
Appeal Decision

Hearing held on 28 March 2017

Site visit made on 28 March 2017

by Stephen Hawkins MA MRTPI

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

Decision date: 26th April 2017

Appeal Ref: APP/B9506/W/16/3162888

Watersplash Hotel, The Rise, Brockenhurst SO42 7ZP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by PegasusLife Ltd against the decision of New Forest National Park Authority.
 - The application Ref 16/00307, dated 8 April 2016, was refused by notice dated 10 October 2016.
 - The development proposed is demolition of existing extensions and the erection of new extensions to the core building and erection of new blocks of accommodation to provide residential accommodation for older people comprising 24 no. apartments integrated with communal and support facilities, car parking and landscape works.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing extensions and the erection of new extensions to the core building and erection of new blocks of accommodation to provide residential accommodation for older people comprising 24 no. apartments integrated with communal and support facilities, car parking and landscape works at Watersplash Hotel, The Rise, Brockenhurst SO42 7ZP in accordance with the terms of the application, Ref 16/00307, dated 8 April 2016, subject to the conditions in the schedule at the end of this decision.

Main Issues

2. The main issues in this appeal are:
 - Whether the proposed development would preserve or enhance the character or appearance of the Brockenhurst Conservation Area.
 - Whether any harm to the Conservation Area resulting from the proposed development would be outweighed by public benefits.

Reasons

Character, appearance of the Conservation Area

3. The disused hotel is a substantial 2½ storey building originating in the Victorian era which has been significantly extended at times during the 20th Century. The building is situated in very generous grounds containing ancillary buildings and a swimming pool, with groups of mature trees and hedges along the boundaries contributing to a verdant, spacious character. The building and its
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grounds are within the Brockenhurst Conservation Area (CA). Due to its substantial scale and proximity to the road, the front and parts of the side elevations of the building have a significant visual presence in the street scene. This is given further emphasis by the local topography which, as the name of the street suggests, rises up towards the building. Additionally, the sweeping curvature of the street provides partial views of the side elevations.

4. In the *Brockenhurst, The Weirs and Sway Conservation Area Character Appraisal* (CAA), the appeal site is identified as a building of local historic interest forming part of the 'commercial part of Brookley Road' character area. The CAA refers to the building as being one of the oldest along The Rise. It describes the materials and decorative finishes of the building as well as its prominence in views. The importance of trees, including some of those on the appeal site, to the character area is also referenced. However, the building is not statutorily listed. Consequently, it is a non-designated heritage asset as described at paragraph 039 of the Planning Practice Guidance (PPG) section on conserving and enhancing the historic environment¹.
5. To the west of the appeal site are a pair of detached suburban dwellings probably dating from the mid-20th Century set in generous, well landscaped plots. To the north is a terrace of 2½ storey buildings fronting Brookley Road, with mainly retail uses on the ground floors and residential accommodation above. These adjacent buildings also vary in terms of their elevational design and materials. Consequently, the adjacent development in the CA is of mixed character, materials and densities and there is no uniform scale. The substantial modern elderly persons' home to the east of the appeal site and the row of suburban dwellings in spacious plots on the opposite side of The Rise are outside of the CA.
6. The building would be converted into six apartments. This would involve the removal of the later additions. A substantial original rear wing would also be removed and replaced by an extension of increased height and depth. Further, an early 20th Century addition would be removed. A 2½ storey block would be erected to the west of the building containing eight apartments (Villa 2). To the north-east of the building, another 2½ storey block would be erected housing eight apartments following removal of the pool and ancillary buildings (Villa 3). A pair of 1½ storey mews-type houses would be erected in the north east corner of the appeal site, close to a private pedestrian access to Brookley Road (Villa 4).
7. It is common ground between the main parties that removal of the unsympathetic later 20th Century accretions would not adversely affect the significance of the building, which mainly derives from its historic architectural character, scale and prominence in local views. The rear wing has largely been subsumed within the later extensions so that only parts of the upper storeys and the roof can be seen from most viewpoints, including from within the appeal site. Internally, the rear wing has been altered significantly. Whether the rear wing is beyond economic repair remains unclear. However, it is undoubtedly in a poor condition, particularly internally. Consequently, the rear extension makes little contribution to understanding the history and original hierarchy of the building. Whilst some historic fabric would be lost and there would be a slight reduction in the visual appreciation of the proportions of the

¹ Paragraph: 039 Reference ID: 18a-039-20140306.

