



## **Additional Information Report**

This report sets out additional information in relation to planning applications for consideration at the Planning Committee on 23<sup>rd</sup> October 2025 that was received after the Agenda was published.

### **S25/1192 and S25/1357**

**Proposal:** Change of use of former nursing home (Use Class C2) to a 20-bedroom home of multiple occupancy for up to 20 people (Use Class Sui Generis).

**Site Address:** Castlegate House Rest Home, 49 Castlegate, Grantham, Lincolnshire NG31 6SN.

#### **Summary of Information Received:**

- Representation email dated 20<sup>th</sup> October 2025 Representation by Mr Paul Hardy

## **Evaluation**

To summarise the following concerns are raised:

#### **Occupancy, Intensity and Amenity**

The application is for 20 bedrooms and 20 residents as stated in the Proposal Description and there are 20 bedrooms illustrated on the drawing ref. 25 020 2 Rev A. The application has reduced the number of residents. Information regarding waster storage onsite is provided on the drawing ref. 25 020 2 Rev A

The previous applications S24/0065 and S24/1214 were for up to 35 people with 24 bedrooms, 2 kitchens and 9 bathrooms/shower rooms.

#### **Heritage Assessment and Comparison**

The Planning Inspector in the Appeal Decision APP/E2530/W/24/3347525 (Planning application ref. S24/0065) and APP/E2530/W/24/3347527 (Listed building application ref. S24/1214) concluded the proposal would not preserve the listed building or any features of special architectural or historic interest. The Appeal

Inspector stated '*Furthermore, there would be no changes to the external elevations of the building. Therefore, due to the internal nature of the proposed works, it would preserve the character and appearance of the CA as a whole and would not harm its significance as a designated heritage asset*' (Paragraph 22). However, this application has reduced the number of residents and the number of required bedrooms, in order to minimise harm to the listed building and loss of historic fabric.

This application includes a Heritage Impact Assessment which has been reviewed by the SKDC Conservation Officer. The application site was visited on the 23<sup>rd</sup> September where the officer assessed the proposals against the existing building. The officer commented with no concerns on heritage grounds having assessed the listed building, Conservation Area and proposals. The application has reduced the divisions in the historic listed building, increased amenity space and reinstated the original room proportions in the Edwardian extension. The officer concluded that minimal historic fabric interference would take place, and compared proposals to the previous applications S24/0065 and S24/1214.

Listed Building approval would be required for alterations to any historic windows, and would therefore be subject to a further application.

## **Noise and Local Character**

It is acknowledged that the use of the application site as a HMO would be different in character to a care home Use Class C2, however the site is in a central location in the town centre.

The Planning Inspector in the Appeal Decision APP/E2530/W/24/3347525 (Planning application ref. S24/0065) and APP/E2530/W/24/3347527 (Listed building application ref. S24/1214) concluded the

*'noise and activity impacts associated with the comings and goings of residents and their visitors and deliveries in connection with the appeal scheme, are unlikely to materially impact on the character of the area. This is because the locality already experiences a certain amount of background noise due to its location within a built-up town centre area with established pedestrian and vehicular activity'* (Paragraph 22).

The Planning Inspector noted that the property is a '*sizeable property and sited in a deep plot that is physically separated from nearby residential properties*' (Paragraph 41) and that as it is detached there are '*adequate separation distance from neighbouring dwellings, the proposal would not lead to a significant increase in noise and disturbance to neighbouring residents. The property is also located quite centrally to Grantham so there is already a level of noise from its urban surroundings*' (Paragraph 42).

The Planning Inspector also noted the concerns raised regarding crime and anti-social behaviour but concluded that '*there is no substantive evidence that there would be a material difference from the existing situation*' (Paragraph 43) and '*there is insufficient evidence to substantiate the claims that the proposal would increase noise and disturbance in the local area. In addition, there are separate protections to address noise, and the local authority and Police have powers to deal with nuisance behaviours should they arise*' (Paragraph 44).

On the basis of the above, it is Officer' assessment that the reduction in proposed occupants would further reduce the potential for noise and disturbance. As such, there is no material change in circumstances which would justify reaching an alternative conclusion to the assessment made by the Inspector as part of the recent appeal.

## **Alternative Use**

The Planning Inspector in the Appeal Decision APP/E2530/W/24/3347525 (Planning application ref. S24/0065) and APP/E2530/W/24/3347527 (Listed building application ref. S24/1214) concluded the proposal would make use of the building and bring various public benefits '*providing additional residential accommodation that contributes to the local housing needs of the area, contributing to the local economy during the construction phase and through increased spending by new residents on local services and facilities, and the benefit of bringing a vacant building on a small windfall site back into use in an accessible location*' (Paragraph 28).

The Planning Inspector also concluded that the building is currently vacant and ceased 18 months ago [January 2025] due to it being no longer a viable use. The Inspector noted that are at least 11 other care homes in Grantham, and '*There is no substantive evidence before me that the building should be protected and retained as a care home. Although a care home provides opportunities for people to meet and socialise, as this was a private care home it would not provide the same function as the informal and communal settings offered by buildings in public use. Based on the evidence before me, I am not persuaded that the appeal site represents a community facility*' (Paragraph 39).

On the basis of the above, the proposed development would not result in conflict with Policy SP6.

## **Conclusion**

The information provided does not materially alter the Officer's assessment within the Officers Report. The Officer recommendation is to authorise the Assistant Director of Planning and Growth to GRANT planning permission, subject to conditions.

**Financial Implications reviewed by: Not applicable**

**Legal Implications reviewed by: Not applicable**

# **CASTLEGATE HOUSE, 49 CASTLEGATE, GRANTHAM**

Applications **S25/1192 & S25/1357**

**Committee Briefing Bundle by Neighbouring Objectors**  
**Prepared 20 October 2025 for the 23 October 2025 Planning Committee**

**Spokesperson: Paul Hardy, on behalf of neighbouring objectors at 27, 26, 57 & 60  
Castlegate, Grantham NG31 6SW**

Submitted to assist the Planning Committee in reaching a lawful, transparent and evidence-based decision.

