

Continuing care retirement communities

A guide to planning

Update by Robin Tetlow following the Storthes Hall Secretary of State Decision of 11 January 2007

Continuing care retirement communities: A guide to planning by Robin Tetlow was published by JRF in April 2006. Subsequently this report has been used in support of various planning applications and appeals concerning continuing care retirement communities (CCRCs). This update should be read alongside the original report and technical appendices, all of which can be downloaded from the JRF website (www.jrf.org.uk).

Section 6 of the original report highlighted that the planning permissions for CCRCs approved by local planning authorities, inspectors and the Secretary of State have invariably involved the weighing up of several, often complex, issues. The technical appendices included example decisions.

The recent Secretary of State decision issued in January 2007 concerning Storthes Hall, Huddersfield offers a further insight into several of the key issues highlighted in the report and raises some other issues not previously considered. This grant of outline permission for a CCRC of 300 units, a residential care home and central community facilities provides a particularly useful reference point for future CCRC proposals.

Consideration of the following issues is pertinent:

- Are CCRCs a sustainable concept?
- Are CCRCs appropriate for rural locations?
- What use class do CCRCs fall under?
- Should CCRC schemes provide an element of affordable housing?
- Are CCRCs justified in providing a lower density development?
- What about Green Belt considerations?
- Is PPS3 of any relevance?
- What about other planning benefits?

Are CCRCs a sustainable concept?

The report highlights examples of several CCRCs across Britain. The Secretary of State concurred with the Inspector that *'the concept of a continuing care retirement community appears sustainable in the longer term, based on examples elsewhere in Britain'* (paragraph 13). This is the first Secretary of State decision to make such an observation.

Are rural locations appropriate?

It is generally accepted that CCRCs must be well served by local amenities and facilities. However, in most cases the facilities required by the residents are provided on site and as a result CCRCs do not need to be located in such a sustainable location as open market housing.

In the case of Storthes Hall, it was submitted that the on site amenities were sufficient to overcome locational shortcomings, the site being located seven kilometres from the nearest town of Huddersfield. The nature of the development would minimise the need for residents to travel by private car and in any event the proposed development would be adequately served by public transport. Adherence to a travel plan including at least one mini-bus for residents' use was offered by planning condition.

The Secretary of State concluded that the Storthes Hall proposal was for a rural location in which general market housing provision would be unsuitable, but that CCRCs provide a different type of housing. She considered that a rural location for a CCRC was of reduced significance as day to day services would be provided on site, and the residents would all be over 60 and therefore have no requirement to be located near to schools and employment sites (paragraph 13). She further concluded that no sequentially preferable sites had been identified (paragraph 17).

Interestingly neither the Inspector nor the Secretary of the State apparently assessed the travel needs of employees and others providing services to the development and the ability to meet such needs other than by private car. In some other cases this consideration has been accorded more weight.

Classification within the Use Class Order?

The report highlights that the Use Class designation of CCRCs is unclear and that practice varies. Schemes are individual and vary in the character, size and balance of facilities provided. However, all CCRCs incorporate similar elements (individual housing units, care home and facilities). The debate ranges between designating CCRCs as C2 (residential institutions), C3 (ordinary housing) or *sui generis*.

In the case of Storthes Hall, the Inspector, Council and Secretary of State agreed that the CCRCs should be considered as *sui generis*. However, despite this, it was considered that there was enough in common with a C3 use that the proposal should be bound by the housing policies in the Local Plan.

In some previous decisions the Secretary of State has decided that CCRCs are not *sui generis*. In the Heysham case in particular the Secretary of State referred to the CCRC as being use class C2 (residential institutions) and outside the scope of the Local Plan housing policies.

Affordable housing provision?

The provision of affordable housing relative to CCRCs has been widely contested, especially where it has been concluded that the scheme is C2 or *sui generis*.

