



Appeal Decision

Site visit made on 20 June 2024

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 September 2024

Appeal Ref: APP/B0230/W/24/3336478

81 Turnpike Drive, Luton LU3 3RA

- 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 Miss Hayley Murphy against the decision of Luton Borough Council.
 - The application Ref is 23/00661/COU.
 - The development is change of use from a four bedroom dwellinghouse (Use Class C3(a)) to a children's home (Use Class C2) for up to three children
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Decision

1. The appeal is allowed and planning permission is granted for change of use from a four bedroom dwellinghouse (Use Class C3(a)) to a children's home (Use Class C2) for up to three children at 81 Turnpike Drive, Luton LU3 3RA in accordance with the terms of the application, Ref 23/00661/COU, and the plans submitted with it, subject to the conditions set out below:

(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 following approved plans: Location Plan and 2023/0077/0001 Rev A

Procedural Matter

2. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (2023) (the Framework). The consultation and draft Framework do not constitute Government policy or guidance. However, they are capable of being material considerations in appeals. Notwithstanding this, in relation to this appeal the aims of both sets of policies are similar. No party would be prejudiced or caused any injustice by me proceeding with the appeal in light of the consultation.
3. The Council changed the description of development from that stated on the application form. In the interests of clarity, I consider that the amended description accurately describes the appeal scheme and accordingly I have adopted an amended description in the heading above.

Main Issues

4. The main issues in this appeal are (i) the need for family sized dwellings within the Borough; (ii) the need for the proposed development; and (iii) whether the location would be sustainable for the proposed development.

Reasons

Family Sized Dwellings

5. The appeal site is a two storey four bedroom detached property located within a predominantly residential area.
6. The appeal site as a family home could accommodate parents with adult children or children with additional needs. When assessing the overall impact of the proposed development, the Council confirm that it would not result in activities of the building that would be significantly different from the existing residential use, I agree.
7. Policy LLP15 of the Local Luton Plan 2011-2031 (2017) (the Local Plan) seeks amongst other things to ensure that residential development on unallocated sites would not lead to the loss of a use for which there is a recognised local need. The Council confirm that there is a need for 4 bedroom single family dwellings I have not been provided with substantive evidence to demonstrate this need.
8. I find that the Council have not demonstrated a need for family sized dwellings within the Borough. There is no conflict with Policies LLP1 and LLP15 of the Local Plan which seeks amongst other things to ensure residential developments reflect housing need requirements and deliver sustainable communities.
9. There is no conflict with the Framework which seeks amongst other things to maintain the supply of housing to meet the needs of the area and ensure there is an appropriate mix of housing types for the local community.

Need

10. Within this context of establishing need, I am mindful that the Framework confirms that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.
11. Policy LLP15 of the Local Plan seeks amongst other things to ensure that the redevelopment of existing housing to other uses will be permitted provided that replacement dwellings are provided on or off site or there is an overriding need for other uses which provides benefits to the community. Notwithstanding this residential use and a dwelling encompasses more than a C3 dwellinghouse.
12. Whilst the Council contend that there is no recognised need for the proposed development, the Head of Service for Commissioning and Resources, for the Children Families and Education confirms that there is a national shortage of any form of care for young people.
13. I recognise that owing to the national shortage there will be an increase in the demand of residential placements however note this is not the case currently for Luton. Nevertheless, I give weight to the provision of a childrens home in light of a recognised national shortage.
14. The proposed development is a form of housing, on this basis the requirement to demonstrate that there is an overriding need for the use which provides public benefits to the community which would outweigh the loss of housing is not required.

15. There is no conflict with Policies LLP1 and LLP15 of the Luton Local Plan, which seeks amongst other things to ensure sustainable development and that the loss of housing does not imbalance the supply of housing.
16. There is no conflict with the Framework which seeks amongst other things to maintain the supply of housing to meet the needs of the area.

Sustainability

17. The Council confirm that owing to the national shortage there will be an increase in the demand of residential placements. The likelihood is that the setting would be used to house young people from other local authorities as often other Councils are more inclined to use residential care. There is no guarantee that the home would be commissioned by Luton for local young people.
18. On this basis the development, has the potential to result in services outside the Borough operating. Policy LLP31 of the Local Plan seeks amongst other things to minimise the need to travel and ensures that the quality of local environment is not compromised.
19. Whilst the original location of the children maybe from outside of the area, the children could attend schools outside of the area, attend local schools or be home educated, depending on their individual needs.
20. I also note that staff and visitors to the property could come from outside of the Borough, however a house of this size could accommodate a relatively large family and associated visitors with numerous cars. Notwithstanding this there is no guarantee that a family could not move into the home who work or attend school outside of the area.
21. The vehicular movements to and from school, work, shopping, social and recreational events are not likely to be significantly different for the proposed children's home compared to a large family.
22. On this basis I find that the proposed development would be a sustainable location. There is no conflict with Policies LLP1 and LLP31 of the Local Plan or the Framework which seek to ensure sustainable forms of development.

Other matters

23. Concern has been raised with regard to the timescale for appealing the refusal, from the information I have before me the appellant has applied within the requisite timescale.
24. Third party objections have been received which include reference to covenants on properties, the effect of the proposed development on highway and parking issues, living conditions of neighbouring residents, and the character and appearance of the area. The Council did not raise concerns relating to these issues, from the information before me I do not disagree.

Conclusion and Conditions

25. For the above reasons I conclude that this appeal should be allowed.

26. I have imposed a standard condition relating to the commencement of development and a condition specifying the relevant plans as this provides certainty.

C Pipe

INSPECTOR