



PROOF OF EVIDENCE OF MATTHEW SHELLUM BA(hons) DIPTP MRTPI
SITE: LAND EAST OF LIDL, CHRISTY'S LANE, SHAFTESBURY DORSET, SP7 8TL

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April 2024

TOWN & COUNTRY PLANNING ACT 1990

APPEAL BY CHURCHILL RETIREMENT LIVING LTD AGAINST DORSET COUNCIL'S FAILURE TO DETERMINE AN APPLICATION FOR REDEVELOPMENT TO FORM 41 RETIREMENT LIVING APARTMENTS FOR OLDER PERSONS WITH ASSOCIATED COMMUNAL FACILITIES, PARKING AND LANDSCAPING

SITE AT: LAND EAST OF LIDL, CHRISTY'S LANE, SHAFTESBURY, DORSET, SP7 8TL

LPA REF: P/FUL/2023/05051

PLANNING INSPECTORATE REF: APP/D1265/W/24/3337301

PLANNING INQUIRY DATE: 1st – 2nd May 2024

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APPENDICES

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1.0 Executive Summary

1.1 The appeal proposal is for the redevelopment of land east of Lidl and part of the former cattle market on Christy's Lane, Shaftesbury to form 41 Retirement Living Apartments for older persons.

1.2 The Appellant lodged an appeal against the Council's failure to determine the application within the statutory time period.

1.3 The Council's Statement of Case identified that had it been able to determine the application then it would have been minded to refuse the application for the following reason:

In absence of a completed S106 agreement to secure policy compliant affordable housing the proposal would be contrary to Policy 8 of the adopted North Dorset Local Plan Part 1 2016 and Paragraphs 55, 57, and 58 of the National Planning Policy Framework 2023.

1.4 In light of the Council's reason for refusal the parties have been discussing the development viability of the proposed scheme and the provision of affordable housing with the assistance of viability consultants. The parties have reached an agreement on the viability of the proposed scheme and the Appellant will provide to the Appeal Inquiry a legal agreement for the agreed sum of £214,370. The parties have produced a Viability Statement of Common Ground (CD7.3) explaining the initial differences in position and how agreement has been reached.

1.5 The parties agree that with the provision of a completed legal agreement the proposed scheme complies with the development plan for the area (North Dorset Local Part 1 and Shaftesbury Neighbourhood Plan) and all material planning considerations weigh in favour of the proposed scheme and planning permission should be granted. The agreed position is set out in the main Statement of Common Ground (CD7.2).

1.6 My evidence briefly looks at the salient planning policies in respect to this appeal, comments made by third parties including the town council, and points of clarification requested by the Inspector in his post case management conference note.

1.7 I consider having regard to Section 38(6), the appeal proposal is fully in compliance with all the policies of the development plan and all material planning benefits weigh in favour of the grant of planning permission.

Material Planning Benefits

2.0 It is considered that the following planning benefits all weigh heavily in favour of the proposed scheme:

- The proposal would bring forward 41 units of C3 dwellings in accordance with the spatial strategy of the Local Plan (substantial weight);
- The delivery of 41 units of specialist accommodation for older persons which national planning policy identifies the need for delivery as '*critical*', and the development plan acknowledges the key challenges of accommodating an ageing population (substantial weight);
- Redevelopment of a previously developed site in a key settlement as identified by the development plan (substantial weight);
- The appeal proposal is for the redevelopment of a vacant brownfield site in a sustainable location being on public transport corridor to the town centre with local shops and facilities within walking distance (substantial weight);
- The development would make optimum use of the site (substantial weight);
- There is benefit in releasing under-occupied housing stock in the local area (substantial weight);
- The proposal would provide economic benefits by generating jobs, in the construction phase and by residents spending locally (substantial weight);
- There would be social benefits in older persons accommodation including to the national health service (substantial weight); and
- There would be environmental benefits from the redevelopment of this contaminated site and through the sustainable construction of the proposed development (moderate weight).

2.1 I respectfully request that the appeal be allowed.

2.0 Professional Qualifications and Experience

- 2.1 I am Matthew Shellum Bachelors DIPTP MRTPI, Planning Director and Head of Appeals at Planning Issues Ltd. where I have held the post for 4 years. I hold a degree (Bachelor of Arts with Honours) in Geography and Planning Studies and a post graduate diploma in Town Planning both from Oxford Brookes University. I am a member of the Royal Town Planning Institute and have been so for over 15 years.
- 2.2 I previously held the post of Principle Planning Associate for The Planning Bureau Ltd. where I was employed since 2001. The Planning Bureau's primary client was McCarthy & Stone Retirement Lifestyles Ltd. who also specialise in the provision of older persons accommodation. I have over 20 years planning experience working with the retirement housing sector. I have obtained in the region of 200 planning consents for retirement housing schemes around the country via local permissions and planning appeals during that time.
- 2.3 Prior to 2001 I held posts with local planning authorities in Hampshire and Wiltshire.
- 2.4 Planning Issues Ltd. provide planning advice to the Appellant on all its development proposals nationwide and have been involved with this appeal site since June 2022 and acted as agent on behalf of the Appellant in submitting and pursuing the planning application that is now subject to this appeal. In the course of my role I would be reviewing circa 50 sites a year for the Appellant at various stages of land acquisition, pre-application planning submission, planning application and planning appeals.
- 2.5 This proof of evidence relates to an appeal made under Section 78 of the Town and Country Planning Act 1990 against Dorset District Council's failure to determine the application subject of this appeal for the demolition of existing structures and redevelopment to form 41 Retirement Living apartments for older persons, with associated communal facilities, parking and landscaping.
- 2.6 The evidence which I have prepared and provide for this appeal reference APP/D1265/W/24/3337301 in this proof of evidence is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinion.