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## **TAB A – Executive Summary and Statutory Context**

## Purpose of this briefing

This submission has been prepared by neighbouring residents to assist the Committee in reaching a lawful, transparent, and evidence-based decision on the applications for Castlegate House.

It is not advocacy for or against any party; it is a civic contribution drawing attention to the key legal duties and evidential gaps so that Members can make an informed decision after taking legal advice.

## Statutory framework

- **Section 66(1)** of the *Planning (Listed Buildings and Conservation Areas) Act 1990* requires the Council to give *special regard* to the desirability of preserving the listed building or its setting.
- **Section 72(1)** requires *special attention* to be paid to preserving or enhancing the character or appearance of the conservation area.  
These are mandatory duties, not discretionary factors.

## Development-plan policies

- **EN6 (Historic Environment):** protect and enhance the distinctive historic character of the district.
- **DE1 (Design):** ensure a *high standard of amenity* and protect existing occupiers from adverse effects such as noise or over-intensity.
- **SP6 (Community Services and Facilities, pages 45–46):** require clear evidence, normally at least twelve months' marketing and a viability appraisal before accepting the loss or change of use of a community or institutional building.

## National guidance

- **NPPF paragraphs 210 to 215:** assess significance and justify any harm to heritage assets.
- **Paragraph 198 (a):** avoid significant adverse impacts from noise on health and quality of life.
- **Relating to** preventing loss of valued community facilities unless need and alternatives have been demonstrated.

## Case-law context

The courts have confirmed that:

- heritage harm must carry “**considerable importance and weight**” (*Barnwell Manor*);
- decision-makers must show clearly *how* statutory duties were discharged (*Forge Field, CPRE Kent*) and;
- justice must be *seen to be done* (*McCarthy*).

## Observation

These principles underpin every subsequent tab. The Committee's role is not to test the applicant's intentions but to ensure that its decision rests on full, proportionate evidence addressing these statutory and policy requirements.

Approval should proceed only where Members, advised by the Legal Officer, are fully satisfied that all duties have been met.

## TAB B – Occupancy, Intensity and Amenity (DE1)

### Policy context

Policy DE1 of the South Kesteven Local Plan (2011–2036) requires all development to achieve a high standard of amenity for existing and future users.

The policy expects layouts and living environments to provide:

- Adequate internal and external space for day-to-day living;
- Privacy, light and outlook;
- Acceptable levels of noise and disturbance; and
- Proper provision for refuse storage, parking and servicing.

Paragraph 198 (a) of the National Planning Policy Framework (December 2024) adds that decisions should avoid significant adverse impacts on health or quality of life from noise and overcrowding.

### The proposal and recorded inconsistencies

A review of the submitted material reveals inconsistency about the scale of occupation:

Document	Bedrooms	Residents stated	Comment
Heritage Impact Assessment (Apr 2025 paragraph 6.01)	24	—	States “24 bedrooms.”
Design & Access Statement (Jun 2025 paragraph 1.0)	—	27	“Reduced from 35 to 27 persons.”
Revised Plans (Drawing 24-950-2 Rev 2)	20	—	Shows 20 rooms only.
Officer’s Report (Oct 2025)	20	20	Assesses scheme as 20 rooms for 20 residents.

These discrepancies affect key matters under DE1: kitchen and lounge capacity, sanitary provision, refuse storage, and internal circulation. The Officer’s Report assesses amenity on the assumption of twenty occupants, yet the supporting documents imply a higher intensity of use.

### Amenity implications

Without a single confirmed occupancy schedule or quantified standards, room areas, seating ratios, bathroom-to-resident ratios or refuse capacity Members cannot objectively determine whether the building can support the proposed number of residents in comfort and safety. The historic structure constrains soundproofing and limits the opportunity for outdoor space, heightening the importance of reliable internal amenity data.

### Observation

### **Lawful options open to the Committee (subject to legal advice)**

1. **Request further information** – Defer determination pending submission of an updated Schedule of Accommodation and Amenity Statement endorsed by Environmental Health.
2. **Refuse** – If Members conclude that the evidence is insufficient to demonstrate a high standard of amenity or that the intensity of occupation would harm neighbouring living conditions, refusal under Policy DE1 would be defensible.
3. **Approve with conditions** – Should Members accept the Officer's 20-person basis, approval could be limited to that occupancy with a pre-occupation requirement for an Amenity and Management Plan.

This approach ensures the Committee considers all lawful avenues while remaining guided by professional and legal advice.

## **TAB C – Heritage Assessment and Comparison (Policies EN6 & DE1; Sections 66 and 72 of the 1990 Act)**

### **Statutory and policy framework**

Under **sections 66(1) and 72(1)** of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council must give *special regard* to preserving the listed building and *special attention* to preserving or enhancing the conservation area.

**Policy EN6** of the South Kesteven Local Plan (pages 71) and **paragraphs 210–215** of the National Planning Policy Framework (December 2024) reinforce these statutory duties: any harm to a heritage asset's significance however “less than substantial” must be clearly justified and carry **considerable importance and weight** in the decision balance.

### **Planning history**

The Planning Inspector's decision (January 2025) on the previous scheme concluded that:

- Internal alterations would erode the historic plan form, obscuring the building's hierarchy of rooms and historic circulation;
- Limited information was available on new service routing and potential fabric loss;
- The magnitude of harm was *less than substantial* but of considerable importance and weight;
- The public benefits principally additional accommodation were only moderate and did not outweigh the harm.

### **Current evidence before the Committee**

The applicant has now submitted a new Heritage Impact Assessment (April 2025) by Humble Heritage Ltd, a qualified and experienced heritage consultancy. The report identifies positive aspects:

- retention of internal walls previously proposed for removal;
- reinstatement of a first-floor Victorian room;
- repair or replacement of the dormer windows using more traditional joinery.

However, the HIA relies primarily on narrative description. It does not contain comparative “before-and-after” drawings, plans showing internal service routing, or a method statement demonstrating that all earlier sources of harm have been eliminated. Consequently, Members are being asked to accept a change from “less-than-substantial harm” to “no impact on significance” without seeing clear visual or technical evidence.

