

Application Number: WNS/2022/2442/FUL

Location: Westgate House Nursing Home, Eastcote Road, Gayton, NN7 3HQ

Proposal: Retrospective change of use from residential care home (C2) to large HMO/Hostel Accommodation (Sui-Generis)

Applicant: Midland Livings CIC

Agent: MSC Planning Associates Ltd

Case Officer: James Paterson

Ward: Bugbrooke

Reason for Referral: Called-in by Karen Councillor Cooper due to concerns that Gayton is too small and with inadequate infrastructure, including a lack of public transport links, services and facilities, to support the proposed development. The application was also called-in on the basis of concerns with regard to highways safety.

Committee Date: 09/03/2023

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: REFUSE PERMISSION

Proposal

This application seeks planning permission to change the use of Westgate House, a former nursing home (Use Class C2), into a large House in Multiple Occupation (HMO)/Hostel use (Use Class Sui Generis). While not referenced in the application form, the submitted planning statement makes clear that this use would specifically be for the housing of refugees and asylum seekers whilst their cases are being processed by the Home Office. This application is solely for a change of use with no other building works being proposed.

This application is retrospective since the building is already in use as a large HMO by a number of occupants as their primary residence, although officers are of the understanding that the occupants are not asylum seekers or refugees. This use commenced unlawfully in November 2022 and this application to regularise this breach of planning control came about as a result of a planning enforcement investigation.

Consultations

The following consultees have raised **objections** to the application:

- WNC Highways, WNC Planning Policy, Gayton Parish Council, Crime Prevention Officer, WNC Commissioning and Quality Outcomes Manager - Older Persons Residential and Nursing Homes, WNC Community Safety and Engagement team, NHS Northants Integrated Care Board.

The following consultees have raised **no objections** to the application:

- WNC Private Sector Housing, WNC Environmental Protection,

The following consultees are **in support** of the application:

- WNC Economic Development

146 letters of objection have been received and 2 letters of support have been received.

Conclusion

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

The key issues arising from the application details are:

- Principle of Development
- Loss of a Care Home
- Visual Appearance of the Site
- Neighbouring Amenity
- Highway

The report looks into the key planning issues in detail, and Officers conclude that the proposal is unacceptable for the following reasons:

Principle

1. The proposed development would be isolated in the open countryside with the nearest settlement being a small village with inadequate services and facilities to accommodate the proposed use. The proposed use would also not meet the definition of the housing types that can be acceptable outside of settlement confines, as per the policies of the South Northamptonshire Part 2 Local Plan, while also failing to satisfy the circumstances in which isolated homes in the countryside would be acceptable, as per paragraph 80 of the NPPF. The operation of the proposed use would also be incompatible with the character of the nearby village of Gayton. The proposed development would therefore not be sustainably located and would be contrary to Policies SA, S1, S10 and R1 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) and Policies SS1 and SS2 of the South Northamptonshire Part 2 Local Plan as well as paragraph 80 of the NPPF.

Loss of a Care Home

2. The proposed development would result in the loss of an existing care home to other uses. The proposal is therefore contrary to the aims of the South Northamptonshire Part 2 Local Plan which identifies a need for additional residential and nursing care facilities and is specifically contrary to the aims of Policy LH7 which addresses this unmet need by supporting the provision of new residential and nursing care on suitable sites. The application also fails to clearly justify this loss by setting out mitigating material planning circumstances which would outweigh LH7, such as viability information. The proposed development also fails the tests set out in paragraph 78 of the NPPF since the proposal would fail to respond to local circumstances and provide housing that reflect local needs. The proposal is therefore contrary to Policy LH7 of the South Northamptonshire Part 2 Local Plan and paragraph 78 of the NPPF.

Highways Impacts

3. The proposed development would be unsustainably located and would not provide adequate public transport access to future occupants of the development. The proposed development result in an increase of vehicle movements on the local highway network which comprises of roads that are narrow and unlit and are therefore unsuitable to manage an increased level of traffic. The application site can also be accessed by a 60mph single lane unlit country road with no footpath which would pose an unacceptable risk to potential occupants. The proposed development is therefore contrary to Policy SS2 of the South Northamptonshire Part 2 Local Plan, Policy C2 of the West Northamptonshire Joint Core Strategy as well as paragraphs 111 and 112 of the NPPF.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1 The application site comprises of the Westgate House Nursing Home. The operation of the site as a nursing home (Use Class C2) had been continuous since the original planning application to change the use of the original dwelling on the site to a nursing home in 1985 until the use of the site as a nursing home ceased at the beginning of 2022, following inspections by the Care Quality Commission. The nursing home has been subject to various extensions and alteration over the course of the previous decades. The use of the site as a large HMO/Hostel (Use Class Sui Generis) has already unlawfully commenced with occupants moving into Westgate House as their primary residence in November 2022.
- 1.2 The site itself is located approximately 250m to the south-west of Gayton, which is a small village as defined in Policy SS1. Gayton is a very modest settlement with approximately 400 residents; the village contains no public transport connections and no shops, although it does contain a small primary school. In the immediate environs of the site are agricultural fields which lie to the west, north and east as well as a single detached dwellinghouse which is contiguous with the southern boundary of the site. The site is accessed via Eastcote Road which is a single lane track that connects Gayton with Eastcote and Ascote. This road does not include any artificial lighting or pedestrian footpath. A Public Right of Way runs along the northern boundary of the site.
- 1.3 The nursing home itself is formed of a long building which runs along the western boundary of the site on a north-south axis. The care home includes several kitchens, common halls, communal gardens, administrative spaces as well as 44 en-suite bedrooms. These are spread throughout the care home although the principal communal area and largest kitchens are concentrated at the southern end of the care home. Westgate House is constructed of red bricks although much of the building is finished in white render; the pitched roofs are finished in red tiles. The entire site is bounded by mature hedgerows on all sides, although there are gaps in the hedgerows on the eastern boundary to accommodate the main entrance to the site and a secondary entrance.