3.0 Introduction

- 3.1 The proof of evidence considers the following aspects of the case, and is set out as follows:
- A brief description of the Appeal proposal, site history and planning process;
 - Relevant Development Plan Policy and Material Planning Considerations;
 - Why Planning Permission should be Granted?
 - Review of Third-Party Representations
 - Planning Balance including the benefits of older persons accommodation; and
 - Conclusion.
- 3.2 This proof is accompanied by a short executive summary setting out the appeal proposal's compliance with the development plan and the material planning benefits of the proposed scheme that weigh in favour of the proposed development.
- 3.3 A Planning Statement (CD1.12), Design and Access Statement (CD1.11), Viability Statement (CD1.14) and a Heritage Statement (CD1.16) were submitted with the application. To avoid duplication of evidence, reference will be made to these documents where appropriate.
- 3.4 My proof specifically considers matters of planning policy and the scheme's compliance with the development plan, planning balance including the material planning benefits of specialist accommodation for older people, and where relevant my experience of working with the retirement housing sector.

4.0 **Site History & Planning Process**

Appeal Site

- 4.1 The 0.25ha site comprises of the vacant land, formerly used as the Shaftesbury Cattle Market. The Cattle Market ceased operation in January 2019 and was subsequently demolished later in 2019.
- 4.2 The site is located along Christy's Lane, a bypass situated west of Shaftesbury town centre. The site falls within a mixed-use area which is currently undergoing wider redevelopment and regeneration. The surrounding uses include Tesco's to the east and south, as well as the town centre and residential housing to the east. To the west is Lidl and its associated car parking, and north of the site is predominately characterised by industrial and residential uses.
- 4.3 Since the demolition of the Cattle Market, the wide site has been development with Lidl having built a store to the west of this application site which opened in 2021. Further details regarding the site can be found in the design and access statement submitted with the application.
- 4.4 Please see the design and access statement (CD1.11) submitted with the application for further details on the appeal site and its context.

Relevant Planning History

- 4.5 In March 2019, the application for the demolition of the former Cattle Market was approved under planning reference 2/2019/0209/DEM. There is no further specific history on the application site. In May 2020, an application was approved for the 'Erection of retail food store (Class A1), formation of vehicular and pedestrian access, car parking, landscaping and engineering works' (P/FUL/2020/00008).
- 4.6 Following the submission of the application the Council issued a provisional tree preservation order (TPO/2023/0071) on 9 trees to the site frontage.

Planning Process

- 4.7 The application was submitted on 25th August 2023 and was validated on the 13th September 2023. The Appellant appealed against the Council's failure to determine the application on the 22nd January 2024. The Council's Statement of Case of March 2024 (CD7.1) advised that had they been able to determine the application they would have refused the scheme for the following sole reason:

'In absence of a completed S106 agreement to secure policy compliant affordable housing the proposal would be contrary to Policy 8 of the adopted North Dorset

Local Plan Part 1 2016 and paragraphs 55, 57 and 58 of the National Planning Policy Framework 2023.'

- 4.8 Following receipt of the Council's Statement of Case (CD7.1) the parties and their viability consultants have discussed the viability assessments carried out on the site and have agreed upon a figure £214,370. This has been agreed as an off-site financial contribution and is set out as agreed in the Statement of Common Ground (CD7.2) and how the figure has been arrived at and agreed in the Viability Statement of Common Ground (CD7.3).
- 4.9 In light of the position reached the parties are agreed the proposed scheme subject of this appeal complies with the development plan taken as a whole and all material planning considerations weigh in favour of the proposed scheme and planning permission should be granted.
- 4.10 In light of the absence of any reasons for refusal my proof of evidence briefly considers the relevant development plan policies and the material planning considerations in determining this appeal, and representations made by third parties.

5.0 **Development Plan Policy**

5.1 The adopted development plan consists of the North Dorset Local Plan Part One (2016) (CD3.1), and the Shaftesbury Neighbourhood Plan (2021) (CD4.2). The Local Plan is over five years old and the policies within it need to be read in conjunction with national planning policy and weight given to them based upon the consistency with national planning policy.

5.2 I would refer to the Planning Statement (CD 1.12) submitted with the application for a wider review of development plan policy. I below set out briefly those policies considered to be salient to the issues at this appeal.

North Dorset Local Plan Part One (2016) (CD3.1)

5.3 **Policy 1** sets out the presumption in favour of sustainable development and reflects the wording of national planning policy in paragraph 11 of the NPPF. It emphasises that planning applications in accordance with the policies of the local plan and neighbourhood plan will be approved without delay unless material considerations indicate otherwise.

5.4 **Policy 2** sets out the plan's core spatial strategy focussing the majority of housing and other development on North Dorset's four main towns which includes Shaftesbury. The policy also sets out settlement boundaries for the four main towns and the larger villages of North Dorset. The remainder of the district is considered to be countryside and subject to those countryside policies of the local plan.

5.5 **Policy 3** on climate change reinforces policy 2 by seeking new development to be located within the hierarchy of settlements listed in policy 2. The policy also seeks new buildings to be designed to make best use of solar radiation and passive cooling and incorporate measures to meet current targets for energy performance. It also requires development to include measures to minimise the impacts of climate change through avoiding areas at risk of flooding and measures to reduce water consumption.

5.6 **Policy 6** sets out the plan's target of at least 5,700 new dwellings in the plan period 2011 to 2031 with the vast majority of the housing growth to be focussed on the 4 main towns which includes Shaftesbury. Shaftesbury is targeted with at least 1,140 homes which is approximately 20% of the overall housing target.

5.7 **Policy 7** on housing mix advises that the Council will support the provision of age-restricted housing and control its occupancy by planning condition. The policy also seeks that residential development through design and layout makes effective use of the site and respects the character and distinctiveness of the locality and is

acceptable in terms of design and amenity. The policy directs high density housing (>50dph) to town centres and areas with access to public transport. This is consistent with national planning policy contained within the NPPF but the current government consultation on strengthening planning policies in respect to brownfield land needs to be borne in mind as a material planning consideration.

