



Appeal Decision

Site visit made on 5 April 2024

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2024

Appeal Ref: APP/B4215/W/24/3336374

38 Rathbourne Avenue, Manchester M9 6PN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms S Koser of The Cherry Blossom Family against the decision of Manchester City Council.
 - The application Ref is 137251/FO/2023.
 - The development is described as proposed change of use of the dwelling house (Use Class C3(a)) to provide a short term mother and baby (3 mothers) family assistance home (Use Class C2).
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs has been made by Ms S Koser of The Cherry Blossom Family against the decision of Manchester City Council. That application is subject to a separate Decision.

Preliminary Matters

3. A revised version of the National Planning Policy Framework (the Framework) was published in December 2023 and is a material consideration in this appeal. Having considered the revisions to the Framework, as well as the principles of natural justice, together with the nature of the determining issues in this appeal it is clear to me that there are no material changes in the revised Framework relevant to the substance of this appeal. Therefore, I do not consider it necessary, in this instance, to invite any submissions from the parties on the revised Framework.
4. Since the appeal was submitted, the Council has adopted Places for Everyone¹ as part of the statutory Development Plan for the City. The main parties were given the opportunity to comment on the adopted plan and I have taken into account the responses from each party accordingly.
5. A revised internal layout has been submitted with the appeal documents which proposes an additional en-suite bathroom to one of the bedrooms. This is a minor change that does not alter the substance of the proposal and therefore I have taken the revised layout into account.

¹ Places for Everyone Joint Development Plan Document for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan 2022 to 2039, Adopted 21 March 2024.

Main Issues

6. The main issues are the effect of the proposal on:-

- the living conditions of the future occupiers of the property by reason of the standard of accommodation;
- the living conditions of the occupiers of surrounding residential properties by reason of noise and disturbance; and
- the provision of family sized accommodation in the area.

Reasons

Living Conditions – Future Occupiers

7. The appellant describes the proposal as a Family Assessment Centre (FAC) and specifically a mother and baby FAC. Such centres are Ofsted registered and the aim is to prepare the mothers to allow them to settle into their own homes with the necessary skills to sustain a tenancy. Future occupiers at the appeal site would be mothers and children under five, including babies, who would be provided temporary shared accommodation for 12 to 16 weeks and given support and parenting assessments by staff. There would be a maximum of 3 mothers and babies living at the property, which would be staffed by up to 3 staff at any point in time, 24 hours a day.
8. The appeal site (No 38) comprises a three bedroomed semi-detached house located at the head of the cul-de-sac in an area of similar residential properties. The house has a rear garden and parking space at the side and front of the house for three cars. The ground floor layout would provide an office, kitchen/living/dining space and understairs WC. On the first floor there would be two double bedrooms, a separate bathroom and a smaller single bedroom that would feature an en-suite shower.
9. Although No 38 would only provide accommodation for each individual parent and their child for a temporary period, in effect, there would be three unrelated individuals plus support staff in a three-bedroomed house at any one time. Whilst each mother and baby would have their own room, they would share the living, dining and kitchen facilities within the communal space at the rear of the property. Taking into consideration the size of the office, the area where mothers would be able to share space away from their bedrooms would be relatively small.
10. Private space for the future occupiers would be limited to their individual bedrooms. The proposal would reconfigure the size of rooms on the first floor. I have no particular concern about the number of bathrooms and WC. However, the provision of an en-suite in one of the bedrooms would create an awkwardly shaped room with a long corridor leading to a smaller bedroom space at the rear. Bearing in mind the scale and size of the other shared space, this room in my view would feel particularly cramped, even if the occupiers would only be there for up to 16 weeks.
11. The appellant refers to the Department of Education 'Residential Family Centres National Minimum Standards' (2013). In terms of providing a suitable physical environment, it sets out a number of requirements. These include a comfortable and homely environment that is well maintained and decorated;

access to outside areas, where possible, or access to play space that is appropriate for the age of the children; facilities for the care of babies and children of all ages; and a range of comfortable and fully accessible shared spaces, including for receiving visitors, in those centres which do not operate with fully self-contained flats (standard 11).