2. CONSTRAINTS

- 2.1. The application site is within an area of medium risk for surface water flooding and is within 2km of Local Wildlife Sites. The site is outside of any defined settlement boundary and lies within the open countryside.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The proposed development is for the change of use of the former 44 bed nursing home (Use Class C2) to a large HMO/Hostel use (Use Class Sui Generis). This use would specifically be for the housing of asylum seekers and refugees on behalf of the Home Office while their applications are processed and their cases reviewed. No physical alterations to the building or other building operations which would constitute development are proposed.
- 3.2. This application is retrospective since the building is already in use as a large HMO by a number of occupants as their primary residence, although officers are of the understanding that the current occupants are not asylum seekers or refugees. This use commenced unlawfully in November 2022 and this application to regularise the use came about as a result of a planning enforcement investigation.
- 3.3. The applicant has submitted an addendum to their planning statement which outlines how it is expected that the proposed use would operate in practice. The applicant states that the occupants would solely be transitory in nature and would typically only reside on the site for between two and three weeks. The applicant has also suggested that many of the applicants would not speak English and would likely not leave the site.
- 3.4. The applicant has stated that the occupants would have no income and would be dependant on the services offered on-site; these on-site services would include meals, medical care and recreation. Officers are of the understanding that one occupant would be residing in each bedroom, each of which is served by an ensuite bathroom. The kitchens on the site would not be used for primary cooking as meals would be delivered from an external supplier.
- 3.5. Little information has been provided with regard to predicted transport implications. However, the applicant has suggested that only between two and four deliveries would be required per week for food. No other information as to how the day-to-day operation of the proposed use would impact the local highway network has been provided.
- 3.6. Although not specified in the application form, which only mentions applying for permission for a large HMO/hostel use, this application has been determined on the basis that the proposed use is specifically for the housing of asylum seekers and refugees and had this recommendation been to approve, officers would have recommended conditions limiting the operation of the site to these purposes. Therefore, this assessment has not considered the application on the basis that it would provide accommodation for any other purposes.
- 3.7. While officers have formed a view on the application on the basis of the submitted planning statement, consideration has been given to the fact that the Council would likely have difficulty in managing aspects of the operation of the proposed HMO/hostel, including occupancy rates, deliveries to the site and whether occupants would be restricted to single occupants or would include families with children, even if planning conditions were included. The applicant has made various statements regarding how long it thinks persons would remain on site and that they would not leave the site, it should be noted that WNC Council has direct experience of other such facilities and the applicants statements do not at all reflect the Councils experience of such facilities

elsewhere in WNC. In any case the applicant cannot prevent persons remaining on site more than 2-3 weeks (given their length of residence is affected by factors outside of the applicants control), in effect it is considered that any planning conditions seeking to control such matters would not be enforceable or meet the relevant legal tests that apply to planning conditions.

4. RELEVANT PLANNING HISTORY

4.1. The following planning history is considered relevant to the current proposal:

| Application Ref. | Proposal | Decision |
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| S/2011/0493/FUL | Two first floor extensions to front to create two additional bedrooms. Dormer window to side elevation to replace existing rooflights (part retrospective) | Approval |
| S/2009/0702/FUL | New dormer window in front elevation | Approval |
| S/2001/0102/P | Single Storey Extensions To Rear | Approval |
| S/2001/0101/P | Detached Dwelling And Garaging | Approval |
| S/1996/0298/P | Single Storey Side Extension To Form Residents Lounge | Approval |
| S/1990/1375/P | Single And Two Storey Extension To Provide Recreation Area And Annex | Approval |
| S/1988/1269/P | Single Storey Extension And Detached Building Comprising Lounge Games Room, Office& Additional Bedrooms | Approval |
| S/1987/1046/P | Relaxation Of Condition 3 Attached To Sn85/411p To Allow Property To Be Used As Nursing Home For Elderly People | Approval |
| S/1985/1032/P | Extension to existing residential care home for the elderly | Approval |
| S/1985/0411/P | Change of use from private dwelling to residential care home for the elderly. | Approval |

5. RELEVANT PLANNING POLICY AND GUIDANCE

Statutory Duty

5.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Development Plan

5.2. The Development Plan comprises the West Northamptonshire Joint Core Strategy Local Plan (Part 1) which was formally adopted by the Joint Strategic Planning Committee on 15th December 2014 and which provides the strategic planning policy framework for the District to 2029, the adopted South Northamptonshire Local Plan (Part 2) and adopted Neighbourhood Plans. The relevant planning policies of the statutory Development Plan are set out below:

West Northamptonshire Joint Core Strategy Local Plan (Part 1) (LPP1)

5.3. The relevant policies of the LPP1 are:

- SA – Presumption in Favour of Sustainable Development
- S1 – Distribution of Development
- S10 – Sustainable Development Principles
- C2 – New Developments
- H5 – Managing the Existing Housing Stock
- R1 – Spatial Strategy for the Rural Areas
- R2 - Rural Economy

South Northamptonshire Local Plan (Part 2) (LPP2)

5.4. The relevant policies of the LPP2 are:

- SS1 - The Settlement Hierarchy
- SS2 - General Development and Design Principles
- LH1 - Residential Development Inside and Outside Settlement Confines
- LH7 - Residential/Nursing Care

Material Considerations

5.5. Below is a list of the relevant Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Supplementary Planning Guidance

6. RESPONSE TO CONSULTATION

Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register. It should also be noted that officers had meetings with a number of Council officers with direct experience of the operation of multiple other Government Asylum Contingency accommodation, including hotel sites in West Northamptonshire.