- 5.8 **Policy 8** seeks the provision of affordable housing from residential developments of 11 or more dwellings. Within Shaftesbury the Council will seek the provision of 30% of the total number of dwellings as affordable. The policy specifically allows the consideration of a level of affordable housing provision below the identified target where development viability is an issue. The policy advises that where the level of affordable housing below the identified target is justified an obligation will be required to secure the maximum level of provision achievable at the time of the assessment. The policy's presumption is for the provision of on-site affordable housing but is also permissive of financial contributions in lieu of on-site provision where it is considered not feasible or viable for on-site provision.
- 5.9 **Policy 18** is specific to Shaftesbury and sets out a sustainable development strategy of maintaining Shaftesbury's role to serve the northern part of the district through development and regeneration within the settlement boundary. The policy advises that the housing requirements for Shaftesbury will be met through infilling and regeneration within the settlement boundary and development of three allocated sites.
- 5.10 **Policy 23** states that development will be permitted provided that provision for residential vehicle and cycle parking is in accordance with the Council's parking standards, unless a different level of provision can be justified by local or site-specific circumstances. The local plan does not set standards for parking provision for retirement living developments and provision is to be based upon submitted evidence relevant to the proposed development and location. Policy 23 needs to be read in conjunction with Paragraph 115 of the NPPF which advises 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.
- 5.11 **Policy 24** is the Council's design policy seeks that new development should be designed to improve the character and quality of the area within which it is located. New development will be required to have regard to relevant design principles set out in figures 10.1, 10.2 & 10.3 of the policy. Development will be expected to incorporate existing mature trees and hedgerows and other landscape features.

Shaftesbury Neighbourhood Plan (2021)

- 5.12 The appeal site is within the Shaftesbury Town Centre boundary as identified by the Neighbourhood Plan but outside of the primary shopping area. **Policy SFTC1** supports development proposals within the town centre area where they meet one or more of a list of criteria which includes enabling the continued presence of a varied range of small independent shops and street markets; and protect and enhance the town centre's historic and architectural charm.
- 5.13 Page 32 provides the supporting text to **Policy SFHE2** on housing and identifies that 25% of the local population in 2021 was 65+ years of age with this age demographic forecasted to increase. The supporting text advises that *'innovative forms of housing designed to meet the specific needs of older people should be encouraged.'* This encouragement is reflected in Policy SFHE2 where on sites of 10 or more dwellings the mix of housing should include dwelling types likely to be suitable for older people. The policy also advises that any small to medium housing sites (up to 1 hectare) should be integrated into an existing built-up area, and the delivery of affordable housing should address the needs of the local community.
- 5.14 **Policies SFDH1 to 7** set out to preserve and enhance the character and design of the historic town and to encourage high quality design. Policy SFDH1 seeks development to respect and respond to the positive aspects of character within the specific area of Shaftesbury where the development is proposed. Policy SFDH2 seeks development should be sustainable, safe, inclusive and accessible in its design. Policy SFDH3 requires the scale of development to respect the scale of adjoining development and seek to create visual interest. Policy SFDH5 requires parking to be provided in line with adopted parking standards. Policies SFDH6 & 7 seek architectural detailing and materials respect the area's heritage and quality.

Material Planning Considerations

National Planning Policy Framework (2023)

- 5.15 The Planning Statement (CD-1.12) submitted with the application provides an overview of national planning policy. For ease of reference, I will briefly focus on national planning policy in respect to the outstanding issues for determination at this appeal where it is not contained in other appeal documents, as well as national planning policy in respect to material planning considerations when assessing the planning balance of the proposed scheme.

National Planning Policy Framework (NPPF)

5.16 In relation to this Appeal, the following sections of the NPPF are particularly material;

- **Para 7** - *“The purpose of the planning system is to contribute to the achievement of sustainable development.”* This statement puts sustainability at the heart of planning and is the thread that runs through the NPPF.
- **Para 8** - sets out the component parts that constitute ‘sustainable development’, namely economic, social and environmental.
- **Para 11** - *‘Plans and decisions should apply a presumption in favour of sustainable development.’* For decision making this means approving development proposals that accord with the development plan without delay.
- **Para 12** - The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up to date development plan permission should not normally be granted.
- **Para 57** sets out that planning obligations must only be sought where all the CIL 122(2) tests are met.
- **Para 60** - sets out the planning objective *‘To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay’.* This is a recognition of the level of need for new housing across the country against the recent dwindling trend of housing supply.
- **Paras 60 and 61** - state that local housing needs assessments should determine the minimum number of homes needed, unless exceptional circumstances justify an alternative approach. This goes further to state that *“the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities...”*
- **Paras 63** - sets out within the context of establishing need, the size, type and tenure for different groups in the community should be assessed and reflected in planning policies. These groups are listed as including older people and it is

noteworthy that the latest revision of the NPPF now specifically references those in need of retirement housing.

- **Para 64** - where a need for affordable housing is identified, planning policies should specify the type of affordable housing required and expect it to be met on-site unless: off-site provision or an appropriate financial contribution in lieu can be robustly justified; and the agreed approach contributes to the objective of creating mixed and balanced communities.
- **Para 70** - identifies the important role small and medium sized sites can make to meeting the housing requirements of an area. The paragraph identifies that local planning authorities should identify at least 10% of their housing requirement on sites no larger than one hectare. Paragraph 70(d) supports the development of windfall site and states that local planning authorities should 'give great weight to the benefits of using suitable sites within existing settlements for homes'
- **Para 115** states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- **Para 123** advises that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- **Para 124(c)** gives substantial weight to the value of reusing suitable brownfield land within settlements for homes.
- **Para 128** advises that planning decisions should support development that makes efficient use of land, taking into account (amongst other things) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it; and the desirability of maintaining an area's prevailing character and setting, or of promoting regeneration and change.
- **Para 129** - states that where there is an existing shortage of land to meet identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site.
- **Para 131** - The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creating better places to live and work while making development acceptable to communities.

