



Appeal Decision

Site visit made on 11 October 2010

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

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Decision date:
22 October 2010

Appeal Ref: APP/Q1445/A/10/2131535

Roan Rest Home, 27-29 Pembroke Crescent, Hove BN3 5DF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Vigcare.
- The application Ref BH2009/03001, is dated 28 November 2009.
- The development proposed is conversion of existing rest home into two dwellings.

Decision

1. I dismiss the appeal.

Main Issue

2. The main issue is whether the conversion of the existing rest home into residential dwellings would result in the unacceptable loss of a care home which is realistically capable of reaching the standards set out for such homes.

Reasons

3. Pembroke Crescent is characterised by substantial two and three storey Victorian and Edwardian semi-detached houses within the Pembroke and Princes Conservation area. The existing rest home occupies a pair of these and provides accommodation for 19 residents having been extended in 1990. The proposal would convert this enlarged building into 2 homes, each with 6 bedrooms.
4. Policy H011 of the Brighton & Hove Local Plan seeks to resist the loss of care homes which comply with, or are realistically capable of reaching, the standards for such homes. The Council's Social Care Team currently place some 50-60 older people outside Brighton and Hove as a direct result of the lack of care home provision within the city. They are therefore of the view that there is demand for such places and that even if it is not possible to fully comply with all the appropriate standards, the Care Quality Commission would take a flexible approach as to what could realistically be achieved in a building of this nature. For example, the building has a lift but this does not provide access to all the rooms and some can only be reached by stepped access. Nevertheless, this does not necessarily make the home unattractive to a potential purchaser or capable of meeting acceptable standards.
5. The evidence indicated that four of the rooms have been occupied through a contract with the Council funded through the Primary Care Trust which has recently been terminated. The appellant suggested that this, together with the

need to comply with current standards, could reduce the number of beds to 12. However, no details of financial viability or the cost of improvement works required were provided and neither was there any evidence that attempts have been made to market the home. Furthermore, I consider that the termination of a single contract, which does not appear to affect all the occupants, is an insufficient reason from which to deduce that there is not a demand for the type of care that the home could provide. In these circumstances I consider it would be inappropriate to set aside the aims and objectives of the Local Plan Policy to ensure an adequate supply of care homes for the city's residents.

6. For these reasons I conclude that the proposed conversion would lead to an unacceptable loss of a care home, contrary to the aims of saved Policy HO11 of the Brighton & Hove Local Plan.

Other matters

7. I appreciate that planning permission for the conversion of the property into two dwellings was previously granted in April 2005 (Ref: BN2004/01685/TP). However, this permission has now lapsed and I have considered this proposal on its planning merits, on the basis of the evidence presented and in the light of the Local Plan Policies which were adopted in July 2005.
8. I acknowledge that the conversion would not give rise to problems of overlooking and overshadowing, amenity space would be adequate, traffic volumes could fall and cycle parking and bin storage could be secured by condition. I also note that the existing residents could be accommodated in a nearby home which has been refurbished. However, none of these positive attributes of the proposal overcome my concern in relation to the main issue.

Conclusions

9. For the reasons set out above and having regard to all other matters raised, I find nothing to alter my conclusion that the appeal should be dismissed.

Sheila Holden

INSPECTOR