### **Interaction with the Officer's Report**

The Officer's Report adopts the HIA's conclusion that the scheme would have “no impact on significance” and recommends approval, but it does not explicitly explain how the statutory duty under sections 66 and 72 has been met or why the Inspector's contrary finding no longer applies. Under case law any such departure must be supported by clear, cogent, and proportionate evidence.

## **Observation**

The HIA represents progress and professional input, but in its current form it may not provide the full evidential foundation necessary for Members to depart lawfully from the Inspector's previous conclusion. Clarification through an updated Heritage Impact Addendum or further technical drawings would ensure that the Committee's eventual decision is robust and defensible.

### **Lawful options open to the Committee (subject to legal advice)**

1. **Request an updated heritage submission** – Defer determination pending an *addendum or supplementary report* providing comparative plans and service-routing evidence.
2. **Refuse** – If Members conclude that the statutory tests under sections 66 and 72 cannot be met on the information available, refusal would be lawful and consistent with Policy EN6 and the NPPF heritage paragraphs.
3. **Approve with conditions** – Should Members, after legal advice, accept the evidence presented, approval could be conditioned to require prior approval of any internal works or service routing that might affect historic fabric.

## **TAB D – Noise and Local Character (Policy DE1 and NPPF paragraph 198 (a))**

### **Policy context**

Policy DE1 of the South Kesteven Local Plan requires new development to safeguard the living conditions of both existing and future occupants. It expects layouts and design to minimise the potential for noise, disturbance or loss of privacy.

Paragraph 198 (a) of the National Planning Policy Framework (December 2024) adds that planning decisions should “mitigate and reduce to a minimum potential adverse impacts resulting from noise,” while avoiding significant harm to health or quality of life.

### **Site circumstances**

Castlegate House fronts a narrow, one-way street in the town’s medieval-quarter Conservation Area. The building is Grade II listed and retains original single-glazed sash windows at ground and first floors. Only the second-floor dormers are proposed for replacement, meaning the main habitable floors will remain without modern acoustic insulation.

Immediately opposite stand the historic almshouses, occupied by older residents who have chosen this location for its relative peace and proximity to St Wulfram’s Church. Vehicle movements include refuse and delivery lorries using the same narrow carriageway. At peak times, pedestrian activity is high due to nearby schools and the town centre.

### **Likely noise environment**

An HMO of twenty bedrooms potentially accommodating twenty residents plus visitors would generate regular internal and external noise through:

- multiple residents entering and leaving at different hours;
- voices and conversations on the pavement while waiting for access or transport;
- door-closing and service-delivery sounds from a front entrance opening directly onto the footway; and
- internal activity and television or music noise transmitted through single-glazed windows and historic floors.

The existing structure was not designed for multi-occupancy living. Unlike a modern block, it cannot easily accommodate internal sound insulation or mechanical ventilation without harming the listed fabric. In practical terms, residents will rely on open windows for ventilation, allowing sound to carry across the street to the Almshouses and adjoining dwellings.

### **Evidence position**

No acoustic assessment, management plan or refuse-set-out plan has been submitted to quantify or mitigate these impacts. The Officer’s Report notes no objection from Environmental Protection but records no supporting data. Without an evidence-based assessment, Members cannot be sure that the development would achieve the “high standard of amenity” required by Policy DE1.

## **Observation**

The absence of an acoustic strategy and operational management details leaves uncertainty about the day-to-day impact on neighbours and the building's long-term suitability for intensive residential use within a conservation area. A proportionate acoustic review and operational management plan could address these matters without altering the heritage fabric.

## **Lawful options open to the Committee (subject to legal advice)**

1. **Seek further information** – Defer determination pending submission of an Acoustic and Management Statement demonstrating compliance with Policy DE1 and paragraph 198 (a).
2. **Refuse** – If Members conclude that, on current information, noise and disturbance would conflict with the objectives of DE1 and the conservation setting.
3. **Approve with conditions** – Only if Members are satisfied the risk is acceptable, with a pre-occupation requirement for an acoustic mitigation plan, resident-management plan, and refuse strategy agreed with Environmental Protection.

## TAB E – Alternative Use (SP6)

### Policy background

Policy SP6 (Community Services & Facilities) of the South Kesteven Local Plan (2011–2036, pages 45-46) states that the loss or change of use of an existing community or institutional building will only be supported where there is no reasonable prospect for its continued use and no viable alternative community use. This should normally be demonstrated by:

- evidence of marketing for at least twelve months at a realistic price;
- a viability appraisal explaining why continuation or adaptation for a community purpose is not achievable; and
- confirmation that alternative provision is available in the area.

The National Planning Policy Framework (December 2024) should also be considered where relevant to a facility which is no longer needed or that equivalent provision is to be made elsewhere.

### Present application

The applicant's Design and Access Statement notes that the property was marketed from April 2023 and that the asking price was reduced, but no marketing log, agent letter or viability report accompanies the application. No alternative-use assessment has been provided.

### Reasonable alternative community or quasi-community uses

Given the building's town-centre location, scale and heritage value, realistic alternative uses could include:

1. **Specialist medical or wellbeing centre** – e.g. physiotherapy, counselling, or dental services consistent with conservation-area character.
2. **Cultural or educational venue** – museum annex, heritage interpretation centre, language school, or adult-education facility.
3. **Small serviced offices or co-working hub** for local charities or start-ups, maintaining community access.
4. **Community arts or music studios** – low-impact uses suited to internal rooms and existing service connections.
5. **Boutique guest accommodation or training residence** – heritage-compatible use generating income for maintenance while limiting permanent occupancy levels.
6. **Hybrid residential + public access use** – for example, an upper-floor apartment conversion with a ground-floor community café or exhibition space operated by a local trust.

Each would preserve activity in the building, maintain public benefit and align with SP6's intent to protect community value before resorting to purely commercial or high-intensity residential use.

### Observation

The absence of marketing, viability or feasibility evidence means Members cannot confirm that these or other reasonable community-serving options have been explored or ruled out.

Without that information, it is not possible to conclude that the proposal complies with **Policy SP6** and/or the NPPF.

### **Lawful procedural options**

- **Seek further evidence** – Members may request an updated marketing and viability submission before determination.