- Para 135 – seeks to ensure that developments:
 - a) Function well and add to the quality of the area over their lifetime;
 - b) are visually attractive due to good architecture, layout and landscaping;
 - c) are sympathetic to local character and history including the built environment and landscaping, while not preventing or discouraging appropriate innovation or change including increased densities;
 - d) Establish or maintain a strong sense of place to create attractive, distinguished places;
 - e) Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development;
 - f) Create places that are safe, inclusive and accessible, promoting health and wellbeing, with a high standard of amenity and where crime does not undermine the quality of life.
- Para 139 - Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

National Planning Policy Guidance

5.17 The National Planning Policy Guidance (NPPG) was published “online” in March 2014, has been subject to subsequent revisions. It is considered that the following sections are of particular relevance to this appeal:

- Housing for Older and Disabled People

5.18 With respect to the section on ‘Housing for Older and Disabled People’, it was introduced into the PPG as a separate section in July 2019. I consider it to be significant that the Government has deemed it necessary, given the extent of need for these forms of accommodation, to have a dedicated section providing advice for plan makers and decision takers to secure delivery of these specialist forms of accommodation. Whilst the whole section is relevant to the appeal proposal, Paragraph 001 identifying the scale of need is worth reiterating:

‘The need to provide housing for older people is critical. People are living longer lives and the proportion of older people in the population is increasing. In mid-2016 there were 1.6million people aged 85 and over; by mid-2041 this is projected to double to 3.2 million. Offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems. Therefore, an understanding of how the ageing population affects housing needs is something to be considered from the early stages of plan-making through to decision-taking.’ (my emphasis).

- 5.19 Paragraph 003 advises that for plan-making purposes 'strategic policy making authorities will need to determine the needs of people who will be approaching or reaching retirement over the plan period, as well as the existing population of older people.'
- 5.20 Paragraph 013 states that it is up to the plan-making body whether to allocate sites for specialist housing for older people and this might be appropriate where there is an identified unmet need for specialist housing. The paragraph identifies the location of housing as a key consideration for older people, factors to consider include the proximity of sites to good public transport, local amenities, health services and town centres.
- 5.21 Paragraph 016 states '*where there is an identified unmet need for specialist housing, local authorities should take a positive approach to schemes that propose to address this need.*'

Government Consultation - 'Strengthening Planning Policy for Brownfield Development' (February 2024)

- 5.22 The Government has recently (13th February 2024) released a public consultation entitled '*Strengthening Planning Policy for Brownfield Development*' which is capable of being a material consideration. Paragraph 15 of the consultation document states; '*We propose a change to national planning policy to make clear that when considering planning applications, local planning authorities should give significant weight to the benefits of delivering as many homes as possible, especially where this involves land which is previously developed.*'(my emphasis)
- 5.23 Paragraph 18 of the consultation document proposes changes to Paragraph 129(c) of the Framework to read:
- 'local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework, **especially where this involves land which is previously developed.** In this context, when considering applications for housing authorities should **give significant weight to the planning benefits of delivering as many homes as possible and** take a flexible approach in applying planning policies or guidance relating to daylight and sunlight **and internal layouts of development** where they would otherwise inhibit making **the most** efficient use of a site (as long as the resulting scheme would provide acceptable living standards).'*

6.0 Consideration of Compliance with the Development Plan

- 6.1 Following the Case Management Conference and further to discussions between the parties as set out in the Statement of Common Ground the parties agree that the proposed development is in accordance with the Development Plan and that the material planning benefits of the scheme all weigh in favour of the grant of permission.
- 6.2 Section 8 of my evidence considers briefly the proposed scheme against national and wider local plan policies and identifies the material planning benefits associated with the proposed scheme.

Principle of Development

- 6.4 The proposal is for the redevelopment of a vacant brownfield site in Shaftesbury town centre for 41 units of specialised accommodation for older persons. The proposal complies with the spatial strategy of the development plan by focussing development on the four main towns of North Dorset which includes Shaftesbury (Policies 2 & 3 of the Local Plan). The proposal would regenerate a vacant cattle market site in Shaftesbury and is supported by Policy 18 of the Local Plan. The Appellant has recent experience in the redevelopment of former cattle market sites with its current development in Honiton, East Devon.
- 6.5 The national planning policy contained within the NPPF places substantial weight on using brownfield sites within settlements for new homes (Para 124c). National planning policy also encourages making the most effective and efficient use of such sites (Para 123) and the recent Government consultation paper proposes to strengthen this further by delivering as many homes as possible on previously developed land.
- 6.6 Policy 7 of the Local Plan and specifically Policy SFHE2 of the Neighbourhood Plan both positively support the provision of accommodation for older persons, as does national planning policy. I consider this and the weight to be afforded to it in Section 8 of this proof.
- 6.7 The principle of development and the redevelopment of the site accord fully with the aims and objectives of the development plan and national planning policy.

Affordable Housing

- 6.8 The Council's affordable housing policy (Policy 8) seeks the provision of a target of 30% provision from residential developments of 11 or more dwellings. However, the policy specifically allows the consideration of a level of affordable housing provision

below the identified target where development viability is an issue. The policy advises that where the level of affordable housing below the identified target is justified an obligation will be required to secure the maximum level of provision achievable at the time of the assessment.

- 6.9 The parties with the assistance of an independent viability consultant have concluded that the maximum level of affordable housing provision that the scheme can viably provide is £214,370. The Appellant will provide a legal agreement to secure the planning obligation. As the proposed sum is the 'maximum' level of affordable housing provision that is viable it is considered that the proposed scheme is fully in accordance with the development plan and Policy 8.

Infrastructure

- 6.10 The Council's Statement of Case (CD7.1) at Paragraphs 6.38-6.41 list other infrastructure requirements supported by Policies 13, 14 and 15 of the North Dorset Local Plan. The Council's CIL compliance statement does not seek further obligations to additional infrastructure. Any requests for infrastructure planning obligations need to meet the statutory tests set out in Reg 122 of the CIL regulations. It is considered that had any of the other listed contributions been 'necessary' to make the development acceptable then the Council would have sought those infrastructure contributions.
- 6.11 The Council's preference to direct the sum towards affordable housing complies with Policy 8 and the greater pressing need for affordable housing in the district justifies the Council's approach.

Design

- 6.12 Policy 24 of the Local Plan seeks that new development should be designed to improve the character and quality of the area within which it is located. The site currently contributes nothing to its existing townscape. The proposed development would unquestionably improve the character and quality of the area and comply with Policy 24.
- 6.13 Policies of the neighbourhood plan seek new development to preserve and enhance the character and design of the historic town and to encourage high quality design and draw upon the positive aspects of character within the specific area of Shaftesbury where the development is proposed. The application was submitted with a detailed design and access statement and a heritage statement that has had regard to the character of this specific area of Shaftesbury. The proposal is considered to be

of a good quality design, designed to function well for its intended occupants, and causes no harm to any designated or non-designated heritage assets.