| Consultee Name | Position | Comment |
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| WNC Highways | Object | <p>"The LHA object to the above application as the site is situated in a remote unsustainable location in respect of transport, there are no buses serving the site and it is highly unlikely the occupiers will have access to even push bikes as a means of transport.</p> <p>The site is situated on a 60mph section of Eastcote Road with no connecting footpaths or lighting until you reach the outskirts of Gayton Village; the LHA would consider this a risk to the occupants who will be unfamiliar with the lay of the land and potential hazards.</p> <p>Although provision has been made to ensure occupants have food and toiletries delivered to the site; the proposed occupants are a different demographic to the Nursing Home residents and will require access to amenities and off-site facilities.</p> <p>The LHA object on highway safety grounds"</p> |

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| WNC Planning Policy | Object | <p>“Loss of C2 use</p> <p>SNP2LP identifies a need for additional residential and nursing care facilities, based on the Study of Housing and Support Needs of Older People across Northamptonshire (March 2017). Policy LH7 supports the provision of new residential and nursing care on suitable sites. However, there is no policy within the local plan which precludes the loss of such facilities. The Planning Statement states that the care home is no longer in operational use, but there is no detail regarding when, or why, the use ceased. I am aware of the comments from the Council’s Commissioning and Quality Outcomes Manager for Older Persons Residential and Nursing Homes, who has confirmed there is a lack of nursing beds within West Northamptonshire and her opinion that the building itself could be used with little investment needed to reopen as a nursing home. Retaining the property within the C2 use class would provide the potential for it to re-open as a care home and make a positive contribution to meeting the identified needs for residential and nursing care facilities.</p> <p>Proposed HMO use</p> <p>WNJCS Policy H5 allows HMOs where they would not adversely affect the character and amenity of existing residential areas. This application site is not within an existing residential area (save for the single neighbouring house) and the policy is primarily concerned with safeguarding the existing housing stock and so is not directly applicable to this proposal. There is no specific policy in the part 2 local plan regarding HMOs, so it is recommended that the proposal is assessed against policy SS1 ‘The Settlement Hierarchy’ and the general development and design principles set out in policy SS2 of the SNP2LP.</p> <p>Policy SS1 directs new development to the most sustainable locations in accordance with the District’s settlement hierarchy. As noted above, the application site is not within any of the District’s defined settlements; it is located some 300m from the confines of Gayton, defined as a ‘Small Village’. SS1 states: “New development should be within the settlement boundaries of these settlements in accordance with their scale, role and function unless otherwise indicated in the local plan”. The local plan does support the delivery of housing beyond settlement confines where it would comply with relevant housing policies. For Small Villages, the plan makes provision for Starter homes outside settlement confines (policy LH2), Entry level and single plot exception sites (policy LH3) and Self and custom build homes (policy LH5). The proposed HMO/Hostel</p> |
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| | | <p>does not constitute any of these housing types. I note that the proposed HMO use would also not appear to meet the definition of 'specialist housing' set out in paragraphs 4.7.7 and 4.7.8 and policy LH6 of the SNP2LP.</p> <p>Policy SS1 follows the principles of the settlement hierarchy in WNJCS policy R1. R1 also requires development to be located within defined settlement confines; but does permit development outside of confines where it involves the reuse of buildings. Consideration should also be given to WNJCS policy S1 which gives priority "...to making best use of previously developed land and vacant and under-used buildings in urban or other sustainable locations...". Whilst the proposal would make use of a vacant building, it would not appear to be in a sustainable location given it is located in open countryside (SNP2LP policy SS1).</p> <p>Policy SS2 sets a number of principles that the proposal should be tested against. Should the proposals contravene any of the relevant criteria, the policy states that the application should be refused, unless outweighed by other material considerations. I trust that the above is of assistance. Should you require any"</p> |
| NHS Northants Integrated Care Board | Object | <p>Officer summary of comments:</p> <p>The Westgate is in a very rural location with limited transport links, requiring taxis to access health care, entertainment and the basic facilities required such as shops and pharmacies. Reference given to a similar site covered by the ICB which shares similar rural challenges, that at that site they have seen in excess of 30 appointments missed due to taxis over the course of 3 months. The lack of transport or suitable footpaths poses a further challenge for the collection of medications. While service users are entitled to free prescriptions, certain over the counter medications such as paracetamol and antihistamines are not routinely prescribed and should be accessed through a local pharmacy. The new proposed facility does not have a pharmacy within walking distance. Service users in contingency accommodation require wrap around healthcare from the local health system, particularly including primary care services. The addition of up to 44 patients will impact the demand for primary care services in the area. Across primary care, practices are already seeing increased demand, and this is a sign of the challenging winter we are in the middle of. The Westgate falls within catchment for 4 GP practices, one of which is supporting another contingency hotel. All of the catchment practices are currently significantly under the NHS Space Standard without the additional</p> |

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| | | <p>service users who are planned. There is a requirement for the catchment practices to register all service users residing within the contingency accommodation and treat their primary health needs.</p> |
| Gayton Parish Council | Object | <p>"Gayton Parish Council wish to register our opposition to the proposed change of use of Westgate House Residential Care Home to a House in Multiple Occupancy comprising 44 "bed-sit" style units to house refugees and asylum seekers. The contract between the Home Office and Serco (the service provider) clearly states that:</p> <p>"The contracts also require accommodation providers to develop and maintain close working relationships with local authorities, and include the need to consult and liaise with them on the location of properties in the area." In the case of Gayton Parish Council this has not happened. Midland Living CIC have had no contact with Gayton PC in respect of their plans for an HMO or for the housing of refugees. Gayton residents need and deserve more detail of the practicalities of how the hostel will be managed and the needs of its residents met. Also, to allay the fears of the local community, we need to know that there will be adequate leisure activities to prevent anti-social behaviour?</p> <p>We have been informed that this is intended to be short-term use for the period of the refugee crisis and are concerned that the premises will revert to being an open-market rental HMO after the Home Office contract period expires. If that is the case, then we have the following concerns:</p> <p>Gayton is a "non-sustainable village"; it has no shops, no post office, doctor's surgery, pharmacy or other amenities and has no bus service. Therefore, should occupancy of 44 units (some of them double rooms) take place, we must assume that the tenants will have independent means of transport. The site has no link to the village other than along Eastcote Road, a narrow single-track road with no footpath or street lighting. There could be at least forty-four vehicles accessing Westgate House and travelling along Eastcote Road and in the village of Gayton itself. There is only sufficient parking space on site for approx. 20 cars (although the Applicant claims 30). These roads are already under pressure from vehicle movements.</p> <p>We also believe that the sewerage system in the village will not be able cope with the extra load created by this development. There are historical instances (2013) when the pumping station at Westgate House was found to be the cause of hydrogen sulphide gas egress from the sewers</p> |

