



Appeal Decision

Site visit made on 18 February 2025

by **C Billings BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28th February 2025

Appeal Ref: APP/M3455/W/24/3354716

57 Turner Street, Birches Head, Stoke-on-Trent ST1 2ND

- 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 Amelia Care against the decision of Stoke-on-Trent City Council.
 - The application Ref is 71260.
 - The development proposed is change of use from C3 dwellinghouse to a residential children's care home (use Class C2).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There was no description of development on the original application form, as it referred to the supporting planning statement. Therefore, the description in the banner has been taken from the appeal form. This appropriately describes the appeal proposal and so, no party would be prejudiced by this.

Main Issues

3. The main issues in this appeal are:
 - whether the proposed development would provide acceptable living conditions for the future occupiers, in particular regard to existing antisocial behaviour in the local area;
 - the effect of the proposed development on the living conditions of the occupiers of nearby residential properties, in particular regard to noise and disturbance; and,
 - highway safety, in particular regard to on-street parking.

Reasons

Living conditions of future occupiers

4. The proposal would provide living accommodation for the care of the maximum of two children in a family home setting, who would be supported by two primary carers at all times, providing parent-like support to the children on a rota basis. The children who would occupy the property are those unable to live with their families due to circumstances beyond their control, such as where their welfare would be at risk without being removed from their own families and placed into suitable accommodation.
5. As evidenced, a conventional home-like environment care model, as proposed, has been found to be most effective in helping children to lead normal lives and avoid

- problems as adults. This would provide a similar model to foster care, with medium to long-term care provided for the children at the appeal property.
6. The appeal property is a terraced two-storey dwelling in a predominately residential area, with schools and other amenities and facilities nearby. No external alterations are proposed to the property and any internal alterations would be minimal, including security cameras, locks on bedroom doors, smoke alarms and lighting. Therefore, the property would retain its appearance as a terraced dwellinghouse, with the same number of rooms and outdoor space, as existing.
 7. As highlighted by the appellant, nationally there is Ministerial support for this type of care facility and the National Planning Policy Framework (the Framework) supports the housing needs of different groups. The evidence sets out that there is a growing demand for children's care provision in the UK and that the Stoke-on-Trent local authority has the highest number of children per head of population in the country, with a high number of children in the Stoke-on-Trent area awaiting appropriate and safe homes. Therefore, the proposal would provide additional child spaces in the borough, where children are kept within a reasonable radius of their families and communities, which would help support the children's well-being.
 8. As evidenced, the Council has certain duties under the Children's Act 1989 in relation to looked after children. Although, details about other recent decisions made by, or pending with the Council in respect of changes of use to Class C2 residential care homes sets out that only a limited number of additional spaces have been permitted in Stoke-on-Trent and that it does not meet the demand for looked after children. Therefore, there would be some benefits in providing an additional home-like care facility for children within the Stoke-on-Trent local authority area.
 9. Even though the appellant's company may provide a high standard of care for looked after children, working closely with other organisations and there is demonstrated demand for and benefits of this type of children's care facility. The views of Staffordshire Police are compelling about the level of anti-social behaviour in the local area. The number of recent reported police incidents is very high within Turner Street, including in relation to youth activities and, there are other reported police incidents in nearby streets. Additionally, as asserted by the Council, it has a responsibility under the Crime & Disorder Act 1998 to do all it reasonably can to prevent people from becoming involved in crime, including anti-social behaviour. In view of such, the location of the appeal property would be far from ideal in terms of the welfare of vulnerable looked-after children to live, even where 1-2-1, 24 hour care support from trained and skilled carers would be provided.
 10. Balancing the benefits of the scheme against the views of Staffordshire Police and other evidence before me, including, but not limited to the views of interested parties, the appeal property, due to its location, would not provide an appropriately safe and secure environment for the care of looked-after children. Therefore, the benefits of the scheme would not outweigh the harm that would likely be caused to the living conditions of the vulnerable children who would occupy the appeal property in this instance.
 11. Having regard to the above, the proposed development would not provide acceptable living conditions for the future occupants, in particular regard to existing antisocial behaviour in the local area. This would be in conflict with Policy CSP1 of

the Newcastle-Under-Lyme and Stoke-on-Trent Core Spatial Strategy (October 2009) (CSS), which amongst other things, requires new development to have public and private spaces that are safe and that contribute positively to healthy lifestyles. Additionally, there would be conflict with guidance in the Framework, which promotes healthy and safe communities and well-designed places that are safe inclusive and accessible and, which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Living conditions of nearby occupiers