6.14 The proposed scheme has had regard to the protected trees on the site boundary and proposed measures to ensure their protection through construction. The proposed scheme would continue to be maintained and managed by the Appellant's sister company Churchill Estates Management who would provide the long-term management of the site and ensure the protection of the protected trees.

6.15 It is considered that the proposed scheme complies with the local plan and neighbourhood plan policies on design and Section 12 of the NPPF.

Highways

6.16 The application was submitted with a detailed transport statement and subsequent additional letter. There are no objections from the highway authority to the proposed scheme. The site is accessed of a private road that serves the Lidl store and is provided with visibility splays that accord with the guidance provided by Manual for Streets. The new access into the site has been allowed for two vehicles to safely pass.

6.17 Policy 23 on parking provision allows for the level of parking provision to be provided based on the circumstances of the proposed scheme and site. The Council does not have parking standards specifically for Retirement Living developments. The site is a highly sustainable brownfield site within Shaftesbury and the Appellant provided evidence of parking provision from its existing developments. This was reviewed and accepted by the Highways Authority.

6.18 I consider that the proposed scheme does not result in an unacceptable impact to highway safety.

Conclusion

6.19 The parties as set out in the Statement of Common Ground (CD7.2) agree that the proposed scheme complies with all development plan policies and in accordance with Section 38(6) planning permission should be granted.

6.20 I have briefly considered the salient planning issues relating to the proposed scheme that are considered in more detail in the planning statement (CD1.12) and conclude the proposed scheme is fully compliant with the development plan taken as a whole and planning permission should be granted.

7.0 Third Party Representations

7.1 The application subject of this appeal received only 2 representations from third parties during its consultation period both objecting to the scheme and questioning the need and suitability of the site for retirement living accommodation.

7.2 The application also received an objection from Shaftesbury Town Council who raised concerns regarding the provision of affordable housing, design, suitability of the site for housing, risk of the loss of beech trees along Christy's Lane, parking provision and infrastructure contributions. I will deal with each of the issues in turn.

(i) Need for Retirement Living accommodation

7.3 As set out in Section 5 above and subsequent paragraphs 8.4-8.12. National planning policy guidance acknowledges that there is a critical need to deliver accommodation for older persons. Nowhere else in national planning policy is a need for a type of housing described in such a way. The development plan does not contain any allocated sites designed to deliver Retirement Living accommodation and as such is reliant on the market finding suitable sites for such accommodation. This is a challenge as sites for Retirement Living accommodation need to be within 0.5 miles of town centre shops, services and facilities, be in close proximity to public transport and be of at least 0.4 acre. The appeal site meets those criteria and is a suitable site for retirement living accommodation. Both the Local Plan and the Shaftesbury Neighbourhood Plan acknowledge the ageing demographic profile of their respective areas and include policies that positively support the provision of specialist accommodation for older persons (Policy 7 and Policy SFHE2). Accordingly, the delivery of specialist accommodation for older persons fully complies with the development plan and meets both national and local needs and should be afforded substantial weight.

(ii) Design

7.4 As addressed in Paragraphs 6.12 and 6.13 it is considered that the proposed development would result in an improvement to the character and quality of this part of Shaftesbury and complies with Policy 24 of the Local Plan. The current site is a gap in the townscape and does not respond positively to the area. The proposed building has been designed having regard to the local character and appearance of this part of Shaftesbury and complies with the neighbourhood plan policies on design. I would defer to the submitted design and access statement (CD1.11).

(iii) Provision of Affordable Housing

- 7.5 As set out in Paragraphs 6.8 and 6.9 the proposed scheme does provide the maximum amount of affordable housing as viably possible. The proposal complies with Policy 8 of the Local Plan.

(iv) Protection of Beech Trees

- 7.6 The beech trees on the frontage of Christy's Lane are subject of a tree preservation order. The proposed scheme has been designed with their retention in mind and the application was submitted with a tree protection plan. Agreed suggested condition 15 requires the proposed development to build in accordance with the tree protection plan (Ref: 23061-01)(CD1.19).

(v) Parking Provision

- 7.7 As set out in Paragraph 6.17 the level of proposed parking has been taken from survey evidence from the Appellant's existing developments which look at car ownership and vehicle movements from existing lodges. The proposed level of parking is consistent with the Appellant's parking provision on other developments and the highway authority has raised no objections to the level of parking being proposed. I would defer to the transport statement submitted with the application (CD1.14).

(vi) Infrastructure Contributions

- 7.8 The Council would have had regard to the comments of the town council in coming to its conclusions on infrastructure contributions and whether they were considered necessary to make the development acceptable. The Council's position on planning obligations is set out their statement of case and the CIL compliance statement.

8.0 Why Planning Permission should be Granted

8.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 provides that the appeal application has to be determined in accordance with the development plan unless material planning considerations indicate otherwise.

Material considerations

8.2 In my view, the following are material considerations in the determination of this appeal:

- i. Provision of residential accommodation;
- ii. Meeting identified national and local housing needs;
- iii. Redevelopment of previously developed land;
- iv. Compliance with spatial strategy for redeveloping in sustainable locations;
- v. Efficient and effective use of land;
- vi. Economic Benefits of the proposed scheme;
- vii. Social Benefits of the proposed scheme;
- viii. Environmental Benefits of the proposed scheme including benefits to the adjacent Conservation Area; and,
- ix. Release of under occupied housing stock.

Provision of Residential Accommodation

8.3 The proposed development provides 41 units of residential accommodation complying with the development plan's aims and objectives of providing housing during the plan period. The proposal would comply with development plan policies 1, 2, 3 and 18 of the Local Plan. It would also comply with national planning policy objectives to significantly boost the supply of homes (Para 60, NPPF). I place substantial weight on the proposed delivery of new homes that accords with development plan and national planning policy.