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| | | <p>through the village.</p> <p>We would also question how the “HMO/Hostel” is to be managed. The Applicant states that 7.5 full-time equivalent posts will be created by this development. They have indicated that a Warden will be on site 24 hours per day; this would represent, at most, 3 FTEs and the remaining 4.5 FTEs would presumably be ancillary staff. The Economic Development Officer’s report claims this would create employment opportunities benefitting the local community. We feel that it is unlikely that these posts would be filled by local residents and therefore bring no advantage in this respect.</p> <p>We would assume the owners, Midlands Living CIC of Birmingham, have no association with Gayton and will only be concerned with a return on their investment.</p> <p>In addition to the points above, this application appears to go against Policy H5 requirements in that it would adversely affect the character and amenity of the local residential area.</p> <p>Gayton Parish Council also note that there is considerable concern within the village that such an influx of new residents, with little by way of leisure facilities, could lead to anti-social behaviour in this quiet village.</p> <p>Gayton Parish Council strongly recommend that Westgate House should not be granted permission to operate as an HMO.”</p> |
| WNC Private Sector Housing | No Objection | <p>“The applicant should be advised that the premises will require licensing under the mandatory licensing scheme (Housing Act 2004); the HMO would be required to meet the standards of a licensable HMO and would be subject to HMO Management regulations.”</p> <p>The Private Sector Housing Team then assesses the suitability of the building for a HMO licence, which is a different regulatory process from the planning system; in summary suggest the building could accord with the requirements of a licence, subject to additional information being provided.</p> |
| WNC Environmental Protection | No Objection | <p>The Environmental Protection Team raised no objection and suggested a number of conditions were officers minded to recommend approval.</p> |
| WNC Community Safety and Engagement team, | Objection | <p>Officer summary of comments:</p> <p>The local services are already under pressure across West Northamptonshire, including: - The primary care networks, one is already looking after the GP practices that cover two of the existing hotels, - In addition, increased pressure on mental health</p> |

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| | | <p>services will materialise, - Capacity issues in local schools, - Additional strain on adult social care. This is an extremely rural location, meaning that residents of this property would be isolated and unable to travel safely to any facilities or amenities, connectivity is a real concern. There is no bus route serving the village, where there are no facilities – no shops, no pharmacy. The existing population of the village is very small, around 500. The Local Authority receives no funding whatsoever for supporting this type of accommodation, the residents, or the local community. Dropping contingency accommodation into locations like this one is not beneficial to any party and just creates added strain and pressure on everyone, not least, on the residents themselves.</p> |
| Crime Prevention Officer | Objection | <p>Crime Prevention Officer objects for the reasons below:</p> <p>“The change of use from an old person’s home to a hostel for asylum seekers will have the following effects:</p> <ul style="list-style-type: none"> - Increase in demand on policing resources caused by local community tensions towards the use of the site. The increase in tension is already apparent even at this early stage of the process to set up the placement. This will only increase if the site was to be progress and be put into use as evidenced by the challenges around the other asylum hotels already in place across the same policing area. Even though the others sites have been up and running for a number of months we are still seeing community cohesion challenges which places a demand on the local policing provision to help manage to reduce tensions and chances of offences being committed. The capacity of the assigned policing resources for the area to absorb this increase in demand is not present and there isn’t the space capacity elsewhere to draw on extra resources to plug the gap. - Increase in anti-social Behaviour linked to the site. From comparing this proposal to similar sites the Police can expect to receive additional reports of anti-social behaviour linked to the asylum centres. In the main this is from local residents reporting concerns about the asylum centre residents gathering in numbers in local parks and also the behaviour displayed by the service users while in these areas which includes the taking of pictures of women and children, comments over the type of clothes being worn and the general use of abusive language towards local residents. The increase in demand has to be managed promptly so as not to cause further unrest from the established local community. The current policing provision for the area would not be |

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| | | <p>able to manage the increase in demand in such a way that would provide reassurance to residents and prevent a further increase in community tension. Asylum centres with on site provisions to entertain the residents to there is little reason for them to spend large amounts of the days off site significantly reduce the instances of conflict taking place between local residents and the service users.</p> <p>- Risk to service users safety on the unlit rural roads. The proposed site is very rural with poor road links to large local infrastructure. If service users wish to travel away from the site and transport isn't provided they will be forced to walk along single carriageway country roads putting them at risk of being injured. Providing transport for service users away from the site should be mandatory."</p> |
| Council's Commissioning and Quality Outcomes Manager for Older Persons Residential and Nursing Homes | Comment | Has confirmed there is a lack of nursing beds within West Northamptonshire and that the building itself could be used with little investment needed to reopen as a nursing home. Retaining the property within the C2 use class would provide the potential for it to re-open as a care home and make a positive contribution to meeting the identified needs for residential and nursing care facilities. |
| WNC Economic Development | Support | "Having review this application solely from an economic growth perspective, I can confirm that I support this proposal on the basis that it utilises non-residential floorspace and creates employment opportunities, thereby benefitting the local economy." |

7. RESPONSE TO PUBLICITY

Below is a summary of the third party and neighbour responses received at the time of writing this report.

