in no external changes to the building, and that the proposal was only for 4 units which was a limited amount of development, that the redevelopment could come forward with the policy position creating the presumption in favour of sustainable development.

The daycare building was also within Flood Zone 2, so the flood risk assessment needed to show how the proposed conversion would be protected in the event of a major flood. The report shows that the assessment demonstrated that the proposal was not at risk of flooding in a 1 in 100-year flooding event.

# Case Study 18: Brownfield, Outside Settlement Boundary, Green Belt, Appeal Allowed, South East

## Title/Description

Outline application for demolition of the existing golf clubhouse and hotel and erection of a continuing care retirement community (CCRC) for the elderly alongside a new golf clubhouse with hotel accommodation containing shared social, managerial and operational space to operate and service the continued golf course use and the CCRC with some matters reserved except for access.

**Start Date:** 04/10/2019

**End Date:** 25/09/2020

**Time Taken:** 51 Weeks

**Tenure:** Market Social

**Decision Type:** Appeal Allowed

**Land Characteristics:** Brownfield

**Location:** Outside of Settlement

**Development Size:** Over 10 Units

**Constraint:** Green Belt

## Basket of Policies

**Allocations and Development Management Plan 2015**

Presumption in Favour of Sustainable Development

Design Principles

**Core Strategy 2011**

The Countryside and Rural Economy (Green Belt Policy)

Distribution of Development

Housing Size and Type

Green Infrastructure, Open Space, Sport and Recreation Provision

## Important Issues

**Impact on Green Belt**

Argument for Very Special Circumstances

Impact on Character and Openness

**Design**

Dominance of New Building in Terms of Form and Massing

**Presumption in Favour of Sustainable Development**

Agreed Council Had 2.6 Years Housing Supply

**Housing Needs of Older People**

Contribution to the Need for Specialist Housing Units

**Long-Standing Issues**

**Very Special Circumstances**

Impact of Redevelopment and Erection of New Building

Housing Need of Older People

Constraints of Available Sites Across Sevenoaks

Competition with General Housing Developers

**Decision**

This scheme for the demolition and replacement of the Golf Course's Clubhouse and hotel alongside a new continuing care retirement community was approval at appeal. The golf course and associated buildings were outside the settlement and within the established Green Belt. This meant that, despite the proposal being for the redevelopment of an existing location, Very Special Circumstances still had to be demonstrated as part of the application.

The officer's report further explains that the scale, form and massing of the redevelopment was seen to result in significant harm to the openness and character of that area of Green Belt. It was acknowledged that the Council lacked a five-year housing land supply and that the need for older persons housing across the district did need addressing and the weight attributed to factors in the officer's report were as follows:

- Not clear how a scheme of this size would actually meet a local need,
- The location of the site was not considered suitable being outside of the urban area.
- It has not been demonstrated sufficiently that no other suitable sites are available and as such the housing needs of older people and the housing supply in the locality is afforded limited weight.
- Lack of a five-year housing supply does not outweigh the overriding need to protect the Green Belt
- Health and well-being benefits these are afforded limited weight.

- Concerns around design relating to linear form and open space.
- Distance from facilities.

The officer concluded that the weight of the proposal's impact on Green Belt openness and character outweighed all other considerations, and the application was refused by the Council.

The Planning Committee refused the application in line with the officer's recommendation that the redevelopment should not be approved on the basis that it was inappropriate development in the Green Belt by definition and would be harmful to its openness due to its scale and that this harm was not outweighed by the case of very special circumstances presented. As such, the proposal was contrary to the provisions of the National Planning Policy Framework and Local Plan Policies.

At the appeal, the inspector weighed the following in favour of the proposal:

- In view of the Council's significant shortfall in housing supply, substantial weight to the contribution to general housing supply within the District of 100 units including the release of family housing.
- Significant weight to meeting extra care needs.
- Moderate weight to improved health.

The inspector found these benefits outweighed the identified harm to this area of the Green Belt.

# Case Study 19: Allocated Brownfield, Within Settlement Boundary, Metropolitan Open Land (Green Belt Equivalent Area), Application Approved, London

## Title/Description

Demolition of existing buildings and structures, and redevelopment of the site to provide a 4-6 storey specialist extra care facility for the elderly with existing health conditions, comprising of 88 units, communal healthcare, therapy, leisure and social facilities (including a Restaurant/bar/cafe and swimming pool). Provision of car and cycle parking, associated landscaping and publicly accessible amenity space including a children's play area.

**Start Date:** 08/10/2018

**End Date:** 16/09/2020

**Time Taken:** 101 Weeks

**Tenure:** Market Social & Extra Care

**Decision Type:** Application Approved

**Land Characteristics:** Brownfield

**Location:** Within Settlement

**Development Size:** Over 10 Units

**Constraint:** Green Belt

## Basket of Policies

**London Plan 2016**

Metropolitan Open Land

Planning Obligations

**The London Plan 2021**

Delivering Affordable Housing

Threshold Approach to Applications

Energy Infrastructure

London's Form, Character and Capacity for Growth

Making the Best Use of Land

## Important Issues

**Metropolitan Open Land**

Same Development Approach as Green Belt

Management



Very Special Circumstances Must Be Established

**Site Allocation**

Envisages the Redevelopment of the Site.

Proposal Should Improve the Character and Openness of the Area Designated as Metropolitan Open Land

**Affordable Housing**

Contribution to the Council's Housing Capital Programme (£3,390,000)

**Design**

Positively Responds to the Surrounding Built Context

Considerate of River Frontage

High-Quality Landscaping Plan

**Long-Standing Issues**

**Metropolitan Open Land**

Strength of Designation (Manage Same as Green Belt)

Demonstration and Establishment of Very Special Circumstances

**S106 Agreement**

Assessment, Calculation and Agreement

**Decision**

This proposal was for the redevelopment of a former works in a London Borough. The site was allocated in the 2016 London Plan; however, complications arose from the proximity of the works site to designated Metropolitan Open Land.