- original building, in my view the significance of the building would not be greatly eroded by removal of the rear wing.
8. The proposed replacement extensions would be at the rear and would be of a form, scale, detailed design and materials that would respect and reflect the key architectural characteristics of the building. In particular, the extensions would incorporate projecting bays and openings of similar proportions to those on the building. The roof line would be similar to that of the existing gables and would be set well below the highest part of the roof. Overall therefore, I find that the proposed demolition and alterations and extensions to the building would represent an enhancement to its character and appearance.
 9. The plan forms and rooflines of the blocks at Villas 2 and 3 have been articulated, in order to reduce their overall scale and bulk. Whilst of larger scale, Villa 2 would occupy a similar footprint to an approved scheme for a dwelling². In terms of their elevational design and use of materials, both blocks would reflect local building traditions and they would not appear at odds with their surroundings in this respect, having regard to the varying styles and materials of other nearby buildings in the CA. Although due to their deep plan form both blocks incorporate areas of crown roof, these areas would be open to limited views from the public realm.
 10. The blocks would be sited well away from the existing building. Villa 2 would have an overall height not dissimilar to that of the gables of the existing building. The overall height of Villa 3 would be similar to the eaves level of the existing building, as it would be sited where the ground level is considerably lower. Consequently, when taken with the articulated forms and respectful design and materials the blocks would appear as subordinate features in relation to the substantial scale of the existing structure, which would remain the more dominant built feature on the appeal site in views from the street in either direction. Therefore, the blocks would not appear overdominant in the street scene.
 11. The appeal site is an unusually large plot in comparison with that of surrounding development. Both blocks would be set back from the road frontage and away from other site boundaries, boundary trees and vegetation. They would be surrounded by generous areas of open space. Therefore, the spacing between the blocks and the existing building would reflect the spacious characteristics of the pattern of development in the CA between The Rise and the terraced buildings on Brookley Road. The existing substantial trees would largely be retained and augmented with additional and proposed planting, serving to further soften the appearance of the blocks and integrate them with the surrounding townscape. Consequently, whilst there would be some reduction in the existing sense of spaciousness, the blocks would not create a significantly more urbanised or built-up feel in views of the appeal site from either of the above roads. At the hearing, the National Park Authority (NPA) said that it had no objections to Villa 4 in terms of its design, scale and effect on the CA. I did not see or hear anything to suggest I should come to a different conclusion in relation to Villa 4.
 12. Therefore, the proposed development would preserve the character and appearance of the CA. Consequently, it would accord with Policy DP1 of the NPA's adopted *Core Strategy and Development Management Policies*

² NPA reference 13/98395.

Development Plan Document (CS), as it would demonstrate high quality design and construction which would enhance local character and distinctiveness, respect the built environment, use materials appropriate to the site and its setting and make provision for new tree planting. The proposed development would also accord with CS Policy DP6 as it would achieve high standards in terms of design, external appearance and location, with particular regard to enhancing the built heritage of the New Forest. Further, the proposed development would accord with CS Policy DP9 as it has been informed by the spacious character of the surroundings without compromising that character. These policies assist the NPA in delivering its statutory purposes³, are consistent with the Framework and attract full weight.

13. CS Policy CP7 requires development to protect, maintain and enhance locally important features of the built environment. This policy pre-dates the National Planning Policy Framework (the Framework) and does not reflect the approach of weighing any harm to a designated heritage asset against the public benefits of the proposed development, set out at paragraph 134. Therefore, I shall afford more weight to the Framework. Even so, the presumption in favour of sustainable development in paragraph 14 of the Framework is not engaged. The NPA has a five-year land supply and in any event, there are specific policies in the Framework which indicate that development should be restricted.
14. The NPA's adopted *Design Guide Supplementary Planning Document* is principally focused on smaller scale development such as single dwellings or residential extensions, reflecting the majority of applications it receives. Nevertheless, for the reasons set out above the proposed development would be consistent with the principles of encouraging sensitive design, making development belong, understanding character and distinctiveness, avoiding suburbanisation and building influences set out therein. Also for the above reasons, the proposed development would be consistent with the Framework section 7 concerning the requirement for good design.
15. The CA is a designated heritage asset as defined in the Framework. Notwithstanding the above conclusions, the proposed development would cause a limited degree of harm to the significance of the CA, due mainly to the loss of a small amount of fabric of limited historic value on a part of the building and the reduction in the currently open, spacious quality of the appeal site arising from the new built forms. Both main parties agreed that the level of harm is 'less than substantial' as meant by paragraph 134 of the Framework. Even so, as great weight must be afforded to the conservation of the CA it will be necessary to weigh the harm caused against any public benefits.

