



Appeal Decision

Site visit made on 24 December 2024

by B Astley-Serougi BA(Hons) LLM MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th February 2025

Appeal Ref: APP/H0520/W/24/3343311

Longland House, Brington Road, Old Weston, Cambridgeshire PE28 5LP

- 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 Limited against the decision of Huntingdonshire District Council.
 - The application Ref is 23/01576/FUL.
 - The development proposed is Change of use from Use Class C3 to Use Class C2 (flexible use under Part V of GPDO) as a children's care home.
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Decision

1. The appeal is allowed and planning permission is granted for Change of use from Use Class C3 to Use Class C2 (flexible use under Part V of GPDO) as a children's care home at Longland House, Brington Road, Old Weston, Cambridgeshire, PE28 5LP in accordance with the terms of the application, Ref 23/01576/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 drawing nos 104913 (Proposed Floor Plans and Elevations), ESLA1040-DMW-SLP-001 Rev B (Site Location Plan).

Preliminary Matters

2. The revised National Planning Policy Framework (the Framework) was published in December 2024. The parties have been provided with the opportunity to comment on the implications of the revisions to their cases. I have taken account of the revised Framework, and any comments made, in my determination of the appeal as necessary.

Main Issues

3. The main issue is whether the appeal site is a suitable location for a children's care home having regard to local and national policy.

Reasons

Suitable Location

4. Longland House is a detached residential dwelling located on Brington Road, Old Weston. There is a timber fence around the site boundary with hedging to the front which separates the dwelling from the pavement. It has a gravel drive to the side of the dwelling which is accessed from Brington Road. The proposed change of use would result in a children's care home for three children aged between 8-17

years old. Care for the children would be provided 24 hours a day, seven days a week.

5. Policy LP9 of the Huntingdonshire's Local Plan to 2036 (HLP) defines the village of Old Weston as a small settlement. LP26 of the HLP establishes support for residential institutions subject to certain criterion. Furthermore, this is supported by paragraph 63 of the Framework which specifically references looked after children in relation to establishing need, size, type and tenure of housing within planning policies.
6. LP9(a) and (b) reflects the requirement of LP26(e) and consequently, I have assessed the appeal in relation to these elements of policy together. LP26(e) requires that the location of residential institutions should be easily accessible to shops, services, community facilities, public transport and social networks appropriate to the needs of the intended occupiers, staff and visitors.
7. Old Weston has limited services and limited bus services to Huntingdon. There are no shops within the village, nor a school or doctors. Additionally, given the shift patterns of future staff it would also likely result in a reliance upon private motor vehicles especially considering the limited bus service which takes place only on weekdays and finishes in the afternoon. Also, given the nature of the appeal scheme it would likely not result in a high level of visitors, however any visitors would also likely be reliant upon a private motor vehicle. Consequently, Old Weston is not a location which complies with LP26(e).
8. However, in the reasoning for the policy it states that in some cases it may be appropriate for residential institutions to be located away from larger populations due to the specific needs of the proposed residents.
9. The appellant has outlined that the children that would be cared for at Longland House would likely have Emotional and Behavioural Difficulties (EBD). It is also highlighted that the majority of children looked after by the care provider (Esland) have experienced abuse. Whilst there are no amenities such as a cinema in Old Weston for future occupants, a more isolated location is of benefit to these children considering their vulnerability and the risk an urban environment can pose regarding exploitation and abuse.
10. LP26(f) requires the design meets or exceeds the standards set by the Care Quality Commission (CQC) regarding the safety and suitability of the premises. However, this pertains to settings where health care is provided. Consequently, the appeal scheme would not be registered with the CQC but instead with Ofsted as the appropriate regulator. LP26(g) relates to existing care homes. Therefore, neither LP26(f) or (g) are relevant to the appeal before me.
11. In determining this appeal, I have had due regard to the First Protocol of the Convention on Human Rights and the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010. The PSED sets out the need to eliminate unlawful discrimination, harassment, and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. From the evidence, my decision has the potential to affect persons with a protected characteristic for the purposes of the PSED.

12. The appeal scheme would provide appropriate accommodation for vulnerable children. Given the benefits I have identified above regarding the isolated location and the consequent decrease in risk of exploitation and abuse of the children, the appeal scheme would provide the opportunity to advance its aims.
13. Whilst, the staff and any visitors would likely be reliant upon private motor vehicles, this would be outweighed by the benefits I have identified above regarding the specific needs of the children cared for by Esland. Consequently, Longland House would be a suitable location for the proposed children's care home. It would therefore comply with Policy LP26(e) of the HLP insofar as it seeks, amongst other things, to ensure that residential institutions are in suitable locations.

