
Appeal Decision

Site visit made on 6 April 2022

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 May 2022

Appeal Ref: APP/B1930/W/21/3282627

37 Napsbury Lane, St Albans AL1 1DU

- 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 Keys Group Limited against the decision of St Albans City & District Council.
 - The application Ref 5/21/1480, dated 14 May 2021, was refused by notice dated 19 August 2021.
 - The development proposed is change of use of dwelling to a residential care home for up to 4 young people.
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Decision

1. The appeal is allowed, and planning permission is granted for change of use of dwelling to a residential care home for up to 4 young people at 37 Napsbury Lane, St Albans AL1 1DU in accordance with the terms of the application, Ref 5/21/1480, dated 14 May 2021 and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 scale location plan; and 1:100 scale Proposed Plans.
 - 3) Notwithstanding 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 residential care home for up to a maximum of 4 children and for no other purpose (including any other use falling within Class C2 of the Order).

Main Issue

2. The main issue is the effect of the development on highway safety, with particular regard to future residents' safety in accessing day-to-day facilities and services.

Reasons

3. The appeal relates to a detached 5-bedroomed dwelling located within a linear run of residential development on the northern side of a spur road that forms part of Napsbury Lane. The highway has a 30 mph speed limit adjacent to the

site, with a continuous pavement along the northern side of the spur road and street lights on the southern side.

4. The Council asserts that the proposal would result in an increase in risk to pedestrians and future occupants of the site by reason of future young occupants of the site having to take unsafe routes to the nearest facilities and services. The Council has not, however, provided any substantive evidence of the trips that the proposed use would generate in comparison to the existing use. If retained as a single-family dwelling, it is quite possible that the dwelling would be occupied by a family with a similar, or greater, number of children than the proposed care home.
5. I acknowledge that children residing at the care home would require access to day-to-day services and facilities in St Albans and/or London Colney and that the distance and routes to those facilities may limit the number of journeys by foot, cycle and public transport. The journeys generated by the needs of resident children would, however, be similar in type, route, and frequency to those required if the property were to be retained as a dwelling and occupied by a single family with multiple children (commensurate with the scale of the dwelling). The Highway Authority does not object to the development, either in terms of the accessibility of facilities, or with regards to the development's effect on highway safety. Whilst I have had full regard to the highway safety concerns of the local community, I have no substantive evidence that leads me to disagree with the Highway Authority. The use of the site as a children's care home would be no less sustainable or safe, with regards to the residents' accessing services and facilities, than its use as a dwelling.
6. As such, having particular regard to future residents' safety in accessing day-to-day facilities and services, the development would not be detrimental to highway safety or represent an increased risk to pedestrians. The development would not conflict with saved Policy 34 of the St Albans District Local Plan Review 1994 as it would not generate a significant amount of traffic and would not involve the creation or improvement of an access onto the public highway. Furthermore, the development would accord with the Framework requirement that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Other Matters

7. A number of interested people at the application and appeal stages have raised other matters. My attention has been drawn to the concerns regarding the potential for anti-social behaviour, crime and fear of crime. Whilst these concerns are material considerations, in this case there is no substantiated evidence before me to support those concerns. I have seen nothing which convinces me that future residents would be likely to be noisier, more badly behaved or engaged in criminal activity than any other children. Nor have I seen any substantive evidence to support the suggestion that any existing anti-social behaviour in the woodland close to the site would be a bad influence on future residents.
8. The development is supported by Hertfordshire County Council's Children's Services and would meet an identified need for such homes within Hertfordshire. The management of the home would be required to operate within the minimum national standards for children's homes and would be

subject to Ofsted inspections. These standards and oversight would apply regardless of which company or organisation manages the site. The concerns of interested parties regarding the management of the care home are not, therefore, supported by substantive evidence and I attach limited weight to these concerns in the determination of this appeal.

9. I am satisfied that the car parking arrangements are appropriate and that the limited vehicular movements generated by the proposal would be to the front of the property where they would not result in harm to the living conditions of surrounding occupiers. Furthermore, there is no substantive evidence before me to indicate that house prices would be detrimentally affected by the proposal.

Conditions

10. I have considered the conditions suggested by the Council against the tests of the Framework and advice provided by the Planning Practice Guidance. I find them to be reasonable and necessary in the circumstances of this case. Where appropriate, I have amended the suggested conditions for clarity and to ensure compliance with national policy and guidance. The numbers in brackets relate to the conditions in the schedule.
11. In addition to the standard time limit on the commencement of development (1), it is necessary to list the relevant plans (2) as it provides certainty. 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 4 children is necessary (3) to control the effect of the development on parking and on the living conditions of surrounding occupiers.

Conclusion

12. For the reasons above, having regard to the development plan as a whole and all other matters raised, the appeal is allowed subject to the conditions as set out.

S D Castle

INSPECTOR