



Appeal Decision

Site visit made on 2 July 2024

by L C Hughes BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2024

Appeal Ref: APP/P2365/W/24/3339137

1 Lowcroft, Skelmersdale, Lancashire WN8 6TY

- 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 Jeane Lowe, Proactive Intervention Care Limited against the decision of West Lancashire Borough Council.
 - The application Ref is 2023/0585/FUL.
 - The development proposed is change of use from dwelling (C3) to residential care home (C2) for 1 (no.) child.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from dwelling (C3) to residential care home (C2) for 1 (no.) child at 1 Lowcroft, Skelmersdale, Lancashire WN8 6TY in accordance with the terms of the application, Ref 2023/0585/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan MSP.1980/001; Block Plan MSP.1981/002A; Existing/Proposed Floor Plans Drawing No. MSP.1980/003A.
 - 2) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that order with or without modification) the premises shall only be used as a children's residential home for one child aged 7-17 and for no other purpose (including any other use falling within Class C2 of the Order, but may revert back to C3 (dwelling house) on cessation of the use).

Preliminary Matters

2. The development proposed has already been carried out. I have therefore dealt with the appeal scheme as seeking retrospective planning permission.
3. I note the appellant's contention that a change from Use Class C3 to C2 is often not considered to be a material change of use. However, it is not for this appeal to determine whether there has been a material change of use. I have dealt with the appeal on the basis of the development proposal as applied for and described on the application form.

Main Issue

4. The main issue is the effect of the development on the living conditions of neighbouring occupiers, with regard to noise and disturbance.

Reasons

5. The appeal property is a 4-bedroomed semi-detached property with a front and rear garden in a small, pleasant cul-de-sac of similarly styled properties. The locality is residential in character. The appeal property has parking spaces to the side for two vehicles. No extensions or alterations are proposed to the existing building.
6. The property is already in use as a residential care home for the care of one child aged between 7-17 with complex needs. The child is cared for by staff on a 1:1 or 2:1 basis, with staff sleeping at the property overnight. In this sense, the proposed use functions very much like a typical family home with older adults caring for a child. Six staff are employed on a shift basis working 48 hours on and 4 days off. A locally based manager regularly attends the property.
7. My understanding is that there would normally be two-staff on site at any one time. Notwithstanding this, there would be more staff members present on site during changeover times or when others visit. However, it is likely that changeover times would be short in duration and unlikely to cause any significant noise and disturbance.
8. There would be comings and goings associated with the child attending school, after school activities and leisure activities on a weekend and during the holidays, along with occasional visits from social care professionals. However, the four-bedroomed dwelling house might reasonably accommodate six occupants, including a number with cars. Comings and goings associated with a large family dwelling would itself have the potential to generate considerable levels of activity and associated noise and disturbance including residents using the garden, arriving to and from work or school, and from visitors to the property.
9. There is a close relationship between the dwellings and their occupants by reason of the small number of dwellings in the cul-de-sac, and their semi-detached and terraced form and layout, fronting onto the shared narrow carriageway. However, passing traffic noise and the manoeuvring of vehicles would not be uncommon in the area owing to the housing density and inevitable variation in work patterns and social activities of neighbouring occupiers. Given the limited traffic movements anticipated, and that there would only be one child in residence and a small number of staff, I find that the comings and goings along with any potential additional visitors would not be disproportionately large or significantly greater than those associated with a family in a property of this size carrying out their day-to-day activities.
10. I recognise that the home would be occupied by a child with complex needs, including behavioural, social, emotional and educational difficulties. However, such children can and do live in traditional family dwellings in residential areas. Whilst neighbouring properties are in close proximity, with the appeal property sharing a party wall with No 3 Lowcroft, the development is small scale, and anti-social behaviour such as doors banging, shouting and swearing, whilst unpleasant, could be experienced by neighbours in any residential area.
11. Local residents have, however, reported significant concerns regarding incidents of anti-social behaviour associated with the appeal property which have resulted in the police being called. Increased police activity within the

street and incidents at the property, such as horns being continually blasted, would undoubtedly be concerning for neighbouring residents. While such issues are capable of being a material consideration, the evidence before me is limited to isolated instances at the existing property. There are no submitted police reports, there were no comments from the police at the planning application stage, and I have no indication of the number of times the police may have been called. There is therefore no substantive evidence before me to suggest that such incidences are a sustained, ongoing issue or of such frequency so as to lead me to dismiss the appeal on these grounds.

12. Although the appellant has not provided a management plan, given my findings above I do not consider that such a plan would be necessary to ensure that the living conditions of neighbouring occupiers are not harmed. Moreover, I note that other legislation would also put controls in place to ensure the proper management of the care home.
13. For the reasons above, I conclude that the proposal would not harm the living conditions of neighbouring occupiers with regard to noise and disturbance. The proposal would therefore not conflict with Policy GN3 of the West Lancashire Local Plan 2012-2017 (2013) which seeks to ensure that developments retain reasonable levels of amenity for occupiers of neighbouring properties.

Other Matters

14. Local residents have raised concerns regarding parking. However, this is a 4-bedroomed house and as such it would not be unusual to have a number of cars at the address particularly if there were young adults residing at the property. I noted from my site visit that car parking typically takes place within the curtilages of individual properties. There are also no off-road parking restrictions in the nearby roads. I also note that there were no objections reported from the Highway Authority. I have found that the development would not give rise to a significant amount of comings and goings. Given this, along with the fact that the appeal property has space for two vehicles to park off-street, I am satisfied that vehicle movements and parking would not cause danger to other road users or pedestrians.
15. I have not been provided with any substantive evidence to demonstrate that the scheme would in itself materially change the character of the area, particularly as the development has a residential appearance and that the property functions much like a typical family home. Given my findings above, there is little to support the suggestion that the development is not suitable in a residential area.
16. I note concerns regarding the general upkeep of the property and cul-de-sac. However, there is little to substantiate the claim that employees would necessarily have less respect for the area and neighbouring occupiers than residents in a C3 use. I also have no substantive evidence that the development would lead to disturbances from ambulance sirens, fire alarms or staff smoking and talking outside late at night. As such I have afforded limited weight to these considerations.

Conditions

17. I have considered the conditions suggested by the Council, having regard to the Planning Practice Guidance on conditions. For the sake of clarity, I have amended the conditions as necessary.
18. As the development has already taken place, a condition relating to the standard implementation period is unnecessary. I have, however, for clarity and enforceability, set out the approved plans. In order to protect the living conditions of neighbouring occupiers, a condition is necessary to restrict the use of the site and the number of children to reside at the property.

Conclusion

19. For the reasons given above, I conclude that the proposal would comply with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
20. As a result, the appeal is allowed.

L C Hughes

INSPECTOR