- 7.1. There have been 146 letters of objections and 2 letters of support raising the following comments:

Objections

- Transport issues
- Strain on local infrastructure
- Anti-social behaviour
- Lack of footpaths
- Parking issues
- Potential to be used to house asylum seekers
- Not in keeping with the area
- Money making scheme – (Not a material planning consideration)
- Inadequate living conditions
- Increased risk to Public safety
- Anti-social behaviour
- Ecology issues

- Job losses and rise in unemployment
- Drainage issues
- Amenity concerns
- Highway safety
- Lack of local infrastructure to accommodate an increase in people
- Strain on policing.
- Application is not in accordance with national and local policies.
- There is no information of the demographic of person that will be using the hostel for accommodation
- The owners of the property have allowed the property to be used already breaching the planning regulations and have showed little regard to the due process
- Impact on local schools
- The application is misleading and contrary
- The application will be enforceable
- There was also a comment criticising public consultation

Support

- Potential to do good for the community
- Potential to create jobs

8. APPRAISAL

Principle of Development

Policy Context

- 8.1. Policy SA of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) sets out that when considering development proposals the relevant council will take a positive approach that reflects the presumption in favour of sustainable development contained in the national planning policy framework. Policies S1 and S2 deal with the distribution of development and the settlement hierarchy within the district.
- 8.2. Policy S10 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) requires development to be located where services and facilities can be easily accessed by walking, cycling or public transport.
- 8.3. Policy R1 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) sets out the spatial strategy for rural areas. The policy specifies that development in rural areas will be guided by the rural settlement hierarchy and sets out a list of criteria that will be considered when considering development proposals in rural areas. It also lists a set of requirements for residential developments in rural areas.
- 8.4. Policy R2 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) states that proposals which sustain and enhance the rural economy by creating or safeguarding jobs and businesses will be supported where they are of an appropriate scale for their location, respect the environmental quality and character of the rural area and protect the best and most versatile agricultural land. The policy then sets out which types of developments are acceptable in this regard

- 8.5. Policy SS1 of the South Northamptonshire Part 2 Local Plan 2011-2029 states that proposals for new development will be directed towards the most sustainable locations in accordance with the District's settlement hierarchy. It also states that new development should be within the settlement boundaries of first, second, third and fourth category settlements, as defined on the proposals maps, in accordance with their scale, role and function unless otherwise indicated in the local plan.
- 8.6. Policy SS2 of the South Northamptonshire Part 2 Local Plan 2011-2029 sets out general principles and criteria for high quality development. Where development proposals contravene any of the criteria of relevance to that proposal, they will be refused unless outweighed by other material considerations. This includes ensuring developments are designed to provide an accessible, safe and inclusive environment which maximises opportunities to increase personal safety and security through preventative or mitigation measures.
- 8.7. Paragraph 80 of the NPPF states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the circumstances it sets out would apply. This includes if the development would re-use redundant or disused buildings and enhance its immediate setting and that the design would be of exceptional quality, in that it is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas and would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.
- 8.8. It should be noted that officers have not tested the proposed development against Policy H5 of the West Northamptonshire Joint Core Strategy Local Plan which would only allow HMOs where they would not adversely affect the character and amenity of existing residential areas. Having carefully considered the wording of the policy and the consultation response received from the WNC Planning Policy Team, officers consider that this policy relates to existing residential area whereas this site is located in the open countryside. The objective of the policy is to manage the density of HMOs in residential areas in order to ensure that there is not an overconcentration of HMOs in neighbourhoods due to a loss of C3 dwellings to C4 or Sui Generis HMOs. Officers consider that this does not directly apply to this development proposal and have therefore not tested the development against this planning policy.

Settlement Hierarchy

- 8.9. While the proposal lies 250m to the south of Gayton, the application site falls within an area of open countryside as it does not fall within the defined settlement boundary of any town or village in the district. Officers note that Gayton is a Category D 'Small Village', as defined by Policy SS1 of the South Northamptonshire Part 2 Local Plan 2011-2029. This indicates that Gayton is a very modest village with an extremely limited range of services and is more reliant on the services offered by larger centres for even the day-to-day needs of its inhabitants. Officers therefore note that the site, which is outside of even this remote village, is therefore very isolated.
- 8.10. Officers note that the aim of the development plan is to direct new development, particularly residential development, to established settlements in order to ensure that development is sustainably located with employment opportunities, facilities, services and sustainable transport being readily accessible. The location of the site in an isolated area of open countryside is clearly contrary to these aims.
- 8.11. Officers note that the type of housing being proposed does not meet the exceptions where housing can be supported by the local plan in the open countryside. These include starter homes, single dwelling exception sites and self-build dwellings, as per Policies

LH2, LH3 and LH5 respectively. The proposed use would also clearly not meet the definition of 'specialist housing' as set out in paragraphs 4.7.7 and 4.7.8 of the accompanying text to Policy LH6. There is therefore no case for allowing the proposed use on the basis of it complying with an identified type of housing for which there is an exception to the defined settlement hierarchy.

