



Appeal Decision

Site visit made on 15 September 2024

by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI
an Inspector appointed by the Secretary of State

Decision date: 11 October 2024

Appeal Ref: APP/Y2430/W/24/3343901

The Chestnuts 12 Belvoir Road Redmile NG13 0GL

- 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 Esland North Ltd against the decision of Melton Borough Council.
 - The application Ref is 23/00633/FUL.
 - The development proposed is Flexible change of use in accordance with Schedule 2, Part 3, Class V of the Town and Country Planning (General Permitted Development) Order 2015 from Use Class C3 (dwelling) to Use Class C2 (Children's Care Home).
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Decision

1. The appeal is allowed and planning permission is granted for Flexible change of use in accordance with Schedule 2, Part 3, Class V of the Town and Country Planning (General Permitted Development) Order 2015 from Use Class C3 (dwelling) to Use Class C2 (Children's Care Home) at The Chestnuts 12 Belvoir Road Redmile NG13 0GL in accordance with the terms of the application, Ref 23/00633/FUL and the plans submitted with it subject to the following conditions:
 - 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 details outlined within Site Location Plan ESLA1027-DMW-SLP-001-A and the updated parking plan ref: ITM19310-GA-002
 - 3) The development hereby approved shall be limited to a children's care home that will offer residential accommodation for no more than two children, and for no other purposes including any other purpose within Use Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended).,

Preliminary Matter

2. The person's name appearing on the application form differs from that on the appeal form; however, as the applicant company name appears on both, the appeal is made by the original applicant.

Main Issues

3. The main issue is whether the proposal would amount to an undue concentration of childrens' homes in Redmile to the detriment of the amenity of residents and public services.

Reasons

4. The appeal site (The Chestnuts) is a substantial former farmhouse which is set back from the road within a large treed garden. Access to the Chestnuts would be through an existing gated access from Belvoir Road which would also lead to the farmland and other agricultural buildings at the rear of the appeal site. It lies within the small village of Redmile and at the south-eastern edge of its Conservation Area. Redmile is a village with limited facilities which include a primary school close to the appeal site and a public house.
5. The Council refer to two policies in their decision notice. Policy C7 of the Melton Borough Local Plan (adopted 2018) seeks to support the provision of rural services and supports proposals which protect, retain or enhance existing services. Whilst the loss of community facilities is expressly resisted, nothing in this policy suggests that development which might arguably overburden existing services as the Council suggest, should be refused for that reason. Policy SS3 indicates support for community facilities and new housing delivery within the context of sustainable development but does not refer to C2 care homes for children. The Council make reference to other policies, however these are of limited relevance to the main issues that I have identified as the proposal is for a potentially reversible change of use of an existing dwelling and does not involve built development.
6. National Policy¹ is clear that local planning authorities should assess the size, type and tenure of housing needed for different groups, which would include looked-after children, and reflect this in planning policies and decisions. Other than a guidance document 'Planning Guidance for Applicants: Children Homes' (the Guidance) which I have considered in so far as it is material to the matter before me, the development plan is, as their officer report confirms, silent with regards to the consideration of the impacts of a concentration of C2 uses on a settlement, nor do any policies seek to restrict Use Class C2 uses to specific locations.
7. The Council's statement of case confirms that the Guidance was introduced in response to concerns about crime and anti-social behaviour, and in this case residents express such concerns based on experience of other institutions in this small village. However, given the modest scale of the proposal (for two looked-after children) it does not follow that the proposed C2 use would be materially different from the current (last) use as a family home. The appellant has submitted the operational information requested in the Guidance which suggests an experienced provider of such care. It is also relevant that Section 11 of the Guidance refers to the suitability of properties by size indicating that '*semi-detached properties are generally only suitable for up to two children*' whereas this application proposes the same number in a large detached house with a substantial garden. This stands in favour of the proposal with regard the potential for impact upon residents.
8. I note the allegations as to problems with other looked-after children. However, although the resident children will undoubtedly be troubled and potentially

¹ Including written Ministerial Statement 23 May 2023 'Planning for accommodation for looked-after children'

troublesome, such children are found within families and also make use of public services. Other than likely, but modest, increase in trips generated by the movement of carers, what is proposed would have a high degree of similarity (in the character of use and activity visible to the wider community) to that of a conventional household which might live at The Chestnuts. It follows that any concerns raised about the proposal resulting in an unsustainable concentration of children's care homes in Redmile must attract little weight.

9. The site is well screened and spacious. No works to the exterior of the building are proposed and there would be negligible impact upon amenity and local character. I conclude similarly as to negligible change with regard to the effect of the proposal on character and appearance of the Redmile Conservation Area in relation to the general duty set out in Section 72(1) of the Planning (Listed buildings and Conservation Areas) Act 1990.

Conclusion

10. Having regard to the written ministerial statement of May 2023 significant weight must be attached to the benefit of providing accommodation for looked-after children. The benefits of such provision, notwithstanding the small numbers involved, significantly outweigh the suggested, but only generally expressed, concerns raised by the Council which find little support in the adopted development plan.
11. For these reasons, and having taken all matters raised into account, the appeal succeeds subject to usual plans and timing condition. Conditions are necessary to limit the number of children in line with the basis of my decision. I have considered the conditions suggested by the Council and made suitable adjustments where necessary to meet the tests set out in the NPPF.

Andrew Boughton

INSPECTOR