Whether there would be public benefits

16. The proposed development is large in terms of the scale of development involved in most applications made in the NPA area. Nevertheless, it was common ground between the main parties that the proposed development was not 'major development' for the purposes of paragraph 116 of the Framework. Therefore, it is not necessary for exceptional circumstances to be demonstrated. Given the substantial size of the village, it would not be unreasonable to regard the proposed development as 'small-scale' for the purposes of CS Policy CS9. Even so, in order to fully accord with that policy, the proposed development would also have to meet a local need.

³ Environment Act 1995.

17. The proposed accommodation would provide the 'extra care' model of specialist housing for older people, which includes delivering care to the residents as their needs increase whilst assisting them in living as part of the community. The PPG housing and economic needs section⁴ recognises that nationally, there is a critical need to provide housing for older people given the projected increase in the number of households aged 65 or over. Such accommodation allows older people to live independently and safely in their own home for as long as possible, or to move to more suitable accommodation if they so wish, can help to reduce the costs to health and social services, and can also free up houses that are under-occupied.
18. It was common ground that in the area administered by the New Forest District Council, older people formed a much higher percentage of the population than the national average. In Brockenhurst, I am given to understand that the percentage of resident older people is even higher and is forecast to increase significantly over the next twenty years. The number of older people having difficulty with domestic tasks or personal care was also predicted to rise. Detailed evidence submitted on behalf of the appellant suggested that the proposed development would meet the current and future needs of an increasing number of older people who live in the village and wish to continue to live in their own home as part of the community, as opposed to having to move away to find specialist accommodation. At the hearing it was said on behalf of the appellant that without such accommodation, the end result could be older people in the village being 'trapped' in their homes or moving away, both resulting in social disadvantage. It was also pointed out on behalf of the appellant that the majority of older people in the New Forest District area owned their own home and the provision of specialist accommodation for older people had largely not been directed at owner-occupiers, leading to a supply deficit in respect of accommodation for that form of tenure. Much of this evidence was based on a sound analysis of public statistical data and I found the conclusions to be robust and credible.
19. The NPA acknowledged there was a need for housing for older people in its area, but it stated that there was a general need for housing for all ages and a particular need for affordable housing for younger people. At least 50% affordable housing provision was therefore sought in new developments in CS Policy CP11. The NPA considered the National Park an inappropriate location for open market housing and referred to the *English National Parks and the Broads: UK Government Vision and Circular 2010* (the 2010 Circular) as support for its approach. However, the 2010 Circular pre-dates the Framework. The latter is generally restrictive of development in the National Park but does not necessarily prohibit open market housing on brownfield sites in settlements, such as in this appeal. I also accept that the number of specialist housing units for older people identified in the *Strategic Housing Market Assessment* (SHMA) dating from 2014 cannot be relied upon as the final requirement in the forthcoming replacement Local Plan as it does not take account of other constraints. The majority of that requirement is therefore likely to be met outside of the NPA area. Even so, given the significant number of units identified in the SHMA, it is still likely to leave a substantial residual requirement for this form of accommodation in the NPA area, which the proposed development would help to address.

⁴ Paragraph: 021 Reference ID: 2a-021-20160401.

