



FAO: Ms Jill Kingaby, the Planning Inspectorate

Ash Parish Council
Millmead House,
Millmead,
Guildford,
Surrey GU2 4BB

15th April 2026

Dear Ms Kingaby,

[Representations on the draft Ash Neighbourhood Plan](#)

I write on behalf of my client, Muller Property Group, to submit representations on the draft Ash Neighbourhood Plan (“the draft plan”), which was submitted to the Planning Inspectorate on April 1st 2026 for Independent Examination. Your Procedural Matters letter dated April 1st indicates that comments would be accepted for two weeks, and so we respectfully request that you consider the content of this letter in your examination of the draft plan.

The letter sets out concerns which arise from draft policy ASH10 (Existing and New Community Facilities) and outlines how the policy as currently drafted does not meet the basic conditions required by Schedule 4B of the Planning and Compulsory Purchase Act (2004).

For context, Muller Property Group submitted a planning application to Guildford Borough Council (“GBC”) in October 2025 for a 70-bed care home (use class C2) and associated works (application ref: 25/P/01368)(“the live application”) at the land at Hammersley Drive, Ash, GU12 6FP (“the site”) which remains undetermined. The site is identified on the policies map accompanying the draft Plan as forming part of the ASH10 designation, which allocates the site for a C2 use with ancillary F2 community use.

[Legislative context](#)

Schedule 4B to the Planning and Compulsory Purchase Act 2004 (“the act”) require Neighbourhood Plans to meet a set of ‘basic conditions,’ as set out paragraph 8 of the schedule. In substance, it requires that Neighbourhood Plans must meet all of the following requirements:

1. The plan must have regard to national policies and advice issued by the Secretary of State (i.e. the NPPF)
2. The plan must contribute to sustainable development (i.e. it must balance economic, social and environmental objectives); and



3. The plan must be in general conformity with strategic policies of the development plan for the area (i.e. it must not conflict with the adopted Local Plan)

This representation will set out that as currently drafted, part (c) of draft policy ASH10 conflicts with all three of these basic conditions, and so cannot be made in its present form.

The site

Located within the parish of Ash, the draft plan identifies the site as a 0.28ha plot of land at 'Ash Lodge Drive.' The site is referred to in the live application as Hammersley Drive.

The site is trapezoid in shape, with the western boundary being substantially wider than the eastern. The site has no existing buildings and constitutes entirely of undeveloped land. The land immediately to the rear of the site forms part of the drainage infrastructure associated with the surrounding residential development and so is undevelopable. The site is bounded by roads to the north and west and a small structure housing a substation immediately to the east.



Figure 1: Site location



As noted in the supporting text in paragraph 3.68 of the draft plan, the site previously formed part of the expansive Ash Lodge Drive development (app ref: 17/P/02592), which delivered 481 new dwellings on plots surrounding the site. The Ash Lodge Drive application did not propose development on the site, but it was safeguarded for a 5-year period for a future medical facility use, with a fallback use for community purposes if a medical facility did not come forward. This was secured by the permission Section 106 Agreement.

Despite efforts to market the site for sale for a medical and/or community use in 2023 (full details of which are included in Appendix 1 of the Planning Statement supporting application 25/P/01368), no interested buyers came forward.

The 5-year period outlined in the Section 106 was from first occupation of the wider site (June 2019) and therefore its requirements in this regard ceased in June 2024. Accordingly, there is no longer any restriction on the site's development in terms of the use that could be brought forward.

Draft policy ASH10

The site is identified in Part (c) of draft policy ASH10, which states:

“The Neighbourhood Plan designates 0.27 ha of land at Ash Lodge Drive, as shown on the Policies Maps for Class C2 use with ancillary Class F2 Local Community Uses. Development proposals in this location must include the creation of community facilities to serve the immediate neighbourhood as well as wider parish for social, recreational, cultural or health and wellbeing purposes.”

We welcome the draft plan's support for a care home on the site. Whilst the policy itself simply states that the site is designated for a C2 use (without specifying the exact use), the following text in paragraph 3.70 clarifies that the Parish Council specifically support the delivery of use class C2 care home on the site, noting that the Ash Housing Needs Assessment has identified the need for new care home bedspaces within the Parish.

The concern arises from the requirement for an ancillary F2 local community use within the site. While neither the policy itself nor the supporting text specify the precise nature of the ancillary F2 use that the Parish envisage, paragraph 3.70 refers to provision of *‘facilities that are accessible to the wider community, such as a community café within the site, community garden or other shared social community space, and/or a hireable space for meetings or community functions and activities, which would be secured through a S106 agreement and/or Community Use Agreement.’* A note at the end of the section references the fact that the F2 use could also include sports facilities, community halls or certain types of shop.

