



Appeal Decision

Site visit made on 23 January 2024

by H Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 FEBRUARY 2024

Appeal Ref: APP/Y0435/W/23/3323547

Flat 7, Heath Court, Lower End Road, Glebe Farm, Milton Keynes MK17 8XS

- 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 R Khodabux (Next Step Support Limited) against the decision of Milton Keynes City Council.
 - The application Ref 22/00184/FUL, dated 25 January 2022, was refused by notice dated 15 May 2023.
 - The development proposed is use of flat 7 as an office for the base of operations for supported living services to serve the residents of flats 1-6 and flat 8.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the application was determined, a revised National Planning Policy Framework (Framework) was published on 19 December 2023. However, as any policies that are material to this decision have not fundamentally changed, I am satisfied that this has not prejudiced any party. I have had regard to the latest version of the Framework and new paragraph numbers in reaching my decision.

Main Issue

3. The main issue is the effect of the development on the city's housing stock.

Reasons

4. The appeal site comprises a two and three storey building containing 8 self-contained flats, with associated car parking to its rear. The appeal building is located on a parcel of land on the junction of Lower End Road and Newport Road.
5. Flats 1-6 and flat 8 would fall within Use Class C3. Retrospective planning permission is sought for the change of use of flat 7 to an office.
6. The change of use would result in the loss of 1 residential unit for the proposed office space. Policy HN9 of the Milton Keynes Council Plan:MK 2016-2031 (adopted 2019) (Plan:MK), seeks to protect existing residential properties unless, in this instance, the social, economic or environmental benefits of doing so are demonstrated to significantly outweigh the need to minimise net losses to the existing housing stock.

7. Although the building is used for supported living services to adults, the evidence before me indicates that flats 1-6 and flat 8 function as separate households with the occupants living independently to one another. The occupants are also free to come and go from the building and, other than the secure entry system to the main door and car parking barrier, there is no control over residents entering or leaving the site.
8. The appellant indicates that the type of support provided to occupiers includes support such as cleaning, shopping, cooking, accessing community services, and travel planning. The occupants have no physical disabilities, and no medical or personal care is provided for them.
9. The Council suggest that this level of support intervention would not be materially different to a vulnerable or elderly person receiving support in a flat or home from an external company, to which I agree. It would also be like the range of support a relative might provide to a vulnerable person who lives in their own home.
10. However, the appellant claims that support staff need to be present on site 24/7 and that flat 7 is used as an office and as overnight accommodation for the staff. Whilst it is understood that the occupants of the remaining flats would require support on a day-to-day basis, there is no compelling reason why this needs to be carried out by staff using flat 7 as an office. Support such as cleaning, shopping, cooking, accessing community services, and travel planning is unlikely to be required during the nighttime; nor would an office on site be essential for such support during the daytime. I am also not persuaded that a staff member residing in the office overnight is the only option available to the appellant to manage the support given to the building's residents.
11. Insufficient evidence has been submitted to demonstrate why support cannot be reconfigured so that it is provided remotely. Whilst I acknowledge that having some staff present on site would help to manage and contain any resident issues quickly, there is no evidence to explain why responsibilities for dealing with out of hours calls could not be shared between staff as shift work, with late night patrols to ensure that there were no problems arising at nighttime. A pattern of regular shift work to support residents would unlikely require the use of flat 7 for overnight accommodation for staff.
12. Therefore, based on the evidence before me, it has not been demonstrated that the level of support required would be so significant to warrant a permanent office use on site, and that this could not be dealt with by a staff presence provided elsewhere within a reasonable travel distance of the site.
13. I acknowledge that the building is currently being used as supported living accommodation for young adults and that the Framework specifies that the needs for groups with specific housing requirements should be addressed. However, the change of use from a flat to an office would result in the loss of a residential unit that makes an important contribution to the city's housing stock. This would be harmful to the local area.
14. While a planning condition could be imposed to restrict the use of flat 7 to office purposes ancillary to the use of the remaining flats, this would not overcome the loss of the residential unit.

15. Despite the economic and social benefits of the office use, this would not significantly outweigh the social harms identified through the need to minimise net losses in the city's housing stock. Consequently, the development fails to accord with Policy HN9 of the Plan:MK, which seeks to protect existing residential properties.

Other Matters

16. The appellant argues that without the support provision at flat 7 the current vulnerable adults would have to be rehoused by the social care authority. Nevertheless, no substantial evidence has been submitted to support these claims. As explained above, the development would result in the loss of a residential unit that makes an important contribution to the city's housing stock.

Conclusion

17. The proposal conflicts with the development plan as a whole, and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal is therefore dismissed.

H Smith

INSPECTOR