20. The NPA said that the benefits of the proposed development were generic. It considered that the future occupiers would come from outside the NPA area, where there is significant scope to provide older persons' housing and the proposed development would therefore not address the local housing balance. Similar concerns were expressed by the Friends of Brockenhurst. At the hearing, one local resident suggested that there was no local shortage of older people's accommodation. However, a local estate agent also gave detailed evidence at the hearing of his experience of the factors typically influencing older local residents when they consider buying and selling property, including their aspirations to remain in the village in smaller, more modern properties with limited gardens in accessible locations. He confirmed that there was limited accommodation suitable for older people available in the village and this has had an adverse effect on the operation of the local property market. Although this evidence could also indicate the pressure on housing in the area, in my view it lent further support to the appellant's case regarding the local need for additional accommodation for older people.
21. Overall, whilst there is a risk that some of the future occupiers of the proposed development would not be drawn from the village or its surroundings, it is also likely that a considerable number of existing village residents would be attracted. Consequently, in my view the proposed development would fulfil a local need which would otherwise be unmet. In turn, this would lead to other benefits, including the reduced costs to local health and social services, clear evidence of which was also submitted by the appellant and expanded upon at the hearing.
22. Whilst the NPA referred to an absence of affordable housing in the appeal scheme they had not objected to it on that basis. A viability assessment submitted with the application had concluded that the proposed development would not be viable if provision for affordable housing were made. I have not seen or heard any evidence which suggests that I should come to a different conclusion in this respect. The proposed development would not be at odds with the flexible approach to requiring affordable housing taking account of market conditions encouraged by paragraph 50 of the Framework. Consequently, taking all of the above factors into consideration in my view the proposed development would meet a local need in accordance with CS Policy CP9.

Other matters

23. A completed Planning Obligation was submitted with the appeal, making a financial contribution towards habitat mitigation. A financial contribution towards the provision of open space was also made. The requirement for the contributions is set out in the NPA's *adopted Development Standards Supplementary Planning Document (SPD)*.
24. A significant part of the NPA's area has been designated as Special Area of Conservation (SAC) and a Special Protection Area (SPA). At the hearing, the NPA explained that habitat mitigation contributions were not used to fund or provide an infrastructure project or type of infrastructure but were used for educational and interpretation purposes. Consequently, the contribution is not affected by the limitation on the use of more than five Planning Obligations at Section 123 (3) of the Community Infrastructure Regulations 2010 (CIL). I am therefore satisfied that the habitat mitigation contribution is necessary to make

the development acceptable in planning terms, is directly related to the development and is fairly related to it in scale and kind. This part of the Obligation would therefore comply with the tests in Section 122 (2) of the CIL Regulations and the Framework at paragraph 204 and I have taken it into account in my decision.

25. However, the provision of open space is capable of being funded by CIL. The NPA confirmed that it had not adopted a CIL charging schedule. I did not have any evidence from the NPA to demonstrate that less than five Obligations have been entered into concerning the provision of open space since 6 April 2010. Consequently, on the evidence before me I am not satisfied that I can lawfully take that part of the Obligation into account in my decision.
26. A number of other matters were raised by interested third parties. The occupier of 2 Courtyard Mews, Brookley Road (No 2) was concerned that the future occupiers of Villa 3 would overlook her roof terrace, main sitting room and bedrooms. No 2's roof terrace is its principal open space and is separated from the northern boundary of the appeal site by the width of a communal track. The windows serving the above rooms are on the rear elevation of the building, behind the roof terrace. The north facing elevation of Villa 3 contains windows and balconies at first and second floor levels that would face towards No 2. However, Villa 3 would be set back several metres from the northern boundary of the appeal site. I accept that currently No 2 has a view towards dense boundary vegetation beyond which are low-key outbuildings and that the proposed development would change this. However, in my view given the significant distance between the Villa 3 windows and balconies and No 2, there would not be an unacceptable reduction in the level of privacy enjoyed by the existing occupants. Whilst some of the existing mature boundary planting would be removed, some would be retained which together with the augmented planting proposed would further reduce inter-visibility between Villa 3 and No 2.
27. Concerns regarding potential overlooking were also expressed by the occupiers of 61 Brookley Road (No 61), to the north west of the appeal site. Whilst Villa 2 would be at a higher level than No 61, its nearest part would be several metres away from the boundary and it is proposed to largely retain the substantial mature tree boundary screen at this point. Moreover, given its position, no windows in Villa 2 would look directly towards No 61. Consequently, in my view the proposed development would not have an unacceptable effect on the privacy of the occupiers of the above properties or that of other neighbouring residential occupiers.
28. Whilst some interested parties expressed concern about the loss of tourist accommodation and its associated employment, a financial viability report had been submitted with the application which demonstrated that the hotel was no longer viable. Concerns were also expressed regarding the potential impact of additional traffic and parking on The Rise and possible conflicts between the future occupiers using the pedestrian entrance in the north east corner to access Brookley Road, and traffic using Courtyard Mews. However, given the size of the hotel, it is likely that the levels of vehicular and pedestrian traffic using the accesses would not have been dissimilar to those of the proposed development. Similar considerations would apply in relation to levels of noise and disturbance and external lighting. Ultimately, the NPA did not object to the

proposed development in respect of any of these other matters and I have not found any reason to disagree with their conclusions.