The effects of including an F2 use within the site

Draft Policy ASH10(c) would require the developer to deliver an ancillary use class F2 community use of some kind alongside the care home on the site.

Whilst the ambitions to create a shared social community space where people of different ages can come together is recognised and indeed supported, the practical effect of this requirement would be to render any care home development financially unviable. This is because the F2 use would require such a large proportion of any building's floorspace that there is no realistic prospect that a financially viable care home could be delivered alongside it.



As with all use class C2 uses, care homes are specifically designed to cater for some of the most vulnerable members of society and so it is implicit in any C2 development that the safety and security needs of its residents must be prioritised. The live application includes end of life and dementia level care and so security considerations have been paramount from the inception of the project.

Considering the vulnerabilities of care home residents, in order to deliver an F2 use it would not simply be a case of allocating some of the space within the care home for use by the community. Operationally, any ancillary F2 community use would need to be designed to function completely independently from the C2 element of the scheme. This would include the need for separate entrances and exits and would require full physical and operational segregation between the two uses to ensure that residents, a large proportion of whom are likely to have conditions such as dementia or substantially reduced mobility, are provided a safe, comfortable and secure environment. As such, it would be necessary to have a proportion of floorspace (or indeed outdoor space) dedicated solely for the F2 use.

At 0.29 hectares, any development brought forward on the site will need to be carefully designed to deliver a viable quantum of floorspace along with a suitable level of outdoor amenity space. Given the suburban character of the surrounding area, it would be inappropriate to bring forward a development taller than three storeys in height from an urban design perspective. As the land to the rear of the site forms part of the drainage strategy for the wider area, and that the site is constrained from all other sides by the existing road network, there is no realistic prospect of expanding development beyond the site boundary as defined in the draft Plan.

We therefore conclude that a footprint and envelope similar to that in the live application is an optimised scheme in terms of floorspace delivery for the site. Whilst we acknowledge that the current application on the site isn't directly relevant to the examination of the draft Plan, it is a useful case study given that any development brought forward would need to have a similar siting, form and envelope, because it is the rational built form to bring forward in response to the site's constraints.

Taking the live application as an example, it would be necessary to remove an entire wing of the ground floor to accommodate an F2 use that would operate independently from the C2 use. This in itself would result in the loss of 10 – 12 bedrooms, but would also require the medical and storage rooms within the wing to be relocated, resulting in 2 – 3 further bedrooms being lost.