Meeting identified National and Local Housing Needs for Older Persons Accommodation

8.4 The proposed development would contribute towards the delivery of specialised older persons accommodation for which there is a need for both nationally and locally. The NPPG introduced a section entitled 'Housing for Older and Disabled People' in 2019. I consider it to be significant that the Government has deemed it necessary given the extent of need and levels of historic and current delivery for these forms of accommodation that it has warranted its own explicit section providing advice for plan makers and decision takers to secure delivery of these specialist forms of accommodation. Its use of the word '*critical*' is telling in the extent of need to

secure specialist accommodation for older persons. There is nowhere else is national planning policy where the delivery of a specific housing type is described in such terms.

8.5 It should be noted also that the Government saw it fit it to make revisions to Paragraph 63 of the NPPF (December 2023) to now specifically requires local planning authorities to assess their housing need for retirement housing and reflect that in planning policies. I consider this to be an intended change so that local planning authorities plan for and deliver more retirement housing in light of the identified 'critical' need.

8.6 Paragraph 016 of the PPG states '*where there is an identified unmet need for specialist housing, local authorities should take a positive approach to schemes that propose to address this need.*'

Need for Specialist Accommodation for Older Persons in North Dorset

8.7 Policy 7 of the Local Plan Part One sets out the Council will seek to meet the needs of different groups in the community and support the provision of age-restricted housing for the elderly.

8.8 Based on the 2018 sub national population projections (released June 2020) the percentage of people aged 65 and over is currently 28.3% in North Dorset compared to the England average of 18.2%. There is a projected increase to 32.6% in 2030 and 35.6% in 2040.

8.9 The Housing Needs Assessment (2022) undertaken by Dorset Council recognises that in 2019, Dorset's population of older persons was greater than that of the neighbouring Council (Bournemouth, Poole and Christchurch) and significantly higher than the national average. The report goes on to identify the projected change in population of older persons between 2021-2038 as 41,400 people aged 65 years and above (Para 10.7, Housing Needs Assessment).

8.10 The Housing Needs Assessment identifies for Dorset that it can be seen by 2038 that there is an estimated need for 4,422 additional dwellings for older persons with support (Para 10.41, Housing Needs Assessment).

8.11 From an online review using the Elderly Accommodation Counsel's website Housingcare.org, the current level of private sector retirement living schemes in the Shaftesbury area have been listed below:

- Homefarris House - Bleke Street, Shaftesbury, Dorset SP7 8AU (built in 1985) - comprising of 44 flats.

- Hardy Lodge – Coppice Street, Shaftesbury, Dorset SP8 8PD (built in 2018) – comprising of 42 flats.
- St. Edward’s Court – Salisbury Street, Shaftesbury, Dorset SP7 8LZ (built in 1982) – comprising of 21 flats.

8.12 This shows there is a current supply of 107 private sector retirement apartments, with 65 of those being built prior to 1985. Accordingly, given the identified critical need for the delivery of specialised accommodation for older persons nationally and the extent of existing and projected local need for such accommodation I place substantial weight on the delivery of specialised accommodation for older persons.

Redevelopment of Previously Developed Land

8.13 The proposed development will see the reuse of a vacant brownfield site within the existing built-up area of a key settlement within the borough. Both national and development plan policies promote the redevelopment of previously developed land (1, 2 and 18). Paragraph 124(c) of the NPPF states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements. It should also be noted that the recent revision to the NPPF reaffirmed that commitment to reusing previously developed land with the additional restrictions on the release of land in green belts. The Government has also published a planning consultation on ‘*Strengthening Planning Policy for Brownfield Development*’ emphasising the importance of delivering as many homes as possible on previously developed land¹. I place substantial weight to the compliance with policies 1, 2 and 18 and the NPPF.

Redeveloping in Sustainable Locations

8.14 The proposal is for the development of a highly sustainable site within one of the built-up area of the Borough. The site is within a short walk of the local centre of Newport Pagnell with good access to public transport which is an important locational requirement for specialist accommodation for older persons. I place substantial weight on the proposals compliance with policies 1, 2 and 18 of the local plan and the NPPF.

Effective and Efficient Use of Land

8.15 Sustainable land is a finite resource and Paragraph 124 of the NPPF encourages the effective and efficient use of land commensurate with maintaining the character of the area. Paragraph 123 of the NPPF advises that strategic policies *should make as much use as possible of previously developed land* and Paragraph 135 advises that decisions should ensure that development optimises the potential of a site. Paragraph

¹ Please see Paragraph 15 of the consultation and specifically paragraph 18 proposing the change to Paragraph 129c) of the NPPF.

125 also advises local planning authorities to take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including suitable sites on brownfield registers which this site is. I consider that the redevelopment of the site for 41 retirement living dwellings optimises the development potential for the site whilst producing a good quality building which is compatible with the area. Indeed, other forms of residential development of the site are unlikely to provide the same yield of dwellings.

- 8.16 Paragraph 128(a) of the NPPF also advises *that decision makers should have regard to the identified needs of different types of housing and the land available to accommodate it*. Land which is suitable for retirement living apartments for older persons is limited because of its locational requirements and size of site to accommodate a successful form of development. I place substantial weight on the appeal proposals effective and efficient use of the site.

Economic Benefits

- 8.17 The NPPF places at its heart the presumption in favour of sustainable development. Sustainable development as identified by the NPPF has three component parts (economic, social and environmental) that need to be read as a whole.
- 8.18 The NPPF identifies the planning system as having a key role in building a strong and competitive economy. The provision of specialised accommodation for the elderly would also provide other benefits to the community and local economy as a whole. A significant benefit to the area from the scheme would however be the intended elderly residents themselves. If approved, the development once fully occupied, is likely to accommodate some 70 - 75 residents who, given their age, are likely to use the shopping and other facilities of the nearby local shops on a regular basis.
- 8.19 In 2021 the Homes and Later Living group published the report 'Silver Saviours for the High Street' (**Appendix 1**), which identified;
- Retirement properties create more local economic value and more local jobs than any other type of residential development.
 - People living in each retirement development of 45 units generate approximately £550,000 of spending per year, £347,000 of which is spent on the local high street. Some £225,000 of this is new spending in the local authority, directly contributing to keeping local shops open.
 - For just one retirement development, a local authority could expect to see benefits of 85 construction jobs for the duration of the build, as well as six permanent jobs.