Planning balance

29. The proposed development would cause a very limited degree of less than substantial harm to the CA. Against this, the appellant has provided compelling evidence of a specific local need for accommodation for older people which would enable them to live independently without moving away from their community, would release under-used housing and reduce pressure on health and social care provision. These are public benefits to which I attach considerable weight. The NPA questioned whether the proposed development would secure the optimum viable use of the appeal site and felt that a range of alternative uses should be considered. However, in my view this would be a disproportionate requirement in relation to the proposed development, having regard to the limited scale of the harm to a small constituent part of the CA.
30. It was common ground that the proposed development would provide a number of other benefits when assessed against the economic, social and environmental objectives of sustainable development, set out in paragraph 7 of the Framework. These include the creation of short-term jobs in the construction sector as well as employment at the appeal site in conjunction with its running and management, an increase in residents to sustain local businesses and re-use of brownfield in an accessible location in relation to local shops, facilities and public transport links. The benefits are specific to the appeal site and should be afforded some weight. The approved scheme for one dwelling would not achieve the nature and scale of benefits of the appeal scheme.
31. I also have to give great weight to the statutory purposes of the National Park and the importance given to the conservation of amongst other matters, wildlife and cultural heritage having regard to paragraph 115 of the Framework. For the reasons set out above, the proposed development would be consistent with the statutory purposes and it would also advance the social and economic well-being of local communities within the National Park. In particular, for the reasons described above the proposed development would conserve the landscape and scenic beauty of the National Park, it would conserve its cultural heritage and benefit wildlife in accordance with paragraph 115 of the Framework.

Conditions

32. In addition to the standard commencement condition, I have imposed a condition specifying the approved plans, in the interests of certainty. I have imposed a condition requiring the submission and implementation of a programme to mitigate the effects of development on the ecology of the site and achieve ecological enhancements. This is a pre-commencement condition, as it would otherwise have been necessary to refuse permission on the grounds of harm to protected species. I have also imposed a condition requiring details of the surface water drainage, including its future maintenance, to be submitted, approved and implemented in order to reduce the risk of flooding. Approval is also required prior to commencement, as otherwise it would be necessary to refuse permission on grounds of flood risk.

33. I have imposed a condition requiring prior approval of the external materials to be used in the alterations and new extensions to the building, in the interests of safeguarding the heritage assets. In the interests of highway safety, I have imposed conditions requiring the provision and retention of car parking and the submission, approval and implementation of schemes for cycle and mobility scooter parking and for the stopping up of the existing vehicular access to The Rise.
34. It was common ground between the main parties that the existing frontage treatment of the appeal site was a negative feature in the CA and I found no reason to disagree with them. I have therefore imposed a condition requiring the submission, approval and implementation of a new front boundary treatment, to secure the enhancement to the character and appearance of the CA that this would achieve. I have also imposed a condition requiring the implementation of the approved landscaping details, in order to ensure a satisfactory setting for the development. Further, I have imposed a condition requiring the development to be undertaken in accordance with the submitted arboricultural impact appraisal and method statement. This is to ensure that the trees within the site are managed in accordance with good arboricultural practice and those that make a significant contribution to the character and appearance of the area are satisfactorily protected during the construction process.
35. At the hearing, the necessity for a condition restricting the age of the occupants was explored with the main parties and a draft condition was submitted by the appellant. The NPA considered that there was no policy basis for such a condition. However, in my view and in order to ensure that the social benefits identified under the second main issue are delivered and maintained, such a condition is necessary and it would meet the other tests at paragraph 206 of the Framework. I have therefore imposed a condition along the lines of the draft provided at the hearing.
36. Where necessary, I have I undertaken minor amendments to the wording of the suggested conditions to ensure that they meet the Framework tests. I have also ensured that the running order accords with the guidance in paragraph 024 of the PPG section on planning conditions⁵.
37. However, I have not imposed suggested conditions 5 to 9. The NPA explained at the hearing that these conditions were required as the extent of any contamination on the appeal site was unclear. I note that a ground investigation report had been submitted with the application, however it was inconclusive. Even so, throughout its history the appeal site has been in a form of residential use. I have seen little evidence to suggest that development of the appeal site would pose an unacceptable risk of contamination without the suggested conditions. Therefore, I am not persuaded that the suggested conditions are necessary or reasonable.

