



Appeal Decision

Site visit made on 28 September 2022

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th October 2022

Appeal Ref: APP/B3410/W/22/3291205

Poplars Farm, Yoxall Road, Newborough, DE13 8SU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mrs Melanie Crawford against the decision of East Staffordshire Borough Council.
 - The application Ref P/2021/01116, dated 5 August 2021, was approved on 23 December 2021 and planning permission was granted subject to conditions.
 - The development permitted is change use of farm house and piano barn from dwelling to C2 home for children in care (with no age restriction) and conversion of existing barn including alterations to the front elevation to form classrooms (Revised Scheme - corrected description).
 - The condition in dispute is No. 6 which states that: Upon the commencement of the use hereby approved the use of the dwelling as a Class C2 home for children in care with its associated classroom shall only operate for a period of 12 months unless a further application for planning permission is first granted by the Local Planning Authority. The operators of the care home shall give the Local Planning Authority notification in writing of the proposed commencement of the use prior the dwelling being first used as a home for children in care.
 - The reason given for the condition is: It is considered that a permanent permission ought not to be given until an assessment is undertaken of the effectiveness of the operation and management of the care home facility in relation to impacts on residential amenities in accordance with East Staffordshire Local Plan Policies SP1 and DP1 and the National Planning Policy Framework.
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Decision

1. The appeal is allowed and planning permission Ref P/2021/01116 for change use of farm house and piano barn from dwelling to C2 home for children in care (with no age restriction) and conversion of existing barn including alterations to the front elevation to form classrooms (Revised Scheme - corrected description) at Poplars Farm, Yoxall Road, Newborough DE13 8SU, granted on 23 December 2021 by East Staffordshire Borough Council, is varied by deleting condition 6.

Main Issue

2. The main issue is whether condition 6 is reasonable and necessary in the interests of safeguarding the living conditions of neighbours.

Reasons

3. Based on the Council's report to Planning Committee, the imposition of condition 6 stems from the proposed increase in the age range of the care home occupants and the perceived concerns about anti-social behaviour and increase opportunities for crime and fear of crime.

4. However, it cannot be presumed that potential occupiers of the care home would behave in an anti-social manner or increase opportunities for crime and fear of crime.
5. The aim of the care home is to provide accommodation for up to 6 children between the ages of 7 to 16 in an environment which is as close to conventional family life. Moreover, the appellant and other care providers and specialists would be responsible for ensuring the effective management of the care home and the children in their care.
6. With the availability of on-site education facilities, it is likely that the children would spend most of their time at the appeal property, which is physically separated from nearby properties. Whilst I acknowledge that the children may travel about the area and use (albeit limited) local services and facilities, there is effectively no convincing evidence that local residents would actually experience anti-social behaviour as a consequence of this or the proposal.
7. Furthermore, should any specific matters in respect of crime or anti-social behaviour arise, these could be investigated and addressed by the authorities responsible for regulating the care home and/or the Police.
8. For the above reasons, condition 6 is neither reasonable nor necessary. Consequently, the removal of condition 6 would not harm the living conditions of neighbours. As such, there would be no conflict with policies SP1 and DP1 of the East Staffordshire Borough Local Plan (LP) and Policy HE4 of the Newborough Neighbourhood Plan. Together, these policies seek to safeguard the amenities of neighbours and reduce the potential for crime.
9. The Council's submissions also refer to LP policies DP3 and DP7. The former relates to matters of detailed design and the latter to pollution and contamination. As such, these policies are not specifically relevant to crime and anti-social behaviour. I, therefore, find no conflict with these policies.

Other Matters

10. I have taken account of the representations made in support of the retention of the disputed condition. However, for the reasons set out above, these do not affect my findings on the main issue.

Conclusion

11. For the reasons given above, I conclude that the appeal should succeed. I will vary planning permission (Ref P/2021/01116) by deleting disputed condition 6.

M Aqbal

INSPECTOR