



Appeal Decision

Site visit made on 10 December 2024

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 January 2025

Appeal Ref: APP/P4605/W/24/3349562

140 Welsh House Farm Road, Birmingham B32 2JG

- 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 Nicer Housing Limited against the decision of Birmingham City Council.
 - The application Ref is 2023/08460/PA.
 - The development proposed is the change of use from sui generis to C2 children's residential care home.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use from sui generis to C2 children's residential care home at 140 Welsh House Farm Road, Birmingham B32 2JG in accordance with the terms of the application, Ref 2023/08460/PA 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 following approved plans: Location Plan / Site Plan (Drawing No 2) and Ground and First Floor Plan (Drawing No 1).
 - 3) No more than 4 children shall reside at the property at any one time.
 - 4) Prior to its installation, full details of the CCTV shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby permitted and maintained in the agreed form thereafter.

Preliminary Matter

2. The revised National Planning Policy Framework (the Framework) was published on 12 December 2024. I have considered the changes and as they are not material to the proposal, further comments were not sought by the parties. I have, however, determined the appeal having regard to the revised Framework.

Main Issue

3. The main issue is whether the appeal property is a safe location to house vulnerable children, having regard to the levels of crime in the area.

Reasons

4. The appeal site comprises of a large, detached property which is situated in a predominantly residential area. It is located opposite a Golf Club, with properties being mainly situated to one side of Welsh House Farm Road. The appeal proposal seeks permission for a change of use to a children's care home that would accommodate up to 4 children. A total of 10 carers would operate on shifts to provide 24-hour care.
5. The Council has raised concerns at the high crime levels along Welsh House Farm Road with the Police referencing the high calls for service in the area. The geographic spread of these crimes on what is a long road is not however clear. Although reference has been made to a number of crimes at the appeal property, these appear to relate to the current House in Multiple Occupation. More recent¹ evidence from the Appellant does not show any crimes at the appeal property or on directly neighbouring sites on Welsh House Farm Road.
6. In any event, it has not been demonstrated why children would be at particular risk from the types of crime that are said to be prevalent in the area such as vehicle crime. Whilst recognising their vulnerability given their ages between 10 and 17 years old and they may have experienced behavioural, emotional and social difficulties, the children residing at the appeal property would be supervised, and as such they would not therefore be at particular risk to the types of crime that are high in the area.
7. The proposed care home would require registration with OFSTED whose approval process includes a Location Risk Assessment to consider the locational suitability of the children's care home. I consider that such regulation and the effective management of the care home, which would include an individual impact risk assessment for each child, would ensure that any risks from crime and disorder on children at this location are properly considered. It is also noted that the Children's Commission/Birmingham Children Trust has not objected to the proposal.
8. The Council has also referenced the potential for the proposal to lead to an increase in crime and the fear of crime but has not provided any further details of why children would be the cause of crime or disorder or give rise to a fear of crime. The Police has set out the concern on the proposal being a drain on resources, if children do not return by curfew time, but it is not clear why this would be a particular issue at this location.
9. I therefore conclude that the appeal site would be in an acceptable location to house vulnerable children, having regard to the levels of crime in the area. As such, it would comply with Policy PG3 of the Birmingham Development Plan (January 2017) and Paragraph's 96 and 135 of the Framework, which seek, amongst other matters, for crime and disorder, and the fear of crime, to not undermine the quality of life.

Other Matters

10. I note the concern by a neighbouring resident that a fence is required along the boundary for privacy reasons. The appeal property is however already in a residential use, and I do not consider it necessary for a condition to be imposed in

¹ January-May 2024

this regard. Given the number of children residing at the property will be limited, I do not consider that there would be an unacceptable impact on the living conditions of the neighbouring residential occupiers, including from visitors or carers, or on the character of the area.

Conditions

11. I have considered the suggested conditions, having regard to the six tests set out in the Framework. For the sake of clarity and enforceability, I have amended the suggested conditions as appropriate.
12. I have imposed a condition requiring compliance with the approved plans and a condition to limit the number of children that will reside at the property in the interests of the living conditions of surrounding residential occupiers. A condition requiring CCTV is necessary to create a safe environment. The wording of some of the suggested conditions have been amended in the interests of conciseness and enforceability.

Conclusion

13. The proposal would accord with the development plan as a whole, and there are no other considerations, including the Framework, that indicate that I should take a decision other than in accordance with this. I conclude that the appeal should be allowed.

F Rafiq

INSPECTOR