## TAB F – Inspector’s Decision Weight and Reasons Duty

### Legal principles

1. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require decision-makers to give *special regard* and *special attention* to the preservation of heritage assets.
2. Case law clarifies how these duties must be discharged.

### Relationship to the current applications

#### Observation

The HIA now before Members provides helpful narrative context but lacks the comparative plans or technical drawings that would constitute new factual evidence. Until that information is available, the Inspector’s findings remain the most authoritative benchmark for assessing heritage impact.

#### Lawful options open to the Committee (subject to legal advice)

1. **Seek clarification or additional evidence** – Defer the application to allow the applicant to provide the missing comparative and service-routing information.
2. **Refuse** – If Members conclude that the statutory heritage duties cannot be properly discharged on the current evidence.
3. **Approve with explicit reasoning and conditions** – Only if, after legal advice, Members are satisfied that adequate justification exists and that future works will be strictly controlled.

# TAB G – Committee Options and Reasons Framework

## Purpose

This section summarises the lawful procedural options open to Members once they have considered all the evidence and received legal advice. Its aim is to help ensure that any decision, whatever its outcome is reasoned, transparent, and legally defensible.

### 1 Deferral for further information

Members may decide that additional evidence is required to discharge statutory and policy duties.

Typical clarifications could include:

- a reconciled Schedule of Accommodation confirming occupancy and amenity ratios;
- an Amenity and Management Plan addressing internal standards, refuse and acoustic controls;
- an Updated Heritage Impact Addendum with comparative drawings; and
- Marketing and Viability Evidence under Policy SP6.

Deferral allows these matters to be provided before determination and demonstrates that the Committee has acted carefully and proportionately.

### 2 Refusal for want of information or policy conflict

If, after reviewing the material, Members conclude that the statutory tests in sections 66 and 72 and Policies DE1, EN6 and SP6 cannot presently be met, refusal would be a lawful and reasoned outcome.

Typical reasons might include:

- inadequate evidence to show that the heritage duty has been satisfied;
- insufficient information to demonstrate a high standard of amenity;
- failure to provide marketing or viability evidence required by SP6.

### 3 Approval with conditions

Should Members, after legal advice, be satisfied that the tests are met, approval could be granted subject to robust conditions, for example:

1. **Occupancy cap** – no more than 20 residents, in accordance with Drawing 24-950-2 Rev 2;
2. **Pre-occupation Amenity and Management Plan** – covering quiet hours, visitor control, refuse set-out and liaison with nearby residents;
3. **Acoustic Mitigation Scheme** – works compatible with the listed fabric;
4. **Refuse and Servicing Plan** – detailing storage and collection arrangements;
5. **Control of Internal Works** – requiring listed-building consent for any further alterations.

## Observation

The objectors consider that, on the current evidence, refusal would be justified, but it remains for Members, guided by their Legal Officer, to determine which course is lawful and proportionate.

Whatever outcome is chosen, it is essential that the Committee's reasons are fully recorded to demonstrate compliance with the statutory heritage duties and the development plan.

# TAB H – Chair’s Briefing Insert

## Purpose

This summary note is included for the assistance of the Chair and the Legal Officer. It highlights the key evidential and statutory issues raised by neighbouring residents so that the Committee may consider, with legal advice, whether the information before it is sufficient to discharge its duties and reach a sound, lawful decision.

## Key matters for consideration

### 1 Heritage (Sections 66 & 72 of the 1990 Act / Policy EN6)

- The Planning Inspector’s decision (January 2025) found *less-than-substantial harm* to the listed building’s significance.
- The current Officer’s Report now records *no impact on significance*.
- The new Heritage Impact Assessment (April 2025) is professionally prepared but does not contain comparative “before-and-after” drawings or service-routing evidence showing how the previous sources of harm have been resolved.
- Under *Barnwell Manor and Forge Field*, any potential harm must still carry considerable importance and weight until clearly demonstrated otherwise.

### 2 Occupancy, intensity and amenity (Policy DE1)

- Application documents refer variously to 20 rooms, 24 rooms and up to 27 residents.
- Amenity provision, kitchens, lounges, bathrooms, refuse storage, has not been quantified.
- Without a reconciled occupancy schedule or Amenity Statement, compliance with DE1 remains untested.

### 3 Noise and character (Policies DE1 & EN6, NPPF paragraph 198 (a))

- The listed structure restricts double-glazing and acoustic treatment.
- No acoustic or management report accompanies the proposal.
- The building fronts a busy pavement opposite elderly residents in the almshouses; uncontrolled activity could alter the area’s quiet character.

### 4 Community and alternative use (Policy SP6)

- No marketing, viability or alternative-use evidence has been submitted.
- Policy SP6 normally expects at least twelve months’ marketing and an appraisal showing why community or institutional uses are unviable.

## Guidance for the Chair and Legal Officer

The Committee must be satisfied that it has sufficient, proportionate and reliable evidence to discharge its statutory duties under the 1990 Act and the development plan.

If significant uncertainties remain, the lawful options, subject to legal advice are:

1. **Request further information or updated reports** (for example, a Heritage Addendum, Schedule of Accommodation, Acoustic Assessment, or Marketing Evidence);
2. **Defer** determination to enable that material to be provided; or

3. **Refuse** the application if the statutory and policy tests cannot presently be met.

Should Members nevertheless approve, the decision notice must set out clear, reasoned findings explaining how the Inspector's earlier concerns have been resolved and how each statutory duty has been met.

**Observation**

The objectors' aim is not to obstruct the reuse of the building but to assist the Committee in ensuring that its final decision, whatever the outcome is lawful, transparent and in the public interest.

## **Tab I – Verification Annex:**

### **1. South Kesteven Local Plan 2011–2036 (Adopted 2020) Policies EN6 and DE1:**

Policy EN6: The Council will seek to protect and enhance heritage assets and their settings in keeping with the policies in the National Planning Policy Framework. Development that is likely to cause harm to the significance of a heritage asset or its setting will only be granted permission where the public benefits of the proposal outweigh the potential harm. Proposals which would conserve or enhance the significance of the asset shall be considered favourably. Substantial harm or total loss will be resisted.

Policy DE1: development should ensure a high standard of amenity for both existing and future users.

