



Appeal Decision

Site visit made on 26 October 2021

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2021

Appeal Ref: APP/E2530/W/21/3276384

Wayside, Main Street, Foston NG32 2JU

- 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 Sercan Sozugen against the decision of South Kesteven District Council.
 - The application Ref S21/0004, dated 22 March 2021, was refused by notice dated 22 April 2021.
 - The development proposed is a change of use of a dwelling (C3a) to a children's care home (C2) with a maximum of three children and two carers working on a rota basis sleeping overnight.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use of a dwelling (C3a) to a children's care home (C2) with a maximum of three children and two carers working on a rota basis sleeping overnight at Wayside, Main Street, Foston NG32 2JU. The permission is granted in accordance with the terms of the application, Ref: S21/0004, dated 22 March 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, scale 1:1250; Floor Plan; Parking Plan, scale 1:200.
 - 3) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that order with or without modification) the premises shall be used only as a children's care home for up to three children and for no other purpose (including any other use falling within Class C2 of the Order).
 - 4) Prior to the building's first use hereby permitted, details of alterations to boundary treatments, including fencing and the proposed widening of the vehicular access from Main Street, of the application site shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the building's first use hereby permitted.

Application for costs

2. An application for costs was made by Mr Sercan Sozucecen against South Kesteven District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect of the proposal on the character of the area and the living conditions of occupiers of neighbouring properties with specific regard to noise and disturbance.

Reasons

Character of the Area

4. The appeal site comprises a detached property with a garden to the rear and off-street parking area with garage to one side. The site is located in the centre of the village of Foston which has a mix of house styles and types and little in the way of a set layout or form of development.
5. While I note the concerns of the Council with regards to the effects of increased vehicular activity on the character of the area, the proposed use would be residential in nature. Vehicles would be parked at the site in the same way as a private residential property. I observed this to be the case on the site visit, with several vehicles parked on the driveway at the time.
6. There are few external alterations proposed to facilitate the change of use, although there is reference to fencing and widening of the vehicular access on the submitted site plan. These can be controlled by condition. While there are no details of alterations required to meet building regulations or legislation specific to children's care institutions, these are determined under separate procedures. As such, there would be little discernible change as a result of the proposal both in terms of the character arising from its use or in physical appearance.
7. Moreover, despite the site plan indicating spaces for five vehicles, the appellant has detailed the level of staffing at various times of the day whereby a maximum of four staff would be present. Off-street parking is available for staff to cover the number of people present at one time. While I note the concerns of third parties with regard to visitors or other staff parking on the road, there are no restrictions I have been made aware of to prevent this and regardless of the use of the building this could occur at any time.
8. The proposal would not therefore harm the character of the area and would accord with Policies SP2 and DE1 of the South Kesteven District Council Local Plan (the LP) (adopted January 2020). These set out, among other things, that development will be supported in accordance with Policy SP3, SP4 and all other relevant policies, where development will not compromise a village's nature and character.

Living Conditions

9. Whilst five parking spaces would be provided within the appeal site, it does not automatically follow that there would always be five vehicles present. Nor that they would come and go regularly given the nature of staff shift patterns. I have no doubt there would be more movements to and from the appeal site over and above the existing use but given the size of the appeal building, not

so much more that the impact thereof would be materially different. In essence, they would not be disproportionately greater in number. Regarding disturbance from noise associated with these movements therefore, I find that no significant harm would arise.

10. The appellant's evidence sets out how the home and the children residing there would be managed. It states that the intention is to provide a safe, warm and family environment. In general terms, the management of the home would also be required to operate within the minimum national standards for children's homes and staff would be subject to Ofsted regulation and inspections. Moreover, for each child there would be a carer who would accompany the children during any external visits. It seems to me that sufficient safeguards would therefore be in place to reduce the likelihood of anti-social behaviour or crime.
11. I note the evidence submitting by a third party regarding the number of police callouts to a similar institution nearby. I have little information on this location, so I am unsure as to how this relates to the proposal before me. However, of the 13 police callouts in the two-year period specified, none of these were for disorder. No further details on the circumstances of these callouts are given. As such, in this case there is no substantive evidence that the appeal proposal would give rise to anti-social behaviour.
12. Moreover, while I understand there are further concerns regarding a loss of privacy, given the property could be occupied by the same number of people without the need for planning permission I see no reason why this would be the case. In addition, there are no proposals for external lighting to be used as part of the development.
13. Based on the above, there would be no adverse impacts on the living conditions of the occupiers of surrounding properties, with particular regard to noise and disturbance. Accordingly, the proposal complies with Policies DE1 and SP2 of the LP. These seek to ensure there will be no adverse impact on the amenity of neighbouring users in terms of noise, light pollution, loss of privacy and loss of light and have regard to features that minimise crime and the fear of crime.

Other Matters

14. I have had regard to the concerns of third parties which cover a wide range of issues. However, the location of the proposal was assessed by the Council and it was found to be acceptable in terms of the spatial strategy for the area. Similarly, matters of highway safety and provision of outdoor space for future occupiers were not considered matters of concern sufficient to warrant refusal. I see no compelling reason to disagree on these points.
15. My attention is drawn to two similar developments in the area¹. I have no substantive information on these, so I am unsure as to how they relate to the proposal before me. Moreover, each application is assessed on its own merits.
16. There are no proposals before me to fell trees and I have no further information on whether the success of this development would lead to future expansion of the site. Such an expansion is likely to require planning permission in any event and as such would be dealt with at a future date.

¹ S19/1938 & S20/1851

17. Reference is made to nearby Listed Buildings and associated harm to their setting as a result of the proposal. I have no information on these, such their location in respect of the appeal site, listing descriptions or assessments of their significance. Neither the Council nor the appellant has set out that the appeal scheme is within the setting of a listed building and there was nothing I could gather from my site visit that may cause me to conclude otherwise.

Conditions

18. The Council has not suggested any conditions in the event the appeal was to be allowed. In addition to the standard time limit on the commencement of development, it is necessary to list the relevant plans as it provides certainty, particularly with regards to the arrangement and movement of vehicles relative to shift patterns of staff on the appeal site to ensure any additional noise and disturbance is minimised. Given that use Class C2 includes other uses, a condition to restrict the use to a children's home within Use Class C2 for up to three children is necessary given the location of the appeal building and the potential of other uses within the class to give rise to other planning harms. An additional condition is necessary to provide certainty as to the appearance and scale of the boundary treatments and arrangements for the widening of the access to safeguard the character and appearance of the area.

Conclusion

19. For the above reasons, having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions as set out.

C McDonagh

INSPECTOR