



Appeal Decision

Site visit made on 15 June 2021

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 July 2021

Appeal Ref: APP/W4705/W/21/3270444

35 Chapel Lane, Allerton, Bradford BD15 7AG

- 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 Abdul Ghafoor against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 21/00032/FUL, dated 3 January 2021, was refused by notice dated 3 March 2021.
 - The development proposed is Change of use from C3 dwelling to C2 residential institution use.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the use would lead to an intensification that would detrimentally affect the character of the area.

Reasons

3. Two of the existing modern dwellings within the terrace of three dwellings are currently in C2 use and have been in operation for more than a year and together house approximately twelve service users. The appeal site is attached to these properties.
4. The proposed change of use to C2 use would be occupied by vulnerable people. Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010 sets out the need to eliminate unlawful discrimination, harassment and victimisation, to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. The proposal would support vulnerable people between the ages of 16-25 years with protected characteristics for the purposes of the PSED. However, as a result, it does not follow that the appeal should necessarily succeed, but rather that I have a duty to consider the implications of my decision upon this person.

5. The dwelling has six bedrooms, and on-site staff provided by a minimum of two support staff on duty on a continuous twenty-four-hour basis. Support staff would not sleep on the premises but offer a waking service during the night.
6. There is nothing before me to suggest that up to six individual service users would not reside together at any one time. Each occupant would have their own differing, complex, and specific needs, and the resultant specialist external support visits this would generate. Visitors to the site would inevitably be more intensive as a consequence. Even though visitors may be via a pre-arranged appointments service, details of how this would be organised or managed has not been provided by the appellant.
7. Demand for parking would arise, and this would be especially prevalent given approximately two full time staff could be present at the site at any one time, with limited on-site parking available. Even though the proposed service users would not be expected to have access to vehicles, no details are submitted of arrangements for transport to external appointments and visits, or the requirement for taxi pick-ups and drop-offs.
8. It has also been brought to my attention that West Yorkshire Police raise concerns about the proposal and its effect on changing the otherwise residential character of the area. Even though the number of occupiers may not be dissimilar to that of a C3 use, the building would be used in a very different capacity to that of a C3 use. The appeal site would operate at a similar model to these other C2 uses, and the accumulation within close proximity to one another would generate up to eighteen service users with their own specific and complex needs.
9. Taken cumulatively with the other C2 uses, the intensification of general activity within very close proximity to one another, and parking demands associated with this use, would not be absorbed into the area. Instead, it would lead to its character detrimentally changing to one of a more intensive character in these respects than would otherwise be experienced by C3 dwellings of a residential character.
10. I have had due regard to the sensitivities of providing supported housing care for vulnerable young people. There may be a demand for such uses locally and a shortage of this type of accommodation. However, this has not been evidenced by the appellant. A provider for this type of care service who might operate in the local area and within other parts of the country may have been procured. However, based on my findings, this would not lead me to reach a different conclusion on the matter.
11. The other C2 uses adjacent may have been operating for approximately one year, and the proposed combination of three C2 uses together could offer the ability to provide interaction as a cluster of C2 uses for both staff and residents, and a 'complementary support'. However, specific details of the benefits of such has not been provided. How the use would meet local and national housing targets has also not been explained.
12. There is no evidence to demonstrate that the sale or letting of the property has been difficult for the appellant, and at the time of my visit, there was nothing before me to suggest that the property was vacant and not in occupation as a

C3 use. I have no reason to come to the view that the property would fall into disrepair as a consequence of this proposal not being allowed.

13. The effect of the proposal being manned on a twenty-four-hour basis, and the use of CCTV cameras that could be installed has been raised by the appellant as having a positive impact upon crime levels within the area. However, there is nothing before me to demonstrate this would be the case.
14. I recognise there may be an economic benefit to the proposal given the opportunities to refurbish the building, and the construction opportunities it may generate. However, these would be small in scale and would not overcome the harm I have identified to the character of the area. Further, whilst it may be located close to local amenities and services that the service users and staff could avail of, this would not persuade me in favour of the proposal.
15. To conclude, the intensification as a consequence of the proposed use taken together with the adjacent C2 uses would result in a detrimental change in character to the area by virtue of increased activity at the property including demands for vehicular parking in the locality, that would exceed what would otherwise be experienced within this residential area. The proposal would be contrary to the requirements of the Bradford Core Strategy Development Plan Document 2017 Policy DS5 in its broad aims to encourage safe and inclusive places and more specifically for development to make a positive contribution. However, I find no direct relevance to the proposal and Policy DS4 as it does not directly relate to streets and movement, and the general thrust of the policy requirements.

Balance & Conclusion

16. Although the proposal would support vulnerable people with a protected characteristic, it would lead to an intensification that would be detrimental to the character of the area in conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Alison Scott

INSPECTOR