

Appeal Decision

Site visit made on 17 September 2024

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 October 2024

Appeal Ref: APP/P2365/W/24/3342030

3 Hutton Road, Skelmersdale, Lancashire WN8 8HS

- 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 Mr M Fletcher of Care Afloat against the decision of West Lancashire Borough Council.
 - The application Ref is 2023/1046/FUL.
 - The development proposed is described as 'change in use from Class C3 (dwellinghouse) to Class C2 (residential institution).'
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Decision

1. The appeal is allowed and planning permission is granted for change in use from Class C3 (dwellinghouse) to Class C2 (residential institution) at 3 Hutton Road, Skelmersdale, Lancashire WN8 8HS in accordance with the terms of the application, Ref 2023/1046/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan and Current Layout Plans.
 - 3) The premises shall be used for a children's care home only and for no other purpose (including any 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).
 - 4) The number of children in care on the premises shall not exceed three at any one time.
 - 5) The existing car parking area shall always remain available for users of the development and the parking spaces shall not be used for any purpose other than the parking and manoeuvring of vehicles.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the neighbouring occupiers, having regard to noise, disturbance and parking.

Reasons

3. The appeal site relates to a two storey, four bedroom property which fronts onto Hutton Road within a mainly residential area. To one side the property includes an arched opening which provides vehicular access, and there is a garden area to the rear. There are a number of dwellings nearby on Hutton Road and Hutton Court, as well as a smaller number of commercial properties, including the premises attached to the western side of the appeal property.
4. It is proposed to use the property as a care home for a maximum of three children, with two staff present. In practice, however, the appellant does not expect that more than one child would be in residence at any one time. It is expected that family members would occasionally visit the occupants, generally once a month.
5. The maximum number of children that would be residing in the property would be similar to the numbers that could be expected for a family unit occupying a four bedroom dwelling. 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 from and leaving to go to work or school, and visitors. Given the number of children in residence, the potential for additional visitors is unlikely to be significantly different to the use of the property as a large family home.
6. The nearest residential property, 5 Hutton Road is physically separated from the appeal property by a gated alleyway, and it does not, therefore, share a party wall with the appeal property. There are no window openings in the facing gable ends of the two properties. This would mitigate any internally generated noise and disturbance to the neighbouring occupiers of No 5. Therefore, the occupiers of No 5, and the other neighbouring occupiers that are further away from the site, would not be significantly affected.
7. I note the Council's concerns over potential noise and parking safety due to the possible emotional needs and behavioural difficulties of the occupiers of the property. However, such children can and often do live in family dwellings in residential areas. There is no substantive evidence before me to suggest that noise and disturbance arising from the proposed use would be markedly different to the use of the property as a family dwelling.
8. Although there are no details of a management plan to demonstrate how any issues would be dealt with, it is clear that the children would be under the supervision of care staff and senior managers would also visit on certain days. Moreover, I note that the Council's Environmental Health Officer did not raise objections to the proposal on grounds of noise and disturbance, and no comments were made by the neighbouring occupiers.
9. The parking standards contained in the West Lancashire Local Plan 2012-2027 Development Plan Document (the Local Plan) require one parking space per bedroom for the proposed Class C2 use. That equates to one parking space in this case. The details provided by the appellant demonstrate that the arched opening to the side of the property can accommodate two vehicles which would exceed the requirements of the Council's standards and would likely be sufficient for the small number of staff on the premises.

10. There are also limited on-street parking spaces in the area. At the time of my visit on a Tuesday morning, there were on-street spaces available on Hutton Road and it was possible to park outside the property without difficulty. Although only a snapshot in time, there is no substantive evidence before me to indicate that there is a parking problem or safety issue. On-street parking associated with the use is likely to be minimal and can be accommodated without there being an unacceptable effect on parking provision or safety. Moreover, the site is located close to bus stops that would provide an option for staff and visitors to arrive via means other than the private car and walking or cycling would also be an option for some.
11. For the above reasons, I conclude that the proposal would not significantly harm the living conditions of the occupants of neighbouring properties in terms of noise, disturbance or parking. Accordingly, there is no conflict with Policies GN3 and IF2 of the Local Plan, which require development to retain reasonable levels of amenity for occupiers of neighbouring properties and ensure sufficient parking provision. There is also no conflict with the National Planning Policy Framework, where this seeks a high standard of amenity for existing and future occupiers.

Other Matters

12. The policies of the development plan do not require a local need for this type of accommodation to be demonstrated. Therefore, while I note the comments of the County Council's Children's Services, these matters would be for other regulatory bodies or controls, as is also the case for the matters raised by the Lancashire Constabulary.

Conditions

13. In addition to the standard commencement condition, I have attached a condition specifying the approved plans for clarity and enforceability. Conditions are necessary to restrict the use of the property to a children's care home and the number of children occupying it, in order to protect the living conditions of neighbouring occupiers. While the Council have suggested a condition requiring the submission of details of parking provision, those details have already been provided. However, in order to minimise on-street parking and highway safety issues, I consider that a condition is necessary to ensure the retention and continued availability of the on-site car parking.

Conclusion

14. For the above reasons, and subject to the conditions specified, I conclude that the appeal should be allowed.

M Ollerenshaw

INSPECTOR