



Appeal Decision

Site visit made on 23 October 2024

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 November 2024

Appeal Ref: APP/P1940/W/24/3339947

Beech House, Chess Way, Chorleywood, Hertfordshire WD3 5TA

- 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 Willcob Care against the decision of Three Rivers District Council.
 - The application reference is 23/1707/FUL.
 - The development proposed is the change of use from C3 (dwellinghouse) to C2 (children's care home).
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Decision

1. The appeal is allowed, and planning permission is granted for the change of use from C3 (dwellinghouse) to C2 (children's care home) at Beech House, Chess Way, Chorleywood, Hertfordshire WD3 5TA in accordance with the terms of the application Ref 23/1707/FUL subject to the conditions set out in the schedule to this decision.

Main Issue

2. The main issues are the effect of the proposal firstly, on the living conditions of the occupiers of nearby properties and the character of the local area in terms of potential noise and general disturbance; and secondly, on vehicle parking and highway safety.

Reasons

Living conditions and character

3. The proposal is to change the use of the appeal property, which is a detached dwelling on a residential street, to a children's care home. The new care home would accommodate up to 6 children between the ages of 5 and 18 that have special learning needs. No other change is sought to the appeal property.
4. While the plans show that the existing building contains 8-bedrooms, the Council and others refer to the appeal property as a 5-bedroom dwelling. Either way, Beech House could comfortably accommodate a significant number of adults or a large family, with space available for visitors to also stay over.
5. According to the appellant, there would be no more than 3 members of staff on duty at any one time providing 24-hour care provision and working to a shift pattern. While the Council and others consider that the specific needs of the residents may require more staff to be on site to provide, for instance 1 to 1 care, the appellant has repeatedly confirmed in writing that would not be the case. I have therefore assessed the proposal on that basis. I note that

additional visits to the new care home could take place by family members, support staff and others albeit infrequently.

6. If the new care home were fully occupied it is possible that compared to the occupiers of a single dwelling there would be some additional activity associated with the new use, such as coming and goings and extra vehicle movements. As the site is some distance from local services, facilities, bus stops and the train station, most, if not all, of those visits would be reliant on the private car. Given the likely shift patterns and changeover pattern of staff, these vehicle movements could take place later in the evening or early in the morning, when the occupiers of nearby properties are most likely to be home.
7. Even so, some noise and general activity resulting from vehicle movements would be a common feature on residential streets such as Chess Way. Given the inevitable variation in work patterns, which could also involve shifts, and social activities of neighbouring occupiers, it is likely that most residents would be generally aware of the comings and goings of their neighbours. In that context, and given the limited staff numbers and likely visitors, the anticipated vehicle movements would not be significantly greater than could reasonably be expected of several adults or a larger family carrying out their typical activities.
8. To my minds, there would be nothing inherently commercial or significantly out of the ordinary in the nature or type of the movements to and from the site. Furthermore, there is no substantive evidence to demonstrate that the behaviour of the children residing at Beech House and using the rear outdoor space would necessarily result in any greater disturbance than might arise from a domestic family residence. For these reasons, I am not convinced that the potential noise and general disturbance experienced by nearby residents would be significantly greater if the appeal scheme were to proceed or that the new care home would be incongruous within its residential setting.
9. On the first main issue, I conclude that the proposed development would not harm the living conditions of neighbouring occupiers nor adversely affect the character of the local area. Therefore, the proposal does not conflict with Policies CP10 and CP12 of the Council's Core Strategy (CS) or Policies DM1, DM9, DM13 of its Development Management Policies Local Development Document (DMP). These policies aim to ensure that development conserves or enhances the character, amenities and quality of an area; does not adversely affect the acoustic environment; and protects residential amenity.
10. The proposal would also accord with the National Planning Policy Framework (the Framework), which states that decisions should ensure that developments have a high standard of amenity for users and is appropriate for its location.

Highway safety and vehicle parking

11. The completed application form indicates that 4 off-street parking spaces would be provided to serve the proposal, which would meet the relevant parking standard of the Council. From what I saw, extra space for car parking may also be available on the driveway or if the garage were used for this purpose.
12. If no space were available on site, for instance at staff handovers, drivers would be likely to park along Chess Way close to the site, along which I saw that on-street parking is not formally restricted. Even if the proposed use does increase the demand for on street parking there is no persuasive evidence

before me that there would be insufficient capacity to accommodate this demand or that drivers associated with the new care home would park obstructively, illegally or inconsiderately on the street. Therefore, I am unable to share the opinion of the Council and others that on-street parking, if it were to occur, would prejudice highway safety, cause congestion, obstruct driveways or aggravate local parking problems. I also note that the Council, as Highway Authority, did not object to the proposal.