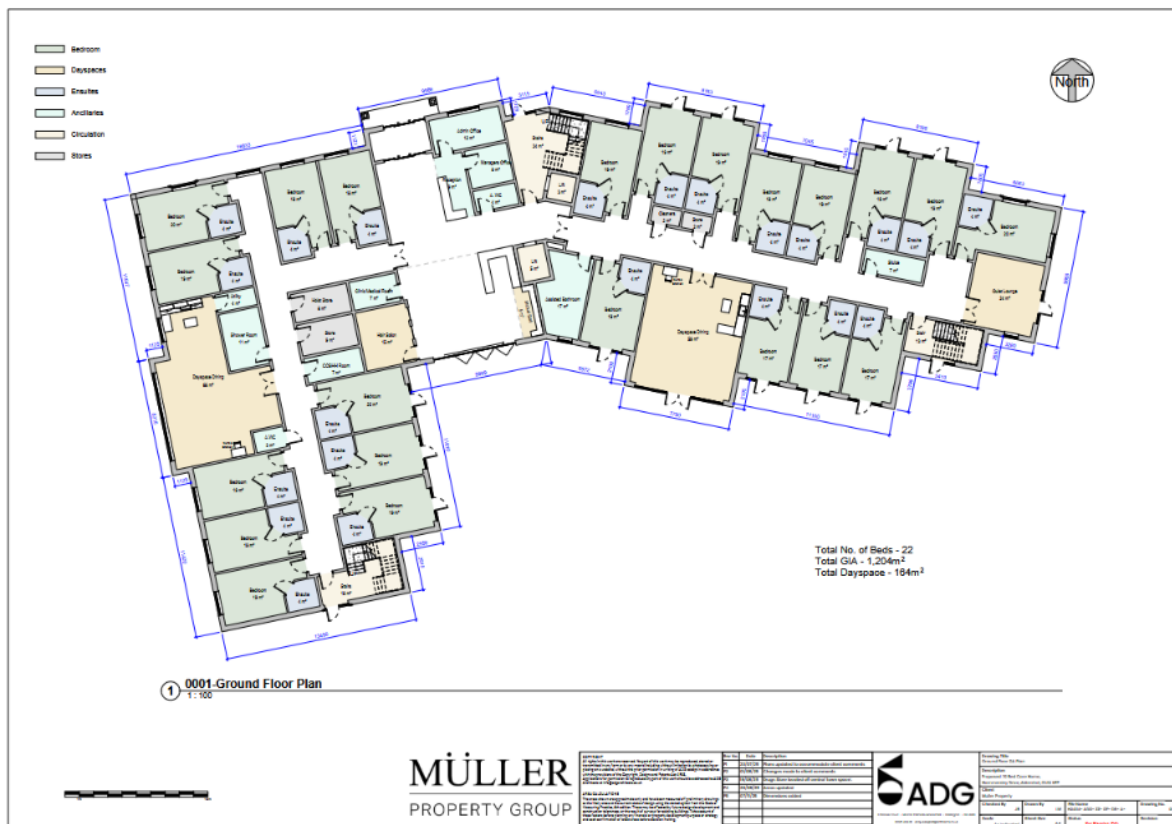


Figure 2: Proposed ground floor layout of the live application

Even if the F2 use did not require the entire floorspace in the wing, it would not be operationally possible to maintain bedrooms within the wing alongside the F2 use, because Care Quality Commission requirements necessitate dedicated nursing staff to be present for every wing, and it would not be feasible to have staff on the wing at all times if there were fewer than 10 bedrooms (typically one nurse would be present for every 13 residents on a given wing).

We note that the supporting text of the policy refers to potential delivery of outdoor F2 community space. This would again need to be completely secure and separated from the care home garden for the safety and security reasons, and so would by nature reduce the quantity of outdoor space available to care home residents. Gardens are one of the most valued and appreciated resources in care homes, both by residents and their visiting families and loved ones. Notwithstanding the site's inherent size constraints, the live application has been thoughtfully designed to bring forward a viable development that successfully integrates an appropriate level of high-quality outdoor space for residents. In order to accommodate an outdoor F2 use, the amount of garden space for residents would need to be reduced, which would negatively affect the quality of amenity provision offered, resulting in a lower standard accommodation for residents. This is not considered to be acceptable, and so we do not consider the delivery of outdoor F2 space within the site to be feasible.

Having ruled out the provision of outdoor F2 space, in practical terms the inclusion of the F2 use would mean that instead of 70 bedrooms as is currently proposed, the application would only be able to deliver 55 – 58 bedrooms. Whilst again these figures are specific to the live application on



the site, it would have a similar effect to any other care home scheme brought forward on the site in terms of substantially reducing the quantity of rooms that could be delivered.

The following section assesses the implications of such a reduction in bedrooms on the financial viability of a care home development.

Care home viability

It is increasingly uncommon for permission to be sought for care homes with fewer than circa 60 bedspaces across the country, due to the viability constraints that inherently arise on smaller care home schemes. Care home economics are strongly scale-sensitive, with new purpose-built schemes typically clustering around or above 65-85 bedspaces, and existing smaller homes are more vulnerable to closure, obsolescence, and weaker commercial viability.

There is clear evidence that the local market reflects nationwide trends relating to viability. The following table sets out the number of proposed bedspaces in every use class C2 care home application within GBC over the past 10-year period. It demonstrates that there is no commercial interest from developers or operators in seeking permission for schemes with fewer than 60-bedspaces. This reflects the commercial reality that it is simply not financially viable to bring forward care home schemes with fewer than 60 - 70 bedspaces.

Application reference	Location	No. Bedspaces proposed	Comment
25/P/01368	Land at Hammersley Drive, Ash, GU12 6FP	70	
25/P/01124	Hamilton Place, Hamilton Close and Hamilton Drive, Oregano Way, Guildford	80	
24/P/01167	North Wyke Farm, Guildford Road, Normandy, Guildford GU3 2AN	77	77 bedspaces across 60-bed care home & 17 supported living units. The application also included 10 conventional C3 units
24/P/00466	Land rear of Worplesdon View Care Home, Worplesdon Road, Guildford, GU3 3LQ	92	
23/P/00356	Land at Cothelstone and Field Fares, Clandon Road, Send, GU23 7LA	74	
22/P/01618	Land at Cothelstone and Field Fares, Clandon Road, Send, GU23 7LA	73	
22/P/00508	Robertson Nursing Home, Priorsfield Road, Hurtmore, Godalming, GU7 2RF	52	This development has not progressed despite permission being granted in 2023
20/P/01554	Robertson Nursing Home, Priorsfield Road, Hurtmore, Godalming, GU7 2RF	65	



