
Appeal Decision

Site visit made on 7 June 2022

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 June 2022

Appeal Ref: APP/K0235/W/21/3283691

6 Curren Chase, Bedford, Bedfordshire MK42 0GY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Miss Hayley Murphy against Bedford Borough Council.
 - The application Ref 20/01334/COU, is dated 19 June 2020.
 - The development proposed is change of use from HMO supported residential dwelling (C3(b)) to a childrens home (C2).
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Decision

1. The appeal is dismissed.

Main Issues

2. Although there is no formal decision from the Council, it has offered putative reasons for refusal. Based on these, the main issues are:
 - a) Whether the proposal would affect highway safety; and,
 - b) whether the proposal would harm the living conditions of neighbours with regard to noise and disturbance.

Reasons

Highway Safety

3. The appeal property comprises a five-bedroom detached house with a garage, located towards the end of a cul-de-sac. The proposal seeks to use this property as a residential children's home. This would provide accommodation for three children between the ages of 12 and 16 years, who according to the appellant require intensive care and supervision.
4. The appellant advises that the care would be provided by home managers and residential support workers operating on a shift-based system and no permanent carer or support worker would be living at the property. However, there would always be a Residential Support worker or Manager at the property at any one time, including overnight.
5. The appellant asserts that the appeal property has adequate parking and has submitted a drawing, illustrating the garage and four car parking spaces within the appeal site.
6. I have also been provided with a drawing showing the approved layout for this property. This shows that the property has been allocated a garage and 2

parking spaces (3 parking spaces in total). Although there is land forward of 6 Curren Chase which is paved, my understanding is that this is required for turning and access.

7. Based on the Council's Parking Standards for Sustainable Communities: Design and Good Practice, adopted September 2014, the parking requirement for a C2 use is 1 parking space for each full-time equivalent staff and 1 visitor space.
8. In this case, the application form states that a total of 11 full-time equivalent staff would be employed at the care home. Whilst I understand that these staff would cover different shifts, the appellant has only provided some details on minimum staffing levels, and I have not been provided with sufficient information to determine the day-to day staffing levels.
9. Moreover, in practice, given the intensive level of care and supervision required and because the residents would be children, it is likely that at least 3 staff would be required, in particular, during the day, because two members of staff could easily be occupied with one child and an additional staff member would be required to supervise the other children. There is also likely to be some overlap between shifts during handover periods between the staff teams and therefore, there could be a requirement for additional parking at the site, albeit for short periods.
10. Drawing on these reasons, the proposal fails to demonstrate adequate provision for parking space within the site, in accordance with the Council's Parking Standards. Therefore, the proposal would create parking stress which could result in inconsiderate parking to the detriment of highway safety. My concerns over highway safety are heightened, given that along Curren Chase, the highway layout is designed to be shared between pedestrians and vehicle users which raises greater concerns in respect of conflict between different users. As such, I find the proposal contrary to Policy 31 of the Bedford Borough Local Plan 2030, Adopted January 2020 (LP) which amongst other things requires that planning applications should give particular attention to all of the following considerations, including highway capacity, parking provision, safety or general disturbance to the area.

Living conditions

11. The appeal property is physically separated from nearby properties. The aim of the residential children's home is to provide accommodation for children in an environment which is as close to conventional family life. Care and support would be provided in a communal environment. The children and carers would reside together and share all facilities and matters of housekeeping. The lounge of the property which is likely to generate the greatest activity associated with the proposal is situated on the ground floor to the back of the house. The property also has a medium sized rear garden which provides a buffer from neighbouring dwellings.
12. Furthermore, to minimise impact on surrounding residents, the management of the proposed facility would include curfews beyond 8pm.
13. There are likely to be some associated car movements, parking and general 'comings and goings' linked to staff, visitors and other service providers. This would give rise to activity at the property and some associated noise and disturbance. However, given that the appeal property has 5 bedrooms, a large

single household could also occupy it and potentially generate considerable levels of activity and associated noise and disturbance. This could include some variation in pattern and activity undertaken by different generations of a family, for example parents going to work and separate activities associated with children and their schooling.

14. Consequently, I am not persuaded that the proposal would unacceptably harm the living conditions of neighbours in respect of noise and disturbance. I therefore find no conflict with the aims of policies 32 and 47S of the, which amongst other things, seek proposals to avoid noise and disturbance which may give rise to significant adverse impacts on health and quality of life.

Other Matters

15. The description of the proposal and the appellant's submission suggest that the appeal property is occupied under Class C3 (b) as a use of a dwelling house by not more than six residents living together as a single household where care is provided for residents. The appellant also suggests that the proposal could fall within Use Class C3 (b). However, there is insufficient information to support this and the appellant could make an application for a Lawful Development Certificate for a formal determination in respect of this. In any event, the proposal before me is for a change of use to a residential care home (Use Class C2) and I have determined the appeal on that basis.
16. Whilst the proposal may be in line with the guidance of the Parliamentary Under Secretary of State for Children and Families and from Ofsted, this does not address the harm I have identified.
17. As the proposal is required for children, I have also considered the impact of dismissing the appeal and the best interests of the children in the context of Article 3(1) of the United Nations Convention on the Rights of the Child and the rights of a child in relation to Article 8 of the European Convention on Human Rights (ECHR), as enshrined in UK law by the Human Rights Act 1998.
18. I acknowledge that the proposed care home would enable children with intensive care needs to reside as part of a family and receive the required care and support.
19. Nevertheless, whilst the proposal would offer some benefits for such children, these do not outweigh the risk to highway safety, which I have already identified. Moreover, Article 8 of the ECHR is a qualified right and, in this case, the interference with it would be proportionate in order to protect the public with regard to the concerns over highway safety.

Conclusion

20. For the above reasons, whilst I have found that the proposal would not harm the living conditions of neighbours, it fails to demonstrate sufficient parking for the proposal. Therefore, the proposal is likely to prejudice highway safety and conflicts with the development plan. Accordingly, the appeal should be dismissed and planning permission refused.

M Aqbal

INSPECTOR