13. On the second main issue, I conclude that the proposed development makes adequate provision for off-street vehicle parking and would not be detrimental to highway safety. Consequently, it does not conflict with CS Policies CP10 and CP12, DMP Policies DM1, DM9, DM13 or the Framework. These policies aim to ensure that development makes adequate provision for all users, including vehicle parking, and provides safe and suitable access.

Other matters

14. Concerns have been raised over the safety of future residents of the care home if they were to inadvertently stray within an area that has unlit narrow roads without footways, wooded areas, a bridge over a busy motorway and the River Chess, all of which pose an obvious danger. While this demonstrates the concern of existing residents for the wellbeing of the young people, the responsibility for looking after them in a safe and responsible manner must be a primary management concern for their carers. On that basis, I attach only limited weight to these arguments against the change of use.
15. Objectors refer to the layout and lack of suitable space within the building; difficulties in supervising children at night-time over different floors; evacuation problems in the event of fire; drug misuse; the convoluted access through the building to the back garden; and the safety of others resulting from anti-social behaviour with the prospect of extra police visits, especially at night. These are also matters that are primarily the responsibility of the operator and the managers of the new use. These are insufficient grounds, in themselves, to withhold planning permission.
16. As Beech House is a family-sized dwelling, I am not convinced that the proposal would put undue pressure on local resources. While the new use is not close to local shops nor readily accessible by public transport, neither is the existing dwelling and the vehicle movements would not significantly change if the proposal were to come forward. To my mind, there would be ample space within the site to adequately provide for the storage of waste.
17. In my experience, some overlooking of neighbouring properties is a common characteristic of the relationship between buildings in predominantly residential areas such as this. From what I saw, the additional overlooking possible would not have a significant impact on the living conditions of the occupiers of the adjacent properties. I note that existing residents have experienced some disruption from building works previously carried out on the site.
18. Overall, I recognise that the proposal has attracted significant local opposition although the level of objection is not a reasonable ground for resisting development. To carry significant weight, opposition should be founded on valid planning reasons and supported by substantial evidence. Having considered all the submitted representations at the application and appeal

stages, and the evidence before me, I am not persuaded that the objections raised outweigh my findings in relation to the main issues.

Conditions

19. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans in the interests of certainty. My assessment of the proposal reflects the development as it is described and shown on the plans. A different number of children within the care home or another use within Class C2 could have different consequences for the existing occupiers of nearby properties or the local area. Therefore, a condition to restrict the use to a children's care home within Use Class C2 for up to 6 children is necessary. I have also imposed a condition requiring the provision of the off-street parking prior to first occupation of the development in the interests of highway safety. These conditions reflect those suggested by the main parties with amendments, where necessary, mainly for precision and clarity.

Conclusion

20. There are no material considerations that indicate the proposal should be determined other than in accordance with the development plan. For the reasons set out above, I therefore conclude that the appeal should be allowed.

Gary Deane

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin no 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: Refs BHO-CHA-DR-XX-A-0001 Revision A, BHO-CHA-DR-LG-A-0002, BHO-CHA-DR-GF-A-0003, BHO-CHA-DR-01-A-0004, BHO-CHA-DR-02-A-0005, BHO-CHA-DR-ZZ-A-0006, BHO-CHA-DR-ZZ-A-0007, BHO-CHA-DR-ZZ-A-0008, BHO-CHA-DR-LG-A-0009, BHO-CHA-DR-GF-A-0010 Revision B, BHO-CHA-DR-01-A-0011 Revision B, BHO-CHA-DR-02-A-0012, BHO-CHA-DR-ZZ-A-0013 and BHO-CHA-DR-ZZ-A-0014.
- 3) The premises shall be used for a children's care home for a maximum of six children between 5 and 18 years of age 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 development hereby permitted shall not be occupied until vehicle parking spaces have been provided in accordance with the approved plans. Thereafter, those spaces shall be retained for the parking of vehicles only.