12. The proposal includes no changes to the external appearance of the appeal building. Therefore, it would look no different to the existing dwellinghouse. It is proposed that there would be a maximum of 2 children cared for at the property and there would be two carers present at all times. The appellant sets out that children would be looked after by 3 carers, working on a rota basis and that no more than 3 carers would be at the premises at any one time.
13. While no detailed information has been provided about the actual changeover patterns of the carers and the proposed sleeping arrangements for them. It is asserted that there would be one carer change over per day and that carers would sleep at the premises overnight and so, the typical movement would unlikely be during unsociable hours.
14. On this basis, it is unlikely that the proposal would generate much greater movement and visits to/from the property than that of a typical family household of a three bedroom dwellinghouse, which would have visitors also. Particularly, as it is intended that the property would provide a home-like care facility for the children, with them attending mainstream school, engaging in activities, and maintaining a typical family home routine.
15. Also, as set out by the appellant, only 1% of looked after children are placed in care due to behavioural issues. Therefore, it would not follow that looked after children would necessarily give rise to any additional noise and disturbance compared to that typical of a child living within their own home.
16. In view of the above, the proposed development would not have a harmful effect on the living conditions of the occupiers of nearby residential properties, in particular regard to noise and disturbance. Therefore, there would be no conflict with Policy CSP1 of the CSS, which sets out, amongst other matters, that new development should be well designed to respect the character, identity and context of Stoke-on Trent's unique townscape and contribute positively to healthy lifestyles. Also, it would not be contrary to the Framework, which promotes health and well-being, with a high standard of amenity for existing and future users.

Highway safety

17. As typical of many terraced properties in the surrounding area, the appeal property has no on-site parking and so occupiers and visitors to the property would currently need to park their vehicles along the street. At the time of my visit there were no parking restrictions along the immediate street, and whilst there were many cars parked on-street, there were spaces available nearby to park.

18. From the evidence provided, while the proposal could have up to 3 carers at the property at any one time, this is only likely during rota changeover, and so, I consider there would not be the necessity for all 3 carers to park nearby for long periods of time. Notwithstanding such, the appellant asserts that the care home property would be assigned one company car to use and that, staff are encouraged through company policy, to use public transport. This would reduce the need for additional vehicles to visit and park nearby. While there could be the possibility of other visitors to the care home, including the family and friends of the children and other professionals, such as social workers, this would unlikely be that different to the number of visitors that could visit a typical family living in a dwelling of this size.
19. Therefore, having regard to the existing site context and the likely movements associated with the proposed small 2-child care facility, the proposal would not place additional undue pressure on existing on-street parking in the surrounding area.
20. In view of such, the proposed development would not have a harmful impact on highway safety, in particular regard to on-street parking and so, the proposal would not be contrary to the Framework, which sets out that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.

Other Matters

21. Even though there may be future government proposals to extend permitted development rights to allow the change of use of dwellings to small residential care homes and that there may have been High Court debate about the materiality in respect of change of use from C3 to small scale C2 uses on a case by case basis. I have considered the proposal on the basis of what has been applied for in this instance.
22. The proposal would likely create jobs for carers and there have been no objections in relation to air quality and contaminated land risk. However, the number of jobs created would not be significant and the lack of objection are neutral matters, which do not weigh in favour of the proposal.

Conclusion

23. While I have not found harm in relation to the living conditions of nearby occupiers and highway safety. There would be harm caused to the living conditions of the future occupiers and so, the proposal would conflict with the development plan as a whole and material considerations do not indicate a decision should be made other than in accordance with it.
24. Accordingly, the appeal should be dismissed.

C Billings

INSPECTOR