Other Matters

14. Interested parties, including Old Weston Parish Council, have raised several concerns. One such concern is the bend on Brington Road as well as general highway safety issues. The Council have not indicated concerns regarding the effect of the proposed development upon parking and the highway network. The Highways Authority Officer has stated no objection to the appeal scheme. The vehicle tracking supplied by the appellant adequately demonstrates that it would be possible for cars to enter and exit in forward gear. Moreover, that traffic movements associated with the development would also be appropriate given the low flow/speed existing environment. Additionally, Longland House is located in flood zone 1 and there is limited evidence before me to demonstrate that any increase in traffic as a result of the change of use in conjunction with any flooding would result in harm to highway safety.
15. The appellant highlights that 1-1 care is the most common type of care provided and consequently it is likely that there would be three care staff present at any one time plus a home manager present Monday to Friday. However, given the nature of the appeal scheme, it could be that a child would need more than 1-1 care. Nevertheless, the Council have not raised concerns or demonstrated that this would affect parking, highway amenity or pavement access and therefore considering the comments from the Highway Authority I find no reason to disagree with their conclusions on these matters.
16. Additionally, whilst visitors to Longland House would likely rely upon private motor vehicles, there is limited evidence before me to suggest that this would result in harm to parking or highway amenity. Furthermore, as identified above neither the Council or the Highways Authority has indicated any concern regarding this matter. Accordingly, I find no reason to disagree.
17. Given the proposed number of children, staff and their shift patterns it would not be likely to generate noise or emit light above that of a family dwelling. Moreover, the Council have not raised concerns regarding the staffing plans for the care home and the effect this could have upon the living conditions of neighbouring properties. I find no reason to disagree with the Council's conclusion on these matters and consequently it is not necessary or proportionate to impose a condition regarding the type of lighting to be used.
18. Concerns have been raised regarding a perceived lack of socialisation with other children for any future occupants of the appeal scheme due to the village having a limited number of child residents. This is a matter relating to health and wellbeing.

Nevertheless, I have identified the benefit of the isolated location of the appeal site for children that would be residents at Longland House.

19. Considering the proposed 1-1 supervision of the children, it is not likely that the appeal scheme would result in an increase in crime and anti-social behaviour as a consequence of the change of use. Moreover, the Council has not indicated any concerns regarding crime or antisocial behaviour and I find no reason to disagree with their conclusion on this matter.
20. Concerns regarding the safety of any future occupants of the children's care home have been raised, specifically in relation to the proximity of the drainage ditch, public highway and public footpath/ right of way. However, the Council have not indicated concerns that the safety of future occupants would be harmed by the use of Longland House as a care home. The proposed 1-1 supervision and care of any future residents would also contribute to ensuring the safety of the children. Moreover, the Council has also not raised concerns regarding a lack of pedestrian areas in Old Weston and the consequent effect on highway safety. Accordingly, I find no reason to disagree with their conclusions on these matters.
21. There is limited evidence before me to suggest that internet access and mobile signal is limited at the site and consequently that this would directly impact the staff and children at the care home. There is also limited evidence provided with concerns to subsidence. The appellant acknowledges that there has historically been subsidence however the survey of investigation in 2017 resulted in the removal of a neighbouring hedge and did not recommend any further remediation work or underpinning. The Council has not raised concerns regarding these matters and I find no reason to disagree with their conclusions.
22. Additionally, neither party has highlighted concerns regarding the proximity of Molesworth Airbase and the exercises carried out on their firing range. Nevertheless, there is limited evidence before me to demonstrate the relationship of Longland House to the Airbase. I therefore find no reason to disagree with the parties on this matter.
23. Care Homes regulations and the feasibility to use the loft rooms as bedrooms are not material planning considerations given that this is subject to regulations outside of the planning system as are concerns relating to fire regulations. Shortage of staff at late notice and the ability for the appellant to provide the relevant number of staff for the children including for school runs is not a material planning consideration.
24. Interested parties have raised concerns regarding inaccuracies and omissions by the appellant. I have determined this appeal on the evidence before me as did the Council. A covenant pertaining to the original planning permission for Longland House has been highlighted by an interested party¹ this is not a material planning consideration.
25. Finally, the Council have not expressed concerns regarding biodiversity and there is limited evidence to demonstrate that the appeal scheme would result in its degradation given it is for a change of use with no external alterations.

¹ Planning Application Ref:0401000FUL

Conditions

26. The Council has provided a list of suggested conditions which I have considered against the Framework and advice contained in Planning Practice Guidance. I have amended the wording of suggested conditions for clarity and to ensure accordance with the tests set out in paragraph 57 of the Framework.
27. In addition to the standard time limit condition (1), I have attached a condition specifying the approved plans to provide certainty (2).
28. The appellant has applied for a flexible use under Class V of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO). Class V may be used where an alternative use was permitted on a previous planning permission, applied for on or after the 5th December 1988 or when more than 10 years has passed since the permission was granted. The original permission for Longland House was applied for after 1988 and consequently the appellant would have to adhere to the limitations of the GPDO regarding class V. Accordingly, I have not imposed a condition restricting the use of Longland House to a specialist children's care home nor a condition regarding the cessation of use because they would not be necessary or proportionate.

Conclusion

29. The material considerations do not indicate that a decision should be made other than in accordance with the development plan. For the reasons given above the appeal should be allowed.

B Astley-Serougi

INSPECTOR