



Appeal Decision

Site visit made on 15 July 2019 by Hannah Ellison MSc BSc (Hons)

Decision by Susan Ashworth BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2019

Appeal Ref: APP/W4325/W/19/3227500

12 Netherfield Close, Noctorum, CH43 9ST

- 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 Mr Marvin Muza against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/18/01166, dated 05 September 2018, was refused by notice dated 06 December 2018.
 - The development proposed is described as 'a change of use of the house to a residential home for people with mental difficulties who need support. There will be support workers working there with the people 24/7. The house is registered as a house in multiple occupation'.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of dwelling to a residential home with on-site care support at 12 Netherfield Close, Noctorum, CH43 9ST, in accordance with the terms of the application Ref APP/18/01166, dated 05 September, subject to the following condition:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The description of development set out in the Council's decision notice differs from that in the banner heading above, which is taken from the application form. I am not aware that the appellant has agreed to the Council's change and given there is no agreement on the use class specified by the Council, I have used a more succinct version of the appellant's description in the formal decision above.
4. The appellant's description of development refers to the use of the property by people with mental health difficulties. However, from all I have read, it is clear that the residents of the property would specifically be young people aged 16-18 leaving the care system with attendant support staff. I have dealt with the appeal on that basis.

Main Issue

5. The main issue is the effect of the proposed change of use on the living conditions of nearby occupiers, with particular regard to noise and disturbance.

Reasons

6. Netherfield Close comprises two-storey terraced dwellings of similar character and appearance. No 12 is a mid-terraced property located at the head of the cul-de-sac. This proposal seeks to use the property as supported residential care for a maximum of two care leavers with the aim of assisting them gain independence skills to prepare them for life in the community. There would be 24-hour support from staff.
7. Policy HS8 of the Wirral Unitary Development Plan (Including Minerals and Waste Policies), Written Statement Adopted February 2000 sets out a criteria-based approach to new residential care homes against which proposals should be assessed. There is no dispute between the parties that the proposal accords with that policy. However, the Council is concerned that the proposal would affect the living conditions of neighbouring residents and this is therefore the main issue in my consideration of the appeal.
8. The dwelling currently has three bedrooms and does not require any extensions to facilitate the proposed use. There would be no more than three people residing at the property overnight and four during the day. As such, this proposal is in keeping with the scale of the property, and the activity associated with the proposed use, in terms of staff movements and general comings and goings including any visits by emergency vehicles would not be dissimilar if the dwelling were occupied by a single family. There is no evidence before me that the circumstances of the individual residents would give rise to an unusual or significant level of noise and disturbance locally. In any event there would be staff available to monitor and support the residents at all times.
9. Consequently, on the basis of the evidence before me, the proposed change of use would not cause unacceptable harm to the living conditions of nearby occupiers. It would therefore accord with the requirements of the National Planning Policy Framework which seeks to promote social interaction, and create places that are safe, inclusive and which promote health and well-being, with a high standard of amenity for existing and future users.

Other Matter

10. Concern has been raised over availability of on-street parking in the area. At the time of my site visit I observed ample opportunities to park within the close and adjacent streets. Whilst this is a snapshot in time, I note all dwellings in Netherfield Close have off-street parking provision for one vehicle. Furthermore, the Council's Highway Officer has not raised any concerns with parking. As such, I have no reason to find otherwise.

Conditions

11. No conditions, including any conditions to control the use, have been suggested by the Council in the event that the appeal was allowed. Nevertheless, I have imposed the standard time limit in the interest of proper planning.

Conclusion and Recommendation

12. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is allowed.

Hannah Ellison

Appeals Planning Officer

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Susan Ashworth

INSPECTOR