Conclusion

38. The proposed development would preserve the character and appearance of the CA and it would provide a social benefit of significant weight, amongst other public benefits. The proposed development would therefore accord with the Development Plan and the Framework.

⁵ Paragraph: 024 Reference ID: 21a-024-20140306.

39. For the reasons given above I conclude that the appeal should be allowed.

Stephen Hawkins

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 038-001, 038-002, 038-003, 038-011, 038-021 Rev A, 038-022, 038-051 Rev A, 038-052, 038-053 Rev A, 038-054 Rev A, 038-055 Rev A, 038-056 Rev A, 038-061 Rev A, 038-062, 038-063, 038-064, 038-071, 038-072, 038-073, 038-074, 038-081 Rev B, 038-082, 038-083, 038-084, 038-LL491-150-0001, 038-SKE038 Rev A.
- 3) No development shall commence on site (including site and scrub clearance), until measures for ecological mitigation and enhancement (including timescales for implementing these measures) have been submitted to and approved in writing by the National Park Authority. The measures thereby approved shall be implemented and retained at the site in perpetuity. The measures shall be based on the recommendations set out in the ecological reports (ecological assessment and Phase II bat report) accompanying the planning application (PV Ecology, March 2016).
- 4) No development shall commence on site until details of the means of disposal of surface water, including details of the future maintenance of the drainage system identifying the parties responsible, have been submitted to and approved in writing by the National Park Authority. No dwelling shall be occupied until surface water drainage has been provided in accordance with the approved details.
- 5) No works shall take place on the existing hotel building other than the demolition of the existing extensions and the rear wing until details of the exact facing materials, retained window joinery and proposed joinery to be used in the alterations and approved extension have been submitted to and approved in writing by the National Park Authority. The development shall be undertaken only in accordance with the approved details.
- 6) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. 038-053 Rev A for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for the parking and turning of vehicles.
- 7) No dwelling shall be occupied until provision has been made within the site for cycle and mobility scooter parking in accordance with a scheme submitted to and approved by the National Park Authority. The areas dedicated to cycle and mobility scooter parking shall thereafter be kept available for those purposes in accordance with the approved scheme.
- 8) No dwelling shall be occupied until the existing vehicular access from the site to The Rise has been permanently stopped up with the footway provided and verge re-instated, in accordance with details submitted to and approved in writing by the National Park Authority.
- 9) Notwithstanding drawing no. 038 053 Rev A, no dwelling shall be occupied until details for the hard and soft landscaping of the site frontage to the boundary with The Rise have been submitted to and approved in writing by the National Park Authority.

- 10) All hard and soft landscape works, including the works approved pursuant to condition 9 above, shall be carried out in accordance with the approved landscaping details. The works shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the National Park Authority gives written consent to any variation.
- 11) All development shall be undertaken in full accordance with the provisions set out within the *Barrell Tree Consultancy Arboricultural Impact Appraisal and Method Statement* reference 14233-AIA2-DC dated 22 March 2016 or as may otherwise be agreed in writing with the National Park Authority.
- 12) Each unit of the development hereby permitted shall be occupied only by:
 - i) persons of more than 60 years of age;
 - ii) persons living as part of a single household with such a person or persons;
 - iii) persons who were living as part of a single household with such a person or persons who have since died.

APPEARANCES

FOR THE APPELLANT:

Colin Virtue	Pegasus Planning Group.
Morag Ellis, QC	Francis Taylor Buildings.
Peter Stewart	Peter Stewart Consultancy.
Simon Roper-Pressdee	White Young Green.
Nigel Appleton	Contact Consulting.

FOR THE NATIONAL PARK AUTHORITY:

Deborah Slade MA (Oxon) Msc MRTPI	Senior Planning Officer.
Lisa Crouch BA (Hons) MSC HistCons IHBC	Conservation Officer.
David Illsley	Planning Policy Manager.

INTERESTED PERSONS:

Julia Loblely	Local resident.
Heather Postle	Local resident.
Tom Cable	Local estate agent.

DOCUMENTS

SUBMITTED AT THE HEARING:

1. *Aston & Anor v SSCLG & Ors* [2013] EWHC 1936 (Admin).
2. Draft occupancy/age limit condition.