The Secretary of State concluded in the Storthes Hall case that the nature of a CCRC and its limited age range precludes the provision of a wide social mix. She went on to say that the UDP policy seeking 20 per cent affordable housing should be applied via a condition requiring a scheme of affordable housing to be submitted, approved and implemented. In

deciding this she acknowledged that the site could only cater for a limited range of local affordable housing needs and a commuted sum for off-site provision might ultimately constitute the most practicable option (paragraph 18).

Within the framework of PPS3: Housing (November 2006), it should be added that even if it is agreed in principle that either on site or off site affordable housing contribution is appropriate, this is a matter for negotiation. Demonstrable evidence of viability problems/ abnormal costs may justify a reduced or nil contribution.

Furthermore, in a previous decision the Secretary of State has viewed the provision of affordable housing as a 'further benefit' but not part of the scheme's primary purpose (Sapcote, Leicestershire).

Lower density development?

By their nature CCRCs provide a low density development with high amenity value. This creates a high quality living environment but will frequently fall below the density guidance set out in PPS3: Housing (November 2006). The density will be dependent upon the site characteristics as well as the character of the scheme.

The Secretary of State noted that the development at Storthes Hall would be built at an approximate density of 18 dwellings per hectare. However, she considered that the proposed development would make the best use of the site (paragraph 19).

CCRCs in the Green Belt?

The proposal at Storthes Hall was for the development of a site within the grounds of a very large former mental hospital located within the Green Belt where there is a strong presumption against development. However, it was deemed to be 'appropriate development' within the terms of PPG2: Green Belts. Paragraph C4 of Annex C advises that redevelopment of a major developed site identified in an adopted UDP which meets the criteria of paragraph C4 does not constitute major redevelopment and is therefore considered to be 'appropriate development'. Furthermore, being contained within the well-defined and heavily landscaped boundaries, the visual amenity of the Green Belt would not be injured by the proposed development and there would be no risk of further encroachment into the countryside.

CCRCs have previously been granted permission in the Green Belt (for example, at Berkhamsted).

Relevance of PPS3?

PPS3: Housing was published in November 2006, replacing PPG3: Housing. This occurred between the Inquiry and the decision. The Secretary of State concluded relative to Storthes Hall that the advent of PPS3 would not have altered her conclusions.

It is, however, worth pointing out for future schemes that paragraph 21 requires local planning authorities to plan for a mix of housing on the basis of the different types of

households likely to demand/need housing, having particular regard to, inter alia, 'current and future demographic trends and profiles' and 'the accommodation requirements of specific groups, in particular...older...people'.

Other planning benefits?

The Secretary of State weighed a number of other planning benefits relative to Storthes Hall including:

- The proposal would create the equivalent of 90 full-time jobs.
- The proposal would protect and enhance the environment, removing a derelict eyesore and securing the proper remediation, management and maintenance of the adjacent woodland and pastureland setting in the applicant's control.
- The illustrative material submitted demonstrated the potential for high quality design.

As in other cases, such additional benefits helped to tip the balance in favour of approval.

Conclusions

Storthes Hall is a landmark decision. It acknowledges CCRCs as a credible and sustainable concept with a long-term future in the UK, and reinforces many of the messages of the April 2006 report. In particular, it demonstrates that well thought out CCRC proposals can succeed even on relatively remote sites and even in the Green Belt, provided that the benefits are properly articulated and appropriate legal undertakings and planning conditions offered.

Further information

The full Secretary of State decision on Storthes Hall can be downloaded from the JRF website at <http://www.jrf.org.uk/bookshop/details.asp?pubID=773> (it is included as Appendix 11). *Continuing care retirement communities: A guide to planning* by Robin Tetlow can also be downloaded, together with ten other technical appendices.

Published by the Joseph Rowntree Foundation, The Homestead,
40 Water End, York YO30 6WP.

Other formats available.

Tel: 01904 615905 email: info@jrf.org.uk

Ref: 2147

www.jrf.org.uk