### **2. National Planning Policy Framework (December 2024)**

#### **Paragraph 135 (c):**

Planning decisions should ensure that new development is compatible with the local character, surrounding uses, and levels of activity, avoiding harm to health, living conditions or the built environment.

## TAB J – Pavement Safety and Street Conditions

### Purpose

To assist the Committee in visualising the constrained pavement and traffic conditions outside 49 Castlegate and in considering the implications of increased footfall and refuse storage arising from a 20-room HMO use.

### Photographic Index

Ref.	Description / Direction	Observation
J1 – IMG 1536 / 1537	View looking north from the entrance of Castlegate House towards St Wulfram's Church.	Shows narrow footway width (approx. 1.1 m clear space) with vehicles parked tight to kerb and frequent pedestrian use.
J2 – IMG 1534 / 1538	View looking south towards the town centre.	Illustrates how vehicles encroach on the carriageway line; passing traffic often runs close to the kerb, limiting pedestrian comfort.
J3 – Lorry and Pedestrians / Image 2	Delivery and refuse vehicles outside Castlegate House.	Demonstrates that large vehicles operate close to the building frontage. Pedestrians—including elderly and mobility-impaired residents—are forced to the wall edge.
J4 – Image 4 / Image 5	Refuse and household waste awaiting collection.	Example of pavement obstruction on collection days, restricting visibility and pedestrian movement.
J5 – Additional Street Scene	General street view showing continuous parking both sides.	Confirms Castlegate operates as a busy through-route, with limited refuge space for pedestrians or waiting residents.

### Observational Summary

- Pavement constraint:** The width outside the main entrance is only around 1 – 1.2 m, insufficient for groups to pass safely when bins are presented, or doors are open.
- Vehicular proximity:** Vehicles and delivery vans routinely pass within 30 cm of the kerb, leaving minimal margin for pedestrian safety.
- Resident profile:** The street serves the nearby National School and Almshouses; at school times and on collection days the pavement becomes crowded with children and elderly residents.
- Operational risk:** With up to twenty residents (and potentially visitors, deliveries and refuse bins for 20 rooms), the proposal increases front-door activity at the tightest point of the street.
- Amenity impact:** Repeated obstruction of this footway would undermine the conservation area's quiet, walkable character and may conflict with Local Plan Policy DE1 (safe and inclusive design).

*Photographs by volunteer objector (used with consent). No children or identifiable individuals depicted*

### **Recommendation for Committee Consideration**

It is respectfully suggested that Members consider subject to legal advice whether a Refuse and Servicing Management Plan or updated Highway Safety Statement should be provided before any decision is finalised, so that pedestrian safety, bin presentation and servicing arrangements can be properly evaluated in these spatially constrained conditions.

## TAB K – Three-Minute Speech

*Spokesperson for Neighbouring Objectors – 26, 27, 57 and 60 Castlegate  
Planning Committee – 23 October 2025  
Applications S25/1192 and S25/1357 – 49 Castlegate, Grantham*

Chair, Members, and Officers,

My name is Paul Hardy, and I speak on behalf of the neighbouring residents at 26, 27, 57 and 60 Castlegate.

We thank the Committee for allowing this short contribution, made solely in the public interest to assist you in reaching a lawful and balanced decision.

Everyone here wishes to see Castlegate House brought back into active use. Our concern is that the proposal before you, twenty rooms operating as a large HMO, still raises unresolved legal and evidential issues under the Local Plan and the Listed Buildings Act.

### 1 Heritage

The Planning Inspector in January 2025 found *less-than-substantial harm* to the listed building's significance.

The current Officer's Report now records *no harm at all*, yet the new Heritage Statement contains no "before-and-after" drawings or service-routing evidence to show how that harm has been overcome.

Until such material is available, **Section 66** of the 1990 Act requires that any residual harm carries *considerable importance and weight*.

### 2 Intensity and Amenity

Across the documents the stated occupancy varies 24 rooms, 20 rooms, up to 27 residents.

There is no consolidated Amenity Schedule demonstrating that living standards meet **Policy DE1**, nor any acoustic report to test noise transmission in a listed structure that cannot be fully sound-proofed.

### 3 Safety and Character

Members have before them new photographs showing how narrow the pavement is outside the main door.

On bin-collection and school-run days it is already congested.

Introducing regular comings-and-goings for twenty residents, plus refuse bins and deliveries, would heighten the risk to pedestrians, particularly children walking to the National School and elderly residents of the Almshouses opposite.

That is a tangible planning concern under **Policy DE1** as well as a local-amenity issue within a medieval-quarter Conservation Area.

## 4 Community Use

**Policy SP6** expects evidence that no reasonable alternative community or institutional use exists before such a building is lost.

No independent marketing or viability report of that kind appears before the Committee today.

### Conclusion

Chair, these observations are offered respectfully.

We are not asking the Committee to reach any predetermined outcome, only that — before deciding — you are fully satisfied, on legal advice, that the evidence before you is sufficient to discharge the Council's statutory duties.

If gaps remain, the lawful and fair course would be either to refuse the application — if Members are not satisfied that the statutory or policy criteria have been met — or to defer it to seek further information or updated reports before granting consent, so that any decision taken is robust, transparent, and commands public confidence

Thank you, Chair and Members, for the opportunity to assist the Committee.

*Note to Members:* This speech is included for transparency so that you may refer to the exact wording spoken during debate. It is not additional evidence but a record of oral submissions.

## **TAB L – Submission Email Text (Final 20 October 2025)**

**Subject:** S25/1192 & S25/1357 – Committee Briefing Bundle by Neighbouring Objectors (Castlegate House, Grantham)

Dear Democratic Services,

Please find attached the Committee Briefing Bundle (Tabs A–L) for the Planning Committee meeting on Thursday 23 October 2025, concerning Castlegate House, 49 Castlegate, Grantham (Applications S25/1192 and S25/1357).

In addition, TAB J contains photos taken by some of the Objectors and these are attached in a zip file for inclusion into TAB J when printed.

The bundle is submitted by Paul Hardy, acting solely as spokesperson for the neighbouring objectors at 27, 26, 57 and 60 Castlegate, Grantham NG31 6SW.