12. The proposal would make satisfactory provision for parking, bin storage, and cycle storage could be controlled by a suitably worded condition. I have no reason to dispute that the appellant would provide the facilities and services necessary for the assessment centre to provide the necessary support, or that the appeal site would be well decorated, furnished and maintained.
13. The appeal site includes a good sized garden and therefore outdoor amenity space would be available. However, this would only offer additional space in times of good weather and would not mitigate for the cramped nature of the internal accommodation proposed. That said, I consider that the shared spaces proposed would be cramped and therefore not comfortable for the future occupiers. It is not clear whether visitors would be allowed at the property, if they were, the communal space would feel even more cramped. Overall, therefore, the proposal would fail to meet the minimum standards required for Residential Family Centres.
14. For the reasons set out above, I consider that the living conditions of the future occupiers of the property would be harmed due to the standard of accommodation that would be provided. The proposal would therefore conflict with saved Policy DC2.1 of the UDP² which states that regard should be had to the standard of accommodation for the intended occupiers. The Council refer to Core Strategy Policy H 10 in its reason for refusing planning permission on the grounds of the standard of accommodation. However, this makes no reference to the standard of accommodation and therefore is not relevant to this main issue.

Living Conditions – Neighbouring Properties

15. A dwelling (falling within Use Class C3) could be occupied by (a) a single person or by people to be regarded as forming a single household; (b) not more than six residents living together as a household where care is provided for residents; or (c) not more than six residents living together as a household where no care is provided to residents (other than a use within Class C4)³. However, the occupation of the appeal property would not comprise people living together as a household and there is no dispute that it falls outside Use Class C3.
16. The day to day activity would differ between an assessment centre and a family dwelling falling with Class C3, whether that be sub-class (a), (b) or (c). The mothers and their babies may not have cars and so any vehicular activity directly attributed to them would not occur. However, there would be regular comings and goings from support staff who would provide support 24 hours a day and also others such as health visitors and social workers. The mothers and babies would themselves only reside here for a temporary period so there would be a regular turnover of occupants.

² Manchester City Council – Saved Unitary Development Plan (UDP) Policies 11 July 2012.

³ The Town and Country Planning (Use Classes) Order 1987 (as amended).

17. I note that the Council has expressed concern about the linear car parking arrangement. The Council's highways department have not objected to the proposed parking provision and there are alternative modes of transport available including bus and Metrolink facilities. Bicycle parking could also be made available. However, there would be vehicular activity associated with the premises and it is likely that this would be greater than that generated by a single household in a three bedroomed house. The linear arrangement would be likely to lead to more manoeuvring and due to the location of the appeal site at the head of the cul-de-sac, vehicle movements and general coming and goings would be pronounced. An increase in comings and goings in this location would cause noise and disturbance to other residents living close by.
18. Consequently, the proposal would have a harmful effect on the living conditions of the occupiers of surrounding residential properties by reason of noise and disturbance. This would conflict with Core Strategy⁴ Policy DM1 and UDP Policy DC26 which cumulatively seek to protect residential amenity.

Family Accommodation

19. The appellant states that the Council has ignored Core Strategy H 1. A copy of this policy has not been submitted but the Council has not refused permission on the basis of it. Nonetheless, from the information submitted it is clear that Policy H 1 sets out the overall requirements for housing in the City including the need to provide for specific groups. This is consistent with the Framework (paragraphs 60 and 63 of the December 2023 version). Therefore, there is no dispute between the parties that the proposal would not conflict with Policy H 1. I have no reason to come to a different view.
20. Core Strategy Policy H 3 relates to the delivery of housing in North Manchester where 20% of the City's new residential development is to be accommodated. The accompanying text explains that based on The Housing Need Assessment 2010 there is a need for 3-4 bedroomed family housing in the area. The Council refer to recent figures from its Housing and Residential Growth section which identifies very significant shortfalls in the availability of family sized homes across the city based on current demand. The Council further state that although these figures are based on the supply of social housing, there is a relationship between the availability of homes for sale or rent in the private sector, and the demand for social housing. However, the Council has not submitted this statement and therefore no details of the figures involved are submitted or how they fall across the City. I therefore can afford this only limited weight.
21. The appellant considers that Policy H 3 is not relevant as the site is not within the area identified on the Core Strategy Map Extract. The map in question (Figure 9.2) is described as 'Indicative Housing Distribution (outside the City Centre). From the extract submitted, this does not define North Manchester and I see no reason why this policy is not relevant.
22. Improving the amount of housing choice throughout the City would benefit balanced and cohesive neighbourhoods and stronger and safer communities. However, whilst there may be a need and a City wide aspiration to improve the quality of housing stock in the City and to deliver a more sustainable housing

⁴ Manchester City Council – Manchester's Local Development Framework Core Strategy Development Plan Document, Adopted 11 July 2012.

market, the retention of this house as a family dwelling would make only a small contribution towards this aspiration. The Council has not demonstrated an up to date demand for this type of dwelling in this area. Therefore, resisting this development on this basis cannot be justified.

