



Appeal Decision

Site visit made on 9 August 2023

by N Duff BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2023

Appeal Ref: APP/B3410/W/23/3318064

9 Rowbury Drive, Burton Upon Trent, Staffordshire DE15 0LP

- 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 Dr Masaud of Ashwood Childrens Care Homes Ltd, against the decision of East Staffordshire Borough Council.
 - The application Ref P/2022/01235, dated 16 October 2022, was refused by notice dated 6 February 2023.
 - The development proposed is change of use from 2-bed dwelling C3 to 2-bed home for children in care C2.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from 2-bed dwelling C3 to 2-bed home for children in care C2 at 9 Rowbury Drive, Burton Upon Trent, Staffordshire DE15 0LP in accordance with the terms of the application, Ref P/2022/01235, dated 16 October 2022, 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 approved drawings A101 Rev B and A102.
 - 3) The premises shall be used for a children's care home for a maximum of two children between 7 and 17 years of age and for no other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Main Issues

2. The main issues are:
 - Whether the proposed development would meet the housing needs of the area.
 - The effect of the proposed use as a home for children in care on the living conditions of neighbouring occupiers, with particular regard to noise and disturbance.

Reasons

Housing need

3. The appeal site is a large, detached, bungalow off Rowbury Drive, a small cul-de-sac with a mixture of dwelling types including bungalows and two storey dwellings located off a main road, within a wider suburban residential area. The cul-de-sac is spacious in character with dwellings having their own dedicated car parking.
4. The proposed development would see the loss of a bungalow for C3 residential use to be changed to a specific C2 use. The loss of the C3 bungalow would effectively remove one two bedroomed independent dwelling from the existing supply of housing. I accept that the dwelling could meet the needs of older and less mobile members of the population. However, occupation is currently not limited to that section of the population. It is a generous sized bungalow with two main bedrooms and other rooms that can easily accommodate care staff whilst maintaining amenities within the unit as proposed, or could accommodate a family in its current form.
5. The Council state that there is a need of 1,213 new housing units for housing for older people to be provided over the plan period. However, this is a change of use of an existing dwelling to C2 accommodation still within a residential use class. Therefore, whilst there would be the loss of a bungalow under class C3, this would not affect the supply of new homes going forward.
6. The evidence supplied as part of the application and in the report of the Council Officer states that the proposal would be providing single storey accommodation for less mobile people, potentially including the children that may be living in the premises. The evidence on this matter is limited, however I have no reason to disagree that this may be the case. Furthermore, evidence has been provided by the appellant demonstrating the numbers of children in care which is shown to be steadily increasing. Information has also been provided by interested parties showing that there is a particularly high number of care homes in the West Midlands region, whilst this may be the case, I am satisfied that there is a need for such accommodation in the area to which the appeal site would contribute.
7. Due to the scale of the proposed development, the loss of one C3 bungalow unit is unlikely to materially affect or undermine the Council's wider housing strategy to provide new housing units for an older or less mobile population.
8. For the reasons mentioned, the proposed change of use from a dwellinghouse to a home for children in care would contribute to the housing needs of the area. It would not be contrary to Policy 6 of the Winshill Neighbourhood Plan 2012-2031 (2018) (NP) which is silent on the loss of existing housing stock but supports proposals that provide appropriate mix of house types, tenures and sizes based on need. This includes 1 and 2 bedroomed homes, low-cost market homes and those that meet the needs of older and less mobile population.

Living conditions

9. Concerns have been raised relating to the level of activity at the site, which could potentially be more than for a typical two bedroomed property due to the

number of occupants intended to reside there. The property would have two children living in aged between 7 and 17. They would have two carers, on a rota basis who would also stay in separate rooms overnight. I consider that there is limited evidence to suggest that the level of activity would be more than if the dwelling remained in C3 use, even taking account of the shift patterns of carers. If occupied as a family dwelling, due to the number of rooms, the property could accommodate a higher number of people than proposed in this case.

10. The nature of the existing environment is suburban and therefore relatively quiet. However, in this case, due to reasonable separation distances between neighbouring properties, noise from the two children and their carers would be unlikely to be materially above the current C3 use.
11. Concerns have been raised by interested parties regarding the additional car parking spaces that would be provided which could result in disturbance from vehicle movements. Due to the transient nature of the use of a car parking area to the front of the property, it is unlikely that use of this space would differ from that of a single dwellinghouse. Consequently, it would not cause harm to the living conditions of occupiers of neighbouring properties.
12. For the reasons mentioned, I conclude that, due to the small scale of the proposed development, the proposed use as a home for children in care would not materially affect the living conditions of neighbouring occupiers, with particular regard to noise and disturbance. Consequently, the proposal would accord with Detailed Policy 3 and Detailed Policy 7 of the East Staffordshire Borough Council Local Plan (2015) which require development proposals to not have an unacceptably overbearing impact on adjacent dwellings and not give rise to unacceptable levels of pollution in respect of noise.
13. The proposal would accord with paragraph 130 of the National Planning Policy Framework which states that decisions should ensure that developments have a high standard of amenity for existing and future users, and that decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on living conditions.
14. Reference has been made in representations relating to Policy 9 of the NP which relates specifically to home-based businesses, therefore I do not consider this policy to be entirely relevant to this case. In any event, the policy states that development would be supported provided that the amenity of neighbouring properties would not be unacceptably harmed, and therefore for the reasons mentioned the proposal would comply in this regard.

Other Matters

15. Concerns have been raised relating to an increase of vehicles at the site, both during the construction phase to create more driveway space at the site and during the development which may require larger vehicles and require on-street parking. In addition, concerns have been raised regarding the gradient of the site and effects of inclement weather. The Highway Authority were satisfied that the proposal would be acceptable on highways grounds. Based on the information provided and my observations I have no reason to disagree with this.

16. Interested parties have raised concerns regarding the effect of the proposed alterations to the driveway on the character and appearance of the area. Off street parking is characteristic of the dwellings in Rowbury Drive, therefore the proposed alterations to the driveway would not have a detrimental effect on the character or appearance of the area.
17. Concerns relating to the quality of the roof of the property have been raised, however, based on my observations and the evidence provided this matter does not affect the conclusion I have reached.

Conditions

18. To meet legislative requirements, a condition shall be imposed to address the period for commencement.
19. For the avoidance of doubt, I have imposed a condition setting out the approved plans.
20. I have imposed a condition restricting the use of the site and the number of children to reside at the property at any one time, including their ages, as this was the nature of the proposal before me and manages the intensity of the use of the site in the interests of neighbouring occupiers. I have not been provided with any material evidence to justify limiting occupancy of the property any further.

Conclusion

21. For the reasons set out, the proposed use would not conflict with the development plan as a whole and there are no material considerations to indicate that I should determine the appeal other than in accordance with the development plan. As a result, I will allow the appeal.

N Duff

INSPECTOR