It is provided in a civic and public-interest capacity to assist the Committee in reaching a lawful, transparent and evidence-based decision in accordance with the Council's statutory duties and the adopted Local Plan.

For Members' convenience, the bundle summarises:

1. The heritage position following the Planning Inspector's decision (January 2025);
2. The occupancy and amenity evidence required under Policy DE1; and
3. The absence to date of marketing and viability information under Policy SP6. We understand that supporting information for registered public speakers should be received at least one working day before the meeting.

Accordingly, this submission is sent by 5 pm on Monday 20 October 2025, within normal office hours.

Please accept this email as my notification that I would like to speak at the meeting.

We would be grateful if you could confirm safe receipt and circulation to the Chair, Planning Committee Members, Case Officer, and Legal Officer.

Thank you for your assistance and let me know if I can assist further at this stage before the meeting.

Kind regards,

**Paul Hardy**

Spokesperson for neighbouring objectors  
27, 26, 57 & 60 Castlegate, Grantham NG31 6SW

Attachment: 49 Castlegate – Objectors Bundle

## Photographs













## Appeal Decisions

Site visit made on 27 November 2024

**by H Smith BSc (Hons) MSc MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 21 January 2025**

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### **Appeal A Ref: APP/E2530/W/24/3347525**

#### **Castlegate House Rest Home, 49 Castlegate, Grantham NG31 6SN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Castlegate House Rest Home Ltd against the decision of South Kesteven District Council.
- The application Ref is S24/0065.
- The development proposed is change of use of former nursing home to provide a home of multiple occupancy.

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### **Appeal B Ref: APP/E2530/Y/24/3347527**

#### **Castlegate House Rest Home, 49 Castlegate, Grantham NG31 6SN**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
- The appeal is made by Castlegate House Rest Home Ltd against the decision of South Kesteven District Council.
- The application Ref is S24/1214.
- The works proposed are change of use of former nursing home to provide a home of multiple occupancy.

### **Decisions**

1. **Appeal A** is dismissed.
2. **Appeal B** is dismissed.

### **Preliminary Matters**

3. As the proposal relates to a listed building which is within a conservation area, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act).
4. The two appeals concern the same scheme under different, complementary legislation. I have dealt with both appeals together in my reasoning.
5. A revised National Planning Policy Framework (Framework) was published in December 2024 after the Council made its decisions. I have had regard to the revised Framework in reaching my decisions.
6. The appellant submitted a revised plan (Ref 24 950 2, Revision 1) to the Council on 25 March 2024, showing amendments to the proposed floor plans. An updated revised plan (Ref 24 950 2, Revision 1) was submitted to the Council on 28 March 2024. The Council made its decision on S24/1214 on 29 April 2024, and S24/0065 on 30 April 2024.
7. The Procedural Guide sets out that the appeal process should not be used to evolve a scheme. It is important that what is considered by the Inspector at

appeal is essentially the same scheme that was considered by the Local Planning Authority and by interested parties at the application stage. In deciding whether to, exceptionally, accept the proposed amendment, as per the judgement in *Holborn Studios Ltd v The Council of the London Borough of Hackney* (2017), which refined the 'Wheatcroft principles' set out in *Bernard Wheatcroft Ltd v Secretary of State for the Environment* (1982), consideration must be given to the following two tests which must be assessed separately:

1) substantive test; and 2) procedural test.

8. The substantive test is whether the proposed amendment involves a 'substantial difference' or a 'fundamental change' to the application that would ultimately result in a 'different application'. A 'substantial difference' or a 'fundamental change' could also be as a result of a series of small, incremental changes to a scheme. If it is concluded that the amendment would result in a 'different application', then it is unlikely that it could be considered as part of the appeal. The procedural test is whether, if accepted, the proposed amendment would cause unlawful procedural unfairness to anyone involved in the appeal and, if so, whether such fairness could be cured, for example by re-consultation.
9. In my judgement, the revised plans showing amendments to the proposed floor plans were modest amendments that would not result in a 'substantial difference' or a 'fundamental change' to the application. I also note that the revised plans were received by the Council before it made its decisions. The Council and other interested parties had the opportunity to comment on the appellant's revised plans during the appeals. As such, the revised plans would not materially alter the nature of the application and would not prejudice the interests of any parties. I have therefore taken them into consideration during the determination of these appeals.
10. The appeal property has a large two-storey extension to the rear that was constructed during the 1980s. The main parties agree that the proposed internal alterations to this rear extension would not result in the loss or damage of historic fabric from the listed building. Based on the evidence before me, I have no reason to disagree.

## **Main Issues**

11. A main issue in Appeal A and the main issue in Appeal B is:

- whether the proposal would i) preserve the Grade II listed building, or any features of special architectural or historic interest which it possesses, and ii) preserve or enhance the character or appearance of the Grantham Conservation Area.

12. Additional main issues in Appeal A are:

- the effect of the proposal on the living conditions of future residents, with regard to internal communal space and shared outdoor amenity space;
- whether the proposal would result in the loss of a community use;
- the effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to noise and disturbance; and

- whether the proposal would provide adequate provision for waste storage.