- 8.12. Officers have had regard to the fact that this is a brownfield site which currently houses a care home and have considered whether allowing a change of use to an isolated residential use would accord with paragraph 80 of the NPPF and aspects of Policy S1 and R1 which allow for the re-use of existing buildings in open countryside. While the proposal would re-use a building which is currently disused, it is considered that the proposal would not result in a development that would enhance its immediate setting and would reflect the highest quality of design since no physical alterations are proposed, while the use of the site would introduce an uncharacteristic/alien use to the area which is contrary to good design principles. Furthermore, the existing building cannot be considered disused since the time between the cessation of the operation of a care home on the site and the acquisition of the site by the applicant was not significant and it is unclear on what basis the site was marketed and what efforts were made to retain the care home use of the site. It should be noted that the Council's Commissioning and Quality Outcomes Manager for Older Persons Residential and Nursing Homes has commented that in her opinion the building itself could be used with little investment needed to reopen as a nursing home.
- 8.13. Officers also do not consider that the development would be sensitive to the defining characteristics of the local area given that it would be introducing an alien and inappropriate use to the peripheries of a quiet rural village. The proposal would therefore be contrary to the criteria of paragraph 80 of the NPPF. In considering R1 and S1 officers note that whilst the proposal would make use of a vacant building, it would not be in a sustainable location given it is located in open countryside and the proposal would therefore also be contrary to these policies.
- 8.14. Turning to the capacity of Gayton to accommodate the proposed use, officers note that the village does not contain any form of shop where a range of everyday goods are available for purchase, does not contain any form of medical services and contains no public transport links, including no bus stops. Any such facilities can only be accessed in larger villages or Towcester via car. Furthermore, officers note that no leisure facilities are available in Gayton. These considerations reinforce the notion that a site which is outside of even this isolated village is not an appropriate location for a large-scale residential use of this nature which would house a large number of vulnerable residents. While Gayton does have a primary school, officers have had regard to concerns raised during the public consultation as to the capacity of the school to accommodate additional students that may be housed at Westgate House – although a response was sought from the school, no comment has been forthcoming. Notwithstanding this, it is considered that the presence of a primary school in Gayton does not indicate that it is a suitable location for the proposed use.

Need for the Proposed Type of Housing

- 8.15. The submitted planning statement touches on the need for this type of housing by the home office to accommodate a high number of refugees and asylum seekers that are currently being processed by the home office. This is evident in the number of hotels and other forms of short-stay accommodation that have been contracted by the Home Office, through SERCO, to house refugees and asylum seekers throughout the region. Therefore, some weight has been afforded to this consideration. However, this weight is limited since this claim has not been substantiated through the submission of technical information or data and it would not outweigh the clear harm that would arise as a result

of the proposed use, which could readily be provided in a more appropriate and sustainable location.

Economy

- 8.16. Officers have had regard to the arguments of the applicant, alongside the comments of the Council's own Economic Development Team, that the proposed development would support jobs and thereby the local economy. While the Council is supportive of innovation and economic development that supports the rural economy in the district, this is only where development is appropriate for its location which is clearly not the case here. Furthermore, the economic benefits of the proposed use have not been clearly set out as part of this application, particularly in relation as to how they compare with the previous use on the site. Therefore, officers have only afforded limited weight to this consideration and do not consider that it outweighs the conflicts with the development plan.

Operation of the Site

- 8.17. Officers note the contents of the planning statement which suggests that all the dietary needs, toiletries, medical requirements and recreation for the occupants would be provided by the applicant on site and therefore future occupants would not need to leave Westgate House for any reason. The addendum to the planning statement also suggests that: "many of the occupants will have little or no ability to speak English, which will naturally deter them from interacting with the local residents and focus reliance on the specialist SERCO and Midlands Living staff on site". This alleged reliance on services on-site raises questions as to the significance of the isolation of the application site. However, notwithstanding traffic issues which are addressed in a subsequent part of this report, officers do not accept this argument in favour of allowing this use in an isolated location. Firstly, it is noted that occupants would not be confined to the site and would be free to come and go as they see fit. It is doubtful as to whether occupants would be comfortable being confined to a single building on a modest site for weeks at a time; officers therefore consider that it is reasonable to expect that occupants would desire to leave the site and access amenities and services as any resident would. Secondly, following discussions with the NHS Integrated Care Board, officers are aware that anyone residing in the United Kingdom, citizen or no, has the right to access a General Practitioner. Whether or not medical care is provided on site, officers have had regard to this right as well as the fact that occupants may well have specific medical needs which cannot reasonably be managed by staff at Westgate House and will require a greater level of care off-site. Furthermore, officers do not consider that the argument that the language barrier would lead occupants to be deterred from integrating with the wider community and stands to scrutiny. In summary, officers do not consider that the provision of a degree of the day-to-day needs of the occupants on-site would negate the fact that the proposed development would be poorly located.

Expected Occupants

- 8.18. Officers have also had regard to the living conditions of potential occupants of the proposed development. While officers are satisfied that the many of the facilities and amenities on-site would be adequate, subject to additional details being provided as per the comments from the Private Sector Housing Team, officers have concerns with regard to the living conditions of occupants as a result of their isolation. Given that occupants are likely to be vulnerable, officers consider that housing the occupants in such isolated circumstances would likely be detrimental to their health and consider that a more sustainably located site would be more suitable to meet their needs.

- 8.19. While the submitted planning statement suggests that occupants would only be on site for 1-2 weeks while their applications are processed, officers are aware of the actual operation of other such sites and therefore consider that this presumption is not realistic. Notwithstanding this, it is accepted that the occupants would be transitory in nature. This would be contrary to the character of Gayton which comprises of residents for whom Gayton is their permanent home which has fostered a strong sense of community. The proposed use of Westgate House would therefore be contrary to this character and would harm the village's special character and sense of place.
- 8.20. Officers have noted that many of the public comments received on this application relate to community safety. Officers have also had careful consideration of the comments submitted by the Crime Prevention Officer who has raised concern with the potential for the proposed use to result in anti-social behaviour and an increased demand on police resources in a remote location. While officers note these concerns, it is considered that this would not be sufficient to substantiate grounds for a crime prevention related planning refusal reason; however this issue does illustrate the poor siting for the proposed use, since the locating of such uses in established urban areas would undoubtedly improve the ability of the relevant authorities to effectively manage these issues.