8.22 It is to be remembered that the figures appear in a 2021 report and would have to be increased to take account of inflation but also the scheme being 41 units. Accordingly, I attach substantial weight to the economic benefits of the proposal.

Social Benefits

8.23 Retirement housing gives rise to many social benefits by providing a specialised age friendly environment to meet a specific housing need. The UK has the oldest housing stock in the EU with 38% of our homes dating before 1946 and 21% before 1919. Older homes are in a poorer state of repair, are often colder, damper, have more risk of fire and fall hazards. They lack in adaptations such as handrails, wider internal doors, stair lifts and walk in showers. Without these simple features everyday tasks can become harder and harder. Specifically designed housing for older people offers significant opportunities to enable residents to be as independent as possible in a safe and warm environment. It also helps to reduce anxieties and worries experienced by many older people living in housing which does not best suit their needs in retirement by providing safety, security and reducing management and maintenance concerns.

8.24 Specialist Retirement Living housing offers significant benefits which can help to reduce the demands exerted on Health and Social Services and other care facilities – not only in terms of the fact that many of the residents remain in better health, both physically and mentally, but also doctors, physiotherapists, community nurses, hairdressers and other essential practitioners can all attend to visit several occupiers at once. A recent report 'Happier and Healthier' by Homes for Later Living (2019) (Appendix 2) has found that:

- Each person living in a home for later living enjoys a reduced risk of health challenges, contributing fiscal savings to the NHS and social care services of approximately £3,500 per year.
- Building 30,000 more retirement dwellings every year for the next 10 years would generate fiscal savings across the NHS and social services of £2.1bn per year. (Homes for Later Living September 2019)

8.25 The table above breaks down health and social care costs, comparing housing for later living with mainstream housing. (Homes for Later Living September 2019)

Table below: The fiscal impacts of mainstream vs homes for later living housing, by outcome and efficiency

	Mainstream housing, pp >80yrs	Homes for Later Living housing, pp >80yrs	Difference
Adverse health outcomes / cause:	Cost (£)	Cost (£)	Saving (£)
Fracture or serious injury / falls	811	300	(510)
Dementia / loneliness	2,119	1,874	(244)
Stroke incapacitation / delayed action	477	343	(134)
Pneumonia, heart attacks, arthritis / cold homes*	205	nil	(205)
Visits to GP and A&E attendance / (various)	267	195	(72)
Subtotal (prevention)	3,878	2712	(1,166)
Efficiencies:			
Utilisation of public-funded institutional care**	1812	nil	(1,812)
Use of public-funded home care services	984	820	(164)
Use of disabled facilities grant money***	349	nil	(349)
Subtotal (efficiencies)	3,144	820	(2,324)
Total	7,022	3,512	(3,490)

8.26 There are huge benefits from newfound friends and companions. Around 3.8 million individuals over the age of 65 live alone in the UK, with increasing sense of loneliness and vulnerability. Research has suggested that the impact of loneliness and isolation on mortality is equivalent to smoking 15 cigarettes a day. These people are also much more likely to suffer from depression and to develop dementia.

8.27 The recent Housing for Later Living Report (2019) shows that on a selection of wellbeing criteria such as happiness and life satisfaction, an average person aged 80 feels as good as someone 10 years younger after moving from mainstream housing into housing specifically designed for later living.

8.28 I attach substantial weight to the social benefits of the proposal.

Environmental Benefits

8.29 The proposal will see the redevelopment of an under-utilised partly developed site in a sustainable location. The scheme would also be designed to energy and water efficiency standards utilising photovoltaic panels for energy generation and

restricting water consumption as a resource. The proposal will also include the provision of electric vehicle charging points.

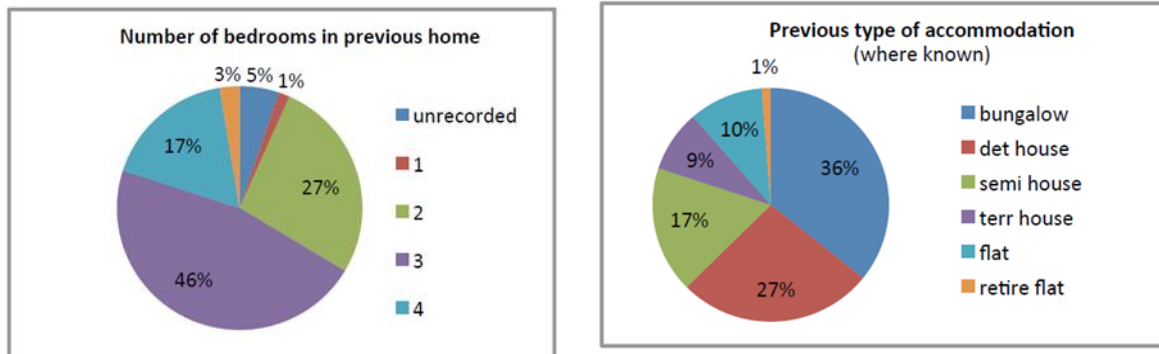
- 8.30 The proposed redevelopment of the site would enhance the townscape of the area by removal of existing redundant buildings and replacement with a high-quality residential development that respects the residential character of the area.