## Reasons

### *Special interest and significance*

13. The appeal site comprises Castlegate House, a Grade II listed<sup>1</sup> building located in Grantham. The building has remained empty since its former use as a residential care home ceased.
14. Castlegate House is a 2-storey building with attic rooms and a cellar, dating from the mid-18<sup>th</sup> Century. The principal elevation is constructed in Ashlar under a natural slate roof with a stone ridge and 3 gable dormers. It features quoins, banding and lintels with key stones. At first floor level are 5 sash windows, and at ground floor there are 2 sash windows either side of a central 6-panelled door with fanlight.
15. Internally, the building has retained some good examples of mid-18<sup>th</sup> Century timber panelling and joinery, sash windows, panelled doors and fittings. The rooms to the ground floor have several panelled rooms with decorative cornice features and deep skirting boards, giving them a sense of grandeur. The layout of the panelled rooms appeared generally unchanged, thus making a valuable contribution to its significance as a designated heritage asset.
16. I find that the special interest and significance of this heritage asset largely derives from its historic and architectural interests. These are drawn from its illustration of a mid-18<sup>th</sup> Century town house located within the core of the historic settlement, as well as the historic fabric and features that survive from the physical origins of the historic building, connecting the past character and interest of the building to the present.
17. The appeal site is located within the Grantham Conservation Area (CA). The CA encompasses the buildings and spaces fronting Castlegate, which includes the appeal property. This part of the CA is characterised by two to three storey buildings constructed of mainly red brick or coursed rubble, with pantile or slate roofs. Collectively they provide a consistent character, with alignment to the rear of pavement edge creating a continuity of building frontage. However, the single storey Conservative Club building located next to Castelgate House is set back from the road with a car park located in front with an irregularly shaped boundary wall. This disrupts the continuity of the building line along the street.
18. The special interest and significance of the CA mainly stems from the variety and architectural richness of its buildings that denote its evolution and the distinct form and layout of the town. The appeal listed building is located within the Medieval core in a prominent position of Castlegate. It largely retains its overall external historic character, making a positive contribution to the character and appearance of the CA as a whole and thereby to its significance as a designated heritage asset.

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<sup>1</sup> List Entry Number: 1062511 – Castlegate House, Grade II

*Proposal and effects*

19. The proposal would change the use of the property to a large House of Multiple Occupation (HMO) for up to 35 people. The alterations would result in 24 bedrooms, 2 kitchens and 9 bathrooms/shower rooms.
20. Although the revised plans (Ref 24 950 2, Revision 1) have addressed some of the Council's concerns, the proposal would include the removal of an internal large glazed window feature and panelling on the rear wall of the ground floor lounge. From the limited information before me, these internal changes would not only result in the loss of architectural detailing and historic fabric, but would also obscure the understanding of the historic layout, room use, and access patterns. It would erode the clear distinction between the principal space of the lounge from the hallway and kitchen area, diminishing the plan form and layout of the building which contributes to the building's special interest and significance.
21. I also have concerns regarding the lack of detail on the layout of the proposed toilets and shower rooms behind the ground floor kitchen and the routing of new heating, plumbing and electrics within the building, particularly as limited information is before me to justify what would in effect lead to a further loss of historic fabric. In the absence of substantive evidence to the contrary, I find that these internal works would erode the special interest of the listed building and have a harmful effect on its understanding and appreciation. It would not be appropriate to leave such matters to conditions.
22. Having regard to the layout of the appeal scheme and the proposed parking and building entrance arrangements, I find that any noise and activity impacts associated with the comings and goings of residents and their visitors and deliveries in connection with the appeal scheme, are unlikely to materially impact on the character of the area. This is because the locality already experiences a certain amount of background noise due to its location within a built-up town centre area with established pedestrian and vehicular activity. Furthermore, there would be no changes to the external elevations of the building. Therefore, due to the internal nature of the proposed works, it would preserve the character and appearance of the CA as a whole and would not harm its significance as a designated heritage asset.
23. However, given the above, the proposal would not preserve the listed building or any features of special architectural or historic interest which it possesses. In doing so it would harm the significance of this designated heritage asset.

*Public benefits and balance*

24. With reference to paragraphs 214 and 215 of the Framework, in finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed. Given the extent and fairly localised nature of the proposal, I find that the harm to the significance of the designated heritage asset assessed above would be 'less than substantial' but nevertheless of considerable importance and weight. Paragraph 215 of the Framework requires this harm to be weighed against the public benefits of the proposal including, where appropriate, securing the asset's optimum viable use.

25. The appellant points to the benefit of the conversion of the building into 24 HMO bedrooms, with the appellant suggesting that the conversion of the building into a large HMO would be the optimum viable use.
26. However, whilst I acknowledge that sustaining and enhancing the significance of this designated heritage asset is the preferred outcome, the evidence before me suggests that, on balance, this would not be achieved in this particular case. Due to the harm identified above, the proposal would not result in a viable use of the building that is consistent with the conservation of the special architectural and historic interest of the building.
27. Furthermore, although the proposed HMO would make use of the building, it has not been satisfactorily demonstrated that this would be the least harmful use. The proposal would compromise the building's conservation to an unacceptable degree and would not conserve it in a manner appropriate to its significance.
28. I have considered the various benefits that the proposal would bring, including providing additional residential accommodation that contributes to the local housing needs of the area, contributing to the local economy during the construction phase and through increased spending by new residents on local services and facilities, and the benefit of bringing a vacant building on a small windfall site back into use in an accessible location. These public benefits are in line with the objectives of the Framework and carry moderate weight in favour of the appeals.
29. However, on balance, the moderate weight that I ascribe to the public benefits would accrue from the proposal is not sufficient to outweigh the considerable importance and weight that I attach to the harm to the significance of the designated heritage asset.
30. I therefore conclude that the proposal would not preserve the Grade II listed building, or any features of special architectural or historic interest which it possesses. It would therefore fail to satisfy the requirements of the Act and the provisions within the Framework which seek to conserve and enhance the historic environment. It would also conflict with Policy EN6 of the South Kesteven District Local Plan 2011-2036 (adopted 2020). This policy, amongst other things, seeks to protect and enhance heritage assets and their settings.

#### *Living conditions of future occupiers*

31. The revised plans (Ref 24 950 2, Revision 1) show that the proposal would not have a kitchen on its first floor. This would mean that occupants on the first floor would have to use the kitchen facilities on either the ground floor or second floor. This disjointed connection would not be convenient or practical for future occupants. Although it is unlikely that all 35 occupants would use the kitchen at the same time, there would still be peak times during the day when demand for its use intensifies, such as at breakfast, lunch, and evening dinner times. Consequently, the proposal would not be sufficiently functional to meet the occupier's typical day to day needs.
32. Furthermore, the absence of a communal lounge on the second floor would likely result in occupants spending more time confined to their bedrooms. This issue would be further exacerbated by visits from family members or friends, increasing the strain on communal spaces. Accordingly, the lack of adequate

internal communal areas would lead to unsatisfactory living conditions for the occupants.

