



Appeal Decision

Site visit made on 21 January 2025

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 February 2025

Appeal Ref: APP/P1615/W/24/3352122

18 Onslow Road, Newent, Gloucestershire, GL18 1TL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Heartlands Group Ltd against the decision of Forest of Dean District Council.
 - The application Ref P1251/23/FUL was approved on 10 April 2024 and planning permission was granted subject to conditions.
 - The development permitted is change of use from single dwelling (C3) to small childrens home (C2).
 - The condition in dispute is No 2 which states that: The use hereby permitted shall cease and the use of the site shall revert to a single family dwellinghouse prior to the expiry of three years from the use hereby permitted commencing.
 - The reason given for the condition is: A temporary permission is required to enable the Local Planning Authority to assess any adverse noise impacts and general disturbance that may arise as a result of the development hereby granted planning permission, which could result in a loss to amenity for local neighbouring residents. The Local Planning Authority are mindful as to the proximity of neighbouring dwellinghouses in this instance and the fact that this property is not set in spacious grounds. A trial period will allow the Local Planning Authority to assess whether the use complies with the provisions of the National Planning Policy Framework; CSP.1 of the Core Strategy Policy and policy AP.1 of the Council's Allocation Plans Policy.
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Decision

1. The appeal is allowed and the approval Ref P1251/23/FUL for change of use from single dwelling (C3) to small childrens home (C2) at 18 Onslow Road, Newent, Gloucestershire, GL18 1TL, on 10 April 2024 is varied by deleting condition No 2.

Preliminary Matter

2. An appeal decision was provided by the appellant during their final comments, after the time where the Council and interested parties could comment. The appeal was determined on 13 June 2024 and I have not been provided with any reasoning as to why this was not included earlier. In order to not prejudice the Council and interested parties I have not taken this into account in my decision.

Main Issue

3. The main issue is whether condition 2 is reasonable and necessary in the interests of safeguarding the living conditions of nearby residents.

Reasons

4. The appeal site is a detached dwelling located in a predominantly residential area. The area is characterised by two-storey detached and terraced dwellings. Properties are located on modest, largely rectangular plots, with garden/parking to the front and garden to the rear. There are small gaps between dwellings which

allow for side access. To the rear of the appeal site is a communal parking area serving Russett Way.

5. During my site visit I noted that cars passed the appeal site along Onslow Road. There were some cars parked on the road. My site visit was only snap shot in time and pedestrian and traffic movements are likely to increase when people return from school and work.
6. Planning permission was granted for the change of use of the dwellings so a children's home, use class C2, subject to a number of conditions. The condition in dispute restricts the use for a temporary period of three years. This is due to the Council being concerned about the potential for the proposed development to have a harmful impact on nearby residents due to noise and disturbance. These concerns are echoed by interested parties.
7. The children's home would provide care for up to three children between the age of 7 and 17 years. The aim of the proposal is to provide group living that would function like a family home setting. The proposal would employ 11 staff members, working on a rota, with approximately three staff members on site at any one time.
8. A modest garden to the rear of the appeal building would provide outdoor space for the occupants of the proposed development. Whilst the garden is not extensive, and it is bound by the gardens of several other dwellings, it is a garden that serves a large, detached family dwelling. The use of the garden by three children, and associated staff, would be similar to a family using the garden, as would the associated noise and disturbance. Further, the garden is bound by tall fences, which would limit any disturbance, opportunities for overlooking and screen the garden from the rear gardens or nearby properties.
9. Additionally, a noise control plan, good neighbour policy and management statement for the control of noise was submitted with the application and conditioned as part of the approved scheme. The planning permission requires these to be implemented and annually reviewed. I find that this condition (No 5) would be sufficient to control any concerns raised regarding noise and disturbance.
10. With regards to vehicular movements, the appellant produced technical information, including a parking survey and staff movements. A review of these by Gloucestershire Highways advised that, when comparing the proposed traffic movements with the existing residential use, there would be no difference in movements. Furthermore, due to the majority of movements being associated with staff changes, these would likely be spread throughout the day rather than concentrated at traditional peak hours. There would be space to accommodate 3/4 vehicles to park to the front of the property. Further, the submitted parking survey observed that ample space along Onslow Road was available for any on street parking needed by visitors to the site.
11. While the proposal may result in slightly more visitors than would be the case if the property were used as a single dwellinghouse (for example the proposal may necessitate occasional visits by a social worker(s) and/or other practitioners), based on the evidence before me I do not find the number of visits, movements and activity would be likely to result in any materially harmful effects upon the living conditions of the occupiers of neighbouring properties.

12. For the above reasons, I conclude that condition No 2 is neither reasonable nor necessary. Consequently, the removal of condition No 2 would not harm the living conditions of nearby residents. As such, there would be no conflict with policy CSP.1 of the Forest of Dean District Council Core Strategy (2012) and policy AP.1 of the Forest of Dean District Council Allocations Plan (2018).

Conclusion

13. For the reasons given above, I conclude that the appeal should succeed. I will vary planning permission Ref P1251/23/FUL by deleting disputed condition No 2.

Tamsin Law

INSPECTOR