Comparison to Lawful Use

- 8.21. In forming a view on the application, officers have had regard to the current lawful use of the site and whether the proposed use would be materially more harmful than if the site were brought back into use as a care home. While some aspects of the two uses are comparable, including the fact that the care home was not sustainably located and would have included various deliveries to the site to provide care to occupants, officers consider that the proposed use would be significantly more harmful than the existing lawful use due to a combination of factors. These includes the expectation that occupants of care homes are often relatively immobile and reliant on a high degree of care and would not be expected to be able to leave the site often, unlike with the proposed use where occupants would still need to access amenities and services away from the site. Furthermore, occupants of a care home would live in the home as their primary residence and could be expected to live there for a significant period of time whereas the transient nature of potential occupants for the proposed use would lead to significantly more vehicle trips to and from the site as well as eliminate their ability to integrate with the local community. Overall, although both the existing and proposed uses would provide residential accommodation, officers do not consider that the proposed use would be materially more harmful than the lawful use.

Conclusion

- 8.22. Overall, officers consider that the proposal is unacceptable in principle and would be contrary to Policies SA, S1, S10, R1, SS1 and SS2 as well as paragraph 80 of the NPPF.

Loss of a Care Home

- 8.23. Policy LH7 of the South Northamptonshire Part 2 Local Plan 2011-2029 supports the provision of additional care homes in the district. The policy states that proposals for residential care homes/nursing care will be supported on suitable sites that are within or adjoining the settlement confines of Rural Services Centres, Primary Service Villages or Secondary Service Villages; the policy also sets out the circumstances in which such housing will be supported outside of settlement confines.

- 8.24. Paragraph 78 of the NPPF states that, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs in rural areas.
- 8.25. Officers note that the South Northamptonshire Part 2 Local Plan 2011-2029 identified a clear need for additional residential and nursing care facilities, based on the Study of Housing and Support Needs of Older People across Northamptonshire (March 2017). While this study is six years old, officers consider that there is still a clear unmet need for nursing beds in West Northamptonshire following the receipt of advice from the Council's internal specialist, namely the Council's Commissioning and Quality Outcomes Manager for Older Persons Residential and Nursing Homes, who indicated there is still a shortfall in care home spaces.
- 8.26. While officers note that LH7 does not include requirements which would preclude the loss of care homes to other uses, officers have had regard to the aims of this policy in addressing the unmet need for care home spaces identified in the accompanying text of the policy, which set this need as being 471 spaces in the former South Northamptonshire District alone. Officers have also had regard to paragraph 78 of the NPPF which requires planning decisions in rural areas to be responsive to local circumstances. Given this identified unmet need for spaces, officers therefore consider that the proposal is contrary to the aims of LH7 and paragraph 78 of the NPPF since it would result in the net loss of 44 nursing home spaces which are sorely needed in West Northamptonshire
- 8.27. While the Planning Statement states that the care home is no longer in operational use, no specific detail has been provided as to the circumstances of the cessation of this use, including when or why the use ceased. While officers are of the understanding that the use ceased in response to inspections by the Care Quality Commission, it is not clear that this would prevent Westgate House being brought back into use as a care home. Indeed, the view of the Council's Commissioning and Quality Outcomes Manager for Older Persons Residential and Nursing Homes is that that the building could reopen as a nursing home with little investment. Retaining the property within the C2 use class would provide the potential for it to re-open as a care home and make a positive contribution to meeting the identified needs for residential and nursing care facilities.
- 8.28. In the absence of information evidencing that it would not be viable to bring Westgate House back into use as a care home or that the building would not be suitable for this use, officers therefore consider that the proposed loss of a care home would not be well-justified.
- 8.29. Officers therefore consider that the application would be unacceptable due to the loss of a care home which would be contrary to the aims of LH7 and paragraph 78 of the NPPF.

Visual Appearance of the Site

- 8.30. Policy SS2 of the South Northamptonshire Part 2 Local Plan 2011-2029 sets out general principles and criteria for high quality development. Where development proposals contravene any of the criteria of relevance to that proposal, they will be refused unless outweighed by other material considerations. The policy also states that the use of design codes, masterplans or planning briefs will be considered for multi-phased developments to ensure consistency of design approach.
- 8.31. No external additions or alterations are proposed as part of the proposed development and the visual appearance of the site would not be altered. Notwithstanding the identified issues in relation to the Council's design policies as a result of the proposed use of the

site, officers consider that the visual appearance of the site would be unchanged and would accord with aspects of Policy SS2.

Neighbouring Amenity

- 8.32. Policy SS2 of the South Northamptonshire Part 2 Local Plan 2011-2029 states that developments must not unacceptably harm the amenity of occupiers and users of neighbouring properties and the area through noise, odour, vibration, overshadowing or result in loss of privacy, sunlight daylight or outlook, unless adequate mitigation measures are proposed and secured.
- 8.33. The proposal would not introduce additional built form or alterations to the fenestration of the building and would therefore not give rise to an unacceptable loss of light, overbearing or an erosion of privacy for neighbours.
- 8.34. Officers also consider that the proposed use is unlikely to result in an additional amount of noise as a result of its operation than would be possible under the existing use in principle. However, were planning officers to have recommended approval then various conditions would have been included with regard to kitchen extraction, plant equipment, lighting and noise attenuation to ensure that the proposal would not give rise to unacceptable noise and nuisance to neighbours, especially to the dwelling immediately to the south of the site.
- 8.35. The proposal is therefore acceptable in terms of neighbouring amenity and aspects of Policy SS2.