Release of Under Occupied Housing Stock

- 8.31 The Government has recently acknowledged that downsizing is key to tackling the national housing crisis. Older persons are more likely than average to under-occupy their property and have multiple spare bedrooms. The English Housing Survey Findings 2020-2021 show under-occupation in England is 38% with around 9.1 million households living in under-occupied homes (i.e. with 2 or more spare bedrooms). Many older households remain under-occupying large family houses due to the lack of choice in the housing market. A report 'Chain Reaction' (August 2020) finds there are around 3 million older people in the UK aged 65+ that want to downsize but there is no suitable housing.
- 8.32 A research project undertaken by Professor Michael Ball from the University of Reading in May 2011 entitled "Housing Markets and Independence in Old Age: Expanding the Opportunities" (**Appendix 3**) reinforces the benefits set out above. The report reaffirms the position that Owner Occupied Retirement Housing (OORH) has a positive impact on local housing markets. Upon moving, most residents free up a substantial family home, with two thirds moving from houses with three or more bedrooms.
- 8.33 The report identifies the following benefits of specialist housing provision based on an analysis of 5,000 sales records of older people who bought retirement housing properties between 2007 and 2010. They show how specialist housing frees up under-utilised family-sized housing in the local area.
- For every 5,000 owner-occupied retirement homes sold, family housing to the value of £1.1 billion is released back onto local housing markets.
 - For an individual retirement housing scheme of 40 dwellings, this equates to the release of 40 family-sized homes the majority of which are in the local area worth nearly £9 million.
 - The average value of the individual dwellings released is just under £220,000. Two thirds had three or more bedrooms.

- Property vacated is then usually bought by younger people and often used to raise families. In this way, local housing stock is recycled through the generations.
- Provision of specialist retirement housing has a multiplier effect through the housing chain. For each individual specialist dwelling built, housing for six people is provided; the 'classic' family of four in the vacated property, and the couple downsizing into specialist accommodation.
- A wider chain of moves is also triggered. As the initial property vacated is likely to be quite substantial, additional moves further down the chain occur. On many occasions, six or more moves can be stimulated.
- First time buyers also benefit. It is estimated that within six moves, a first-time buyer is able to enter the housing market.

Figure 5.6: Characteristics of previous homes



8.34 At the launch of the recent task force launched to enhance older people's housing sector, Richard Morton, Chair of the Retirement Housing Group UK said:

"The Retirement Housing Group UK has worked hard to develop constructive proposals that can increase housing supply in this very important but neglected sector of the housing market. We welcome the creation of the Task Force on Older People's Housing and are committed to working with the task force and with Professor Julienne Meyer to develop policies that will increase housing choice for older people. With an ageing population it is essential we increase the supply of suitable and attractive homes for this key section of society, and in turn, then release desperately needed housing for other age groups." (Source: The Planner, 11th April 2023, Appendix 4)

Relevant Appeal Decisions

8.35 The weight that should be afforded to these significant benefits has recently been considered in an appeal decision for the Appellant at a site in Fleet, Hampshire (APP/N1730/W/20/3261194)(CD6.1). At Paragraphs 69-71 the Inspector in considering the planning balance and weight to be attached to the benefits of the proposed scheme states;

69. *'Moreover, there would be a number of benefits of the appeal scheme which were put forward by the Appellant. These benefits were not undermined to any degree during the Inquiry. I deal with each of these below explaining the weight that I attribute to each shown in the brackets.*

70. *The following benefits would arise: (i) much needed housing for older people. The Council suggests 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. (ii) the development is of previously developed land (substantial weight); (iii) the development would be in a sustainable location (substantial weight); (iv) the development would make optimum use of the site (moderate weight); (v) the development would provide 31 market dwellings and is a clear benefit (substantial weight); (vi) the provision of the Appellant's payment of £500,000 to the delivery of affordable housing would be a significant benefit (substantial weight); (vii) there is a benefit releasing under-occupied housing stock (substantial weight); (viii) 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); (ix) there would be social benefits in specialised age friendly housing (substantial weight); (x) the environmental benefits of the scheme are a clear benefit (moderate weight). 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 national level in the NPPF and NPPG and at a local level in HLP32.*

71. ***Therefore, even if I had reached a contrary conclusion in terms of this appeal and found that there was a conflict with the development plan, any harm which might be identified as arising from the appeal proposal comes nowhere near significantly and demonstrably outweighing the many and varied benefits of the appeal proposal. There is no reason to withhold planning permission in this case and I conclude that the appeal should be allowed*** (my emphasis).

- 8.36 I would argue that the same attribution of weight applies here and that the cumulative benefits of the proposed scheme weigh heavily in favour of the appeal being allowed especially given the critical need for housing for older people as identified at national level in the NPPF and NPPG.
- 8.37 A similar attribution of weight to the planning benefits of a Retirement Living scheme by the Appellant was given by Inspector to its proposed development at The Village, Wigginton (APP/C2741/W/23/331433) from July 2023 (Paragraphs 112-119) (CD6.2).

9.0 CONCLUSION

- 9.1 The Appeal proposal accords admirably with planning, housing and sustainability aims and objectives of the NPPF and NPPG, and local planning policy, not least in providing residential development for which there is a 'critical' need nationally and locally, and in a sustainable manner.
- 9.2 The proposed development has been considered in the light of Section 38(6) of the 2004 Act with regard to those matters that are relevant and material planning considerations. The appeal proposal complies with the Council's sustainable development objectives for the delivery of new residential development. The Council have confirmed through common ground that the appeal proposal complies with the development plan and all other material planning considerations weigh in favour of the scheme.
- 9.3 The Appellant considers that the appeal proposal is compliant with the development plan when considered as a whole, national planning policy, and provides substantial planning benefits as follows (weight attached in brackets);
- The proposal would bring forward 41 units of C3 dwellings in accordance with the spatial strategy of the Local Plan (substantial weight);
 - The delivery of 41 units of specialist accommodation for older persons which national planning policy identifies the need for delivery as '*critical*', and the development plan acknowledges the key challenges of accommodating an ageing population (substantial weight);
 - Redevelopment of a previously developed site in a key settlement as identified by the development plan (substantial weight);
 - The appeal proposal is for the redevelopment of a vacant site in a sustainable location being on public transport corridor to the town centre with local shops and facilities within walking distance (substantial weight);
 - The development would make optimum use of the site (moderate weight);
 - There is benefit in releasing under-occupied housing stock in the local area (substantial weight);
 - The proposal would provide economic benefits by generating jobs, in the construction phase and by residents spending locally (substantial weight);
 - There would be social benefits in older persons accommodation including to the national health service (substantial weight); and
 - There would be environmental benefits from the redevelopment of this contaminated site and through the sustainable construction of the proposed development (moderate weight).

9.4 I respectfully request that the appeal be allowed.