33. Regarding storage space, the appellant suggests that the cellar could be used. However, there is no information provided on how this would be managed or whether it would serve as shared or private space for the occupants. As a result, I consider this suggestion to hold little merit.
34. Policy DE1 of the Local Plan is clear that development proposals should provide sufficient private amenity space, suitable to the type and amount of development proposed. As the proposal would accommodate up to 35 people, the limited size of the outdoor amenity space area would be insufficient. It would not be large enough to provide adequate space for the needs of future occupier's, such as outdoor clothes drying, enjoying garden activities and relaxation with outdoor seating, or sufficient usable space for children to play. As such, it would neither be usable or practical for this number of occupiers and would result in a poor standard of outdoor amenity space.
35. I acknowledge that there are local open spaces, such as Wyndham Park, within a reasonable walking and cycling distance of the appeal site. However, as the local open spaces are public spaces they would be shared with non-residents and are therefore not a private space.
36. For the reasons given, the proposal would not provide adequate living conditions for the future occupants of the proposed development. As such, the proposal would fail to accord with Policy DE1 of the Local Plan. This policy, amongst other things, seeks to ensure development provides a high standard of amenity. The proposal would also fail to accord with paragraph 135 of the Framework, where it seeks to promote health and well-being, and a high standard of amenity for existing and future users.

#### *Community use*

37. The supporting text to Policy SP6 of the Local Plan states that community facilities are not defined in the Plan, although they could include uses such as care homes. However, the appeal building is currently vacant. Indeed, the appellant's evidence indicates that the building's use as a private care home ceased more than 18 months ago due to it being no longer viable for this use. This indicates that there was a lack of demand for the building's use as a care home.
38. Although the property has not been specifically marketed for a care home, the appellant confirms that the building has been up for sale as a property suitable for a variety of uses, subject to planning permission, since April 2023. There has been no interest in the property, despite a drop in the asking price. The appellant also indicates that while the building was formerly registered as a residential care home before it became vacant, it is now not registerable in its current state. I also note that there are at least 11 other care homes in Grantham many of which are considerably larger than Castlegate House and offer more modern facilities.
39. There is no substantive evidence before me that the building should be protected and retained as a care home. Although a care home provides opportunities for people to meet and socialise, as this was a private care home it would not provide the same function as the informal and communal settings

offered by buildings in public use. Based on the evidence before me, I am not persuaded that the appeal site represents a community facility. Accordingly, the proposal would not conflict with Policy SP6 of the Local Plan, as it seeks to preserve existing community facilities, which is not the case here as the building has been vacant for a long period of time and therefore no longer in use.

*Living conditions of neighbouring occupiers*

40. The proposal seeks permission for a 24-bedroom House in Multiple Occupation, which could accommodate up to 35 people. Although the occupants would live independently of one another, the level of activity generated by the occupant's comings and goings for education, work, leisure, and shopping purposes etc, and the number of visitors and deliveries to the property would not be significantly different to that generated by the former care home. This is because there would have been frequent comings and goings from staff, doctors, nurses, visitors, and deliveries to the property when in use as a care home.
41. Furthermore, the appeal property is a sizeable property sited in a deep plot that is physically separated from nearby residential properties. In addition, the proposed internal layout shows that communal areas such as the kitchens would be located centrally within the appeal property. It is also unlikely that all the residents would be using the communal areas together at any given time. Disturbance from the outdoor amenity area and vehicle engines starting would be limited towards the rear of the property where the car park and outdoor amenity space is located.
42. Therefore, given its detached nature with adequate separation distances from neighbouring dwellings, the proposal would not lead to a significant increase in noise and disturbance to neighbouring residents. The property is also located quite centrally to Grantham so there is already a level of noise from its urban surroundings. In addition, the Council's Environmental Protection Officer did not raise any objection to the proposal.
43. Concern has also been raised regarding crime and anti-social behaviour. However, there is no substantive evidence that there would be a material difference from the existing situation.
44. I therefore find that there is insufficient evidence to substantiate the claims that the proposal would increase noise and disturbance in the local area. In addition, there are separate protections to address noise, and the local authority and Police have powers to deal with nuisance behaviours should they arise.
45. For the reasons given, the proposal would not have a harmful effect on the living conditions of neighbouring occupants with particular regard to noise and disturbance. As such, the proposal would accord with Policy DE1 of the Local Plan for this matter. This policy, amongst other things, seeks to ensure there is no adverse impact on the amenity of neighbouring users in terms of noise and disturbance.

*Waste storage*

46. The Council is concerned that the proposal would not provide adequate waste storage. However, the proposal would provide communal bins outside in a

similar position to that where the bins for the care home were stored. Future occupiers would also have small household bins within their rooms. The Council has not provided any substantial evidence to the contrary. On this basis, I am satisfied that the proposal would provide adequate waste storage appropriate to the scale of the development.

47. Policy DE1 of the Local Plan does not explicitly prohibit the conditioning of final details pertaining to waste storage in the event that planning permission is granted. Consequently, the proposed development would not be in direct conflict with this policy for this matter.
48. For the reasons given, the proposal would accord with Policy DE1 of the Local Plan, which amongst other things, seeks to ensure high quality design.

### **Other Matters**

49. In addition to the matters I have addressed above, letters of objection raised concerns including difficulty parking. However, the Highways Authority raised no objections. Given that I am dismissing the appeals, I do not need to give this matter further consideration.
50. The appeal site is located near other listed buildings, including 46, 47 and 48 Castlegate which are Grade II listed. From the limited information before me and my observations on site, the special interest and significance of these assets primarily stem from, singularly or in combination, their historic and/or architectural interests. However, they are also derived, to a greater or lesser extent, from their respective townscape settings.
51. Given the location and extent of the proposal, the settings of these designated heritage assets would be preserved and the contribution they make to the assets' significance would not be harmed. This would meet the requirements of section 66(1) of the Act; the provisions in the Framework regarding the conservation and enhancement of the historic environment; and Policy EN6 of the Local Plan referred to above.

### **Conclusions**

52. **Appeal A:** The proposed development would conflict with the development plan when taken as a whole. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that Appeal A should be dismissed.
53. **Appeal B:** For the reasons given, I conclude that Appeal B should be dismissed.

*H Smith*

INSPECTOR