23. Consequently, the loss of this house as a family dwelling would not have a harmful effect on the provision of family sized accommodation in the area. It would not therefore undermine the objectives of Core Strategies SP 1 or H 3 which, amongst other things, seek to provide high quality and diverse housing which meets local needs. I do not consider Core Strategy Policy DM 1 relevant with regard to this issue.

Other Matters

24. The appellant has expressed concern regarding the consultation response by the Manchester City Council Housing Support Team (MCCHST). However, these are consultees and although their views were taken into account in determining the planning application, they are not the deciding body for planning applications. I am clear about the distinction between mother and baby units and the proposed FAC. I appreciate that references to other mother and baby units and other self-contained accommodation, provided at other locations, cannot serve as comparable facilities. Rather, my decision has been made on the site specific circumstances and the proposal before me.
25. I note the appeal decision submitted by the appellant on another site in St Helens⁵. This is for the change of use of a dwellinghouse to a residential children's care home. The main issue in that case relates to highway safety and to assess that the Inspector compared the occupation of that property with that of a family home. I have not considered highway safety a main issue in this case. That case and this one also differ in that Rathbourne Avenue is a cul-de-sac and is a smaller property than the five bedroomed one in St Helens. Also, a children's care home would potentially provide longer term accommodation than the proposed assessment centre and the Inspector in that case drew a similarity between the character of a children's home and that of a typical family home. In this case, the appellant has emphasised the short term function of the appeal proposal as an assessment centre which would offer a different type of service and living environment. I do not therefore consider that the two situations are comparable.
26. Core Strategy Policy H 10 indicates that accommodation for people with additional support needs will be supported where there is not a high concentration of similar uses in the area already; where it will contribute to the vitality and viability of a neighbourhood; and where there would not be a disproportionate stress on local infrastructure such as health facilities.
27. There would be no conflict with the first and third criteria referred to above, but the proposal would not contribute to the vitality and viability of the neighbourhood. I base this view on the representation received which make it clear that this is a close knit community with a number of people having lived here for many years. The proposed assessment centre would not contribute to this community as its occupiers would be transient. Mothers and babies would live at the centre for a short period of time and then move on. There would be no direct link or opportunity to integrate into the local community and

⁵ Appeal Ref: APP/H4315/W/20/3265183.

therefore the use of the property would conflict with Policy H 10 for this reason. However, this is just one house and its retention as a family house would only make a modest contribution towards enabling a balanced and cohesive neighbourhood. Although the proposal would conflict with this policy therefore, the harm in this case would be limited.

Balance and Conclusion

28. Children are a group sharing a protected characteristic arising from their age and therefore the Public Sector Equality Duty (PSED)⁶ applies. I have had due regard to the PSED which requires me to consider the need to eliminate unlawful discrimination, to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. In this context, the best interest of the child is a primary consideration, and no other issue is intrinsically more important.
29. It follows that it will be in the best interest of children that there should be sufficient homes where they can be supported and looked after in an appropriate manner. The service provided by an assessment centre would be in the best interests of the child. The benefits of assisting a parent in the necessary skills to care for a child are not in doubt. However, I have found that the nature of the proposed accommodation would be cramped and be harmful to the living conditions of future occupiers, even on a temporary basis.
30. Whilst I have not found harm in relation to the provision of family sized accommodation in the area, I have found that the living conditions of the future occupiers of the property and the living conditions of the occupiers of surrounding residential properties would be harmed. These harms would be significant. I have also found that the proposal would not contribute to the vitality and viability of the neighbourhood. I have also considered the proposal against the PSED and which I have found does not support the proposal in this location. In balancing the interests of the child against the adverse impacts of the proposal, my decision to dismiss the appeal is justified as proportionate.
31. For the reasons set out above, the proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Consequently, the appeal should be dismissed.

J D Clark

INSPECTOR

⁶ Section 149 of the Equality Act 2010.