20/P/01291	Ashley House, Christmas Hill, Shalford Guildford	60	
19/P/01559 (amended by S.73 application 22/P/00567)	The Old Hall, Send Marsh Road, Send, Woking, GU23 7DJ	64	Permission originally granted for 59 bedspaces but was later increased to 64 via a S.73 application
18/P/01014	Land North of Keens Lane and, Tangley Lane, Guildford	70	Part of wider application including 141 C3 units
15/P/01980	Carter and Son Scrap Metal And Breakers Yard, Aldershot Road, Worplesdon, Guildford, GU3 3HF	80	Part of wider application including 27 C3 units and 5 specialist accommodation bedspaces

Whilst we note that the table shows that a single application was granted for a scheme with under 60 bedspaces (ref: 22/P/00508), a review of the Council's portal indicates that that development has not been built-out despite permission being granted, indicating that the scheme as permitted was not viable. The table demonstrates that no care homes have been brought forward in GBC with less than 60 bedspaces.

In order to demonstrate that the same scale-sensitives apply to the site in question, Third Revolution Projects' socio-economics team have prepared two viability appraisals: one which assesses the viability of the live application as submitted, and another which assesses a notional scheme that includes an F2 community use in place of a ground floor wing. Although in reality the F2 use would require the loss of 12 – 15 bedrooms, the appraisal has been done on a 'best case scenario' basis and so has assumed only 11 bedrooms are lost. The figures in the appraisals are based on BCIS to estimate build costs and GBC's latest Viability Study to estimate other cost assumptions (including professional fees and external works costs) rather than a bespoke cost plan for the live application itself.

The appraisals are included in Appendices 1 & 2 of this letter¹. They demonstrate that the scheme as submitted is deliverable against standard GDV and profit assumptions, whereas a scheme with an 11-bedroom reduction would generate a negative land value and so is not financially viable. Whilst again these appraisals are assessed only against the live application on the site, they provide a strong indication that any care home scheme brought forward would not be financially viable should an F2 use be required.

Assessment of policy ASH10(c) against basic conditions

As demonstrated in the previous section, the requirement for an ancillary F2 use would prevent a viable care home development from coming forward on the site, and so conflicts with all three of the basic conditions set out within the act.

The first condition requires the draft Plan to have regard to the NPPF. A core facet of the plan making process, as set out in Framework paragraph 16, is that plans should be *prepared positively in*

¹ The viability appraisals contain commercially sensitive information and so it is requested that they remain confidential and are not put in the public domain



a way that is aspirational but deliverable. Ultimately, as currently drafted policy ASH10's requirement for an F2 use would prevent the delivery of the care home on the site. As such, the draft plan has failed to have regard to the Framework paragraph 16. Furthermore, paragraph 129 of the Framework states that planning policies *should support development that make efficient use of land, taking into account...local market conditions and viability.* There is no indication that the Parish Council have considered viability constraints in their designation of the site. It therefore cannot be said that appropriate regard has been given to the Framework.

The second basic condition requires neighbourhood plans to contribute to sustainable development. Despite the draft plan itself evidencing a need for new care homes within the Parish, the plan would serve to prevent the delivery of a care home. Given that care homes provide vital accommodation and care for some of the most vulnerable members of society, this clearly conflicts with the overarching social and economic objectives which the Framework uses to define sustainable development in paragraph 8. The policy as currently drafted therefore does not meet this basic condition.

Finally, the third basic condition requires Neighbourhood Plans to be in general conformity with strategic policies of the development plan for the area. GBC Local Plan Strategic Policy S1 states that the Council will seek to *secure development that improves the economic, social and environmental conditions in the area.* By preventing a care home from coming forward on the site, the policy conflicts with this strategic ambition and so it does not meet the third basic condition.

Conclusion

Overall, there is a clear and substantial divergence between the policy as currently drafted, and the basic conditions set out in the act. We therefore do not consider the plan as currently drafted to be suitable and do not believe that it can be made, as currently drafted.

It is our view that in order to rectify the conflict with the basic conditions, the simple solution is to remove the requirement within ASH10(c) for an ancillary F2 use to be brought forward alongside the main C2 use. By doing so, the conflicts with the framework set out would fall away and the draft plan would meet the basic conditions required by the act.

We trust that the details set out within this letter and its appendices are considered during the independent examination of the draft Plan. Should any further details be required by the Inspectorate, please do not hesitate to contact me.

Yours sincerely

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