Highways Safety

- 8.36. Policy SS2 of the South Northamptonshire Part 2 Local Plan 2011-2029 states planning permission will be approved where developments include a safe and suitable means of access for all people (including pedestrians, cyclists and those using vehicles). Developments must also take into account existing or planned social and transport infrastructure to ensure development is adequately served by public transport or is in reasonable proximity to a range of local facilities which can be reached without the need for private car journeys.
- 8.37. Policy C2 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) requires development to mitigate its impacts on highway.
- 8.38. Paragraph 111 of the NPPF makes clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.39. Paragraph 112 of the NPPF states that planning decisions should ensure that appropriate opportunities to promote sustainable transport modes can be taken up, given the type of development and its location, safe and suitable access to the site can be achieved for all users, the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code and that d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 8.40. The application site is not sustainably located being outside the settlement boundary of a Category D small village which itself has no facilities or services beyond a modest primary school. There are no public transport links in Gayton or within walking distance

of the site. Planning officers also note that potential occupants would likely have little in the way of personal positions and will certainly not have bicycles and therefore even this mode of transportation would not be available to occupants. While it is noted that the former care home which operated from the site was also not suitably located, the transport concerns that arise as a result of the poor location of the proposed use are more acute since, unlike the occupants of a care home, the asylum seekers and refugees who would occupy this site would still need access to local amenities and off-site goods and services. Therefore, the location for the proposed use is entirely inappropriate and contrary to the aims of Policy SS2 and paragraph 112 of the NPPF which seek well-designed development which benefit from suitable public transport links and encourage an uptake on sustainable modes of transport.

- 8.41. Eastcote Road itself is 60mph in almost its entirety, including the section of road which passes the site. The road is also single track with limited passing places, entirely unlit and has no footpath. Potential occupants of the site would therefore not be able to safely leave the site on foot, since they would be limited to leaving on foot, and this would give rise to severe highways impacts which cannot be reasonably mitigated.
- 8.42. The addendum to the submitted planning statement suggests that there would be a net reduction in traffic as a result of this change of use. The addendum states that only 2-4 food deliveries would be needed per week in order to meet the needs of occupants. Officers consider that this does not adequately demonstrate a net reduction in traffic as it does not detail the full extent of the services and deliveries and the size of the necessary vehicles that would be necessary to support the proposed use. Furthermore, officers note that the transient nature of occupants would lead to a significant number of trips to collect and drop-off potential occupants; it is unclear how many trips this would entail to the site but officers expect that this would be significantly more trips than would be expected to transport occupants of a care home. Officers also note that taxis could be used to transport occupants to nearby settlements for function such as GP appointments; however this would exacerbate the issues that would arise from pressure on the local highways network. Overall, officers expect that the proposal would lead to an increase in the number of vehicular trips to the site, both by private cars and service vehicles, which would both prejudice highways safety due to the unsuitability of Eastcote Road to accommodate such traffic as well as increase pressure the inadequate local highways network consisting of narrow country road.
- 8.43. The proposal would therefore be unacceptable in terms of its impact in terms of transport and pedestrian safety and would be contrary to Policies SS2 and C2 as well as paragraphs 111 and 112 of the NPPF.

9. FINANCIAL CONSIDERATIONS

- 9.1. This application is not liable for CIL. Had this recommendation been for approval then officers expect that the NHS Integrated Care Board would have sought financial contributions towards local GP provision.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The proposed development is unacceptable due to its unsustainable location, the resultant loss of a care home and because the proposed development would give rise to unacceptable highways impacts. The proposal is therefore unacceptable because it is contrary to the Development Plan with no material considerations indicating permission should be granted. Planning permission should therefore be refused.

11. RECOMMENDATION / CONDITIONS AND REASONS

11.1. Detailed recommendation here and full list of conditions and reasons here

RECOMMENDATION – REFUSAL FOR THE REASONS SET OUT BELOW

REASONS FOR REFUSAL

Principle

1. The proposed development would be isolated in the open countryside with the nearest settlement being a small village with inadequate services and facilities to accommodate the proposed use. The proposed use would also not meet the definition of the housing types that can be acceptable outside of settlement confines, as per the policies of the South Northamptonshire Part 2 Local Plan, while also failing to satisfy the circumstances in which isolated homes in the countryside would be acceptable, as per paragraph 80 of the NPPF. The operation of the proposed use would also be incompatible with the character of the nearby village of Gayton. The proposed development would therefore not be sustainably located and would be contrary to Policies SA, S1, S10 and R1 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) and Policies SS1 and SS2 of the South Northamptonshire Part 2 Local Plan as well as paragraph 80 of the NPPF.

Loss of Care Home

2. The proposed development would result in the loss of an existing care home to other uses. The proposal is therefore contrary to the aims of the South Northamptonshire Part 2 Local Plan which identifies a need for additional residential and nursing care facilities and is specifically contrary to the aims of Policy LH7 which addresses this unmet need by supporting the provision of new residential and nursing care on suitable sites. The application also fails to clearly justify this loss by setting out mitigating material planning circumstances which would outweigh LH7, such as viability information. The proposed development also fails the tests set out in paragraph 78 of the NPPF since the proposal would fail to respond to local circumstances and provide housing that reflect local needs. The proposal is therefore contrary to Policy LH7 of the South Northamptonshire Part 2 Local Plan and paragraph 78 of the NPPF.

Highways Impacts

3. The proposed development would be unsustainably located and would not provide adequate public transport access to future occupants of the development. The proposed development result in an increase of vehicle movements on the local highway network which comprises of roads that are narrow and unlit and are therefore unsuitable to manage an increased level of traffic. The application site can also be accessed by a 60mph single lane unlit country road with no footpath which would pose an unacceptable risk to potential occupants. The proposed development is therefore contrary to Policy SS2 of the South Northamptonshire Part 2 Local Plan, Policy C2 of the West Northamptonshire Joint Core Strategy as well as paragraphs 111 and 112 of the NPPF.