The planning statement for the application states:

Policy 7.17 of the London Plan in substance applies the same development management approach to proposals within, or which affect, MOL as is set out in the NPPF concerning Green Belt, which are reflected in draft London Plan policy G3. The overarching strategic aim for Local Authorities is to enhance the quality and range of uses of MOL.

This meant that despite the works being a site allocation in the 2016 London Local Plan, harm to the Metropolitan Open Land, and the expectation that any redevelopment proposal

improves the character and openness of the Metropolitan Open Land remained a significant consideration in determining whether the application should be approved or refused.

Affordable housing contributions and delivery brought some challenges to the application. The C3 use class of the extra care accommodation meant that affordable housing policies were applied to the development. The applicant submitted a viability assessment which did not satisfy local planning guidance, and this led to a substantial contribution eventually being agreed within the proposal's section 106.

Quality landscape and design were also strategic issues for the application. Pre-application work, alongside further consideration in the application process to the surrounding built and river context resulted in the proposal being described by officers as positively responding to local character. The proximity of the Metropolitan Open Land meant that this positive assessment was important in the final planning balance.

# Case Study 20: Green Belt, Greenfield, Outside Settlement Boundary, Previous Applications, Appeal Allowed East of England

## Title/Description

Development of a retirement care village in class C2 comprising housing with care, communal health, wellbeing and leisure facilities; and C3 affordable dwellings (comprising up to 30 percent on-site provision), public open space, play provision, landscaping, car parking, access and associated development

**Start Date:** 16/02/2023 & 26/02/2020

**End Date:** 13/02/2024 & 07/04/2022

**Time Taken:** 51 Weeks & 110 Weeks

**Tenure:** Retirement Care Village

**Decision Type:** Appeal Dismissed & Appeal Allowed

**Land Characteristics:** Greenfield

**Location:** Outside of Settlement

**Development Size:** Over 10 Units

**Constraint:** Green Belt

## Basket of Policies

**Local Plan 2015**

Locational Strategy

Delivery of Growth

Residential Care Accommodation

Landscape and Settlement Character

Design

Green Belt

Conservation Areas

Listed Buildings

## Important Issues

**Green Belt**

Establishing Very Special Circumstances

Alternative Site Assessment

**Heritage Impact**

Rurality of the Listed Building's Setting

Character and Appearance of the Conservation Area

**Delivery of Extra-Care Accommodation**

Market Constraints Affecting Delivery

Evidenced Unmet Need

**Long-Standing Issues****Alternative Site Assessment**

Dismissed Because Considered Deficient

Allowed Because Considered Sufficient

No Suitable Alternative Sites Found Through Both Appeals

Proportion of Authority Area Designated as Green Belt

**Decision**

This appeal for a retirement care village was granted after a previous retirement care village proposal was dismissed by the planning inspectorate. The development was on undeveloped land adjacent to a conservation area, a listed building, and inside the area designated as Green Belt. Factors around heritage impact and the effect on the conversation area were therefore important issues for the applications and appeals, however it was the issue of establishing whether Very Special Circumstances existed to allow development in the Green Belt that was the focus of the development's multiple applications.

A central part of the argument presented by the appellant, through both appeals, was that an assessment of alternative sites showed no other suitable locations for the proposed development. This it was argued combined with a known acute need for older person homes across the District, represented Very Special Circumstances to justify development in the Green Belt.

The assessment was scrutinised by the assigned inspector both times. In the first instance, while the inspector concluded that no alternative sites could be demonstrated, and no additional suitable sites were submitted as evidence to the contrary by the Council, the inspector nevertheless considered that the scope of the assessment was too limited to justify Very Special Circumstances.

The inspector at the second appeal, disagreed and criticised the approach taken by the Council as to what constituted a suitable assessment of alternative sites. The inspector suggested that where an assessment had been undertaken then the onus would be on the

Council to demonstrate that there were in fact suitable alternative sites, rather than present an argument based on methodological criticisms of the approach adopted by the appellant.

The second inspector concluded:

“What is abundantly clear is that no suitable alternative sites have been identified by any party, nor has a more suitable site search methodology been provided as an alternative to that adopted by the ASA. This consideration is of considerable importance in a case such as this, where past delivery has been abject. As a result, and taking into account the acute unmet need, I attribute very substantial weight to the benefits associated with the provision of the proposed extra care housing.”

What is also of interest in this appeal is the objection from the local doctor’s surgery regarding the perceived increased pressure from more elderly residents. The inspector’s response is summarised in the following paragraphs:

“91. I recognise that residents of extra care schemes typically move 3.1 miles on average from their last place of residence. Several important factors mean that this distance should be treated with caution but, at the same time, it seems unlikely that all future residents of the extra care housing proposed could move from an address outside the BMP catchment. I have also factored in the IRCs benefits to the wider healthcare system. Care needs would likely be reduced, as would costs associated with GP, nurse and hospital visits. I have no reason to believe that the benefits set out, proportionate to the number of units finally proposed, would not be realised here.

92. However, whilst it seems likely that the impact on GP services would be reduced for the reasons set out above, there would nevertheless be an increased local demand on the BMP due to an increase in population arising from the proposed development.”

This highlights a common objection to OPH based on the perception that proper levels of OPH provision will result in additional older people moving into the area rather than meeting a local need.