



Appeal Decision

Site visit made on 12 March 2025

by **Les Greenwood MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3 April 2025

Appeal Ref: APP/P4605/W/24/3354849

4 Rivermead Park, Birmingham B34 6HH

- 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 Sarah Clifford for Leaf Complex Care against the decision of Birmingham City Council.
 - The application Ref is 2024/04028/PA.
 - The development proposed is a change of use from a dwelling house to a residential provider for children and adults with learning disabilities.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use from a dwelling house to a residential provider for children and adults with learning disabilities at 4 Rivermead Park, Birmingham B34 6HH in accordance with the terms of the application, Ref 2024/04028/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 and Ground Floor Plan (version without conservatory).

Preliminary matters

2. My site visit was arranged to be accompanied by the appellant, so that I would be able to see inside the buildings, but the appellant did not attend. I nevertheless could see the site and surroundings sufficiently well to be able to make an informed decision.
3. Two different floor plans were evidently submitted with the application. One of these shows a conservatory that does not exist and is not proposed. That plan is clearly inaccurate. The other, though not drawn to scale, includes internal room and other dimensions that appear to give a reasonably accurate depiction of the size of the bungalow, by comparison with the location plan and my own observations at the site. The Council considers this to be insufficient to fully assess the proposal, but it did validate the application and I have seen nothing to indicate that it sought a more accurate floor plan during the course of the application. I consider that this floor plan, together with the location plan, is sufficient to illustrate the proposal.
4. A revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024, with minor updates on 7 February 2025, all during the course of this appeal. Both sides had an opportunity to comment on the

main changes within the appeal timetable. Neither side has had an opportunity to comment on the 7 February updates, but I see no need for this as these changes do not affect the main issues of this appeal.

Main Issues

5. The main issues are the effects of the proposal on:
 - i) the supply of residential accommodation in general and family housing in particular;
 - ii) living conditions of future occupiers of the property;
 - iii) living conditions at neighbouring properties; and
 - iv) highway safety.

Reasons

Supply of family housing

6. 4 Rivermead Park is a small, detached 2 bedroom bungalow with a garage and parking to the front and a private garden to the rear, set within a modestly sized development of bungalows and houses. The proposal is to convert it to a care home. Information submitted with the appeal indicates that the provision would be for one person with learning disabilities plus the 24/7 presence of a carer, on a rota basis.
7. Policy DM12 of the Birmingham Plan 2031 Development Management in Birmingham Development Plan Document (DMB) encourages the development of specialist accommodation, including care homes and supported accommodation for people with mental health issues, learning disabilities and other issues. The policy is worded to promote such development, effectively acknowledging a general need for such accommodation. The appellant refers to figures showing that a large number of the city's children have to be placed in residential care outside of Birmingham. The Council has not disputed this information, which also indicates a strong need for additional care homes.
8. The Council's objection on this issue is based on a criteria of DMB policy DM12 – that a proposal should not result in the loss of an existing use that makes an important contribution to the Council's objectives, strategies and policies. It considers that insufficient information and justification has been submitted to show that the need for a care home in this location outweighs the important contribution this dwelling makes.
9. There clearly is a strong need for more housing in the city. The Council, however, submits no evidence of a particular need for dwellings of this size, either in the City as a whole or in this particular area. Paragraph 4.35 of policy DM12 references the 2013 Strategic Housing Market Assessment, which indicates a need for accommodation of all sizes, but notes that the highest net change in the number of homes needed to 2031 is for 3 and 4 or more bedroom homes.
10. Policy TP35 of the Birmingham Plan 2031 Birmingham Development Plan (BDP) aims to make best use of the existing dwelling stock, in part by restricting changes to other uses. The term 'other uses' is not defined. Care homes like this are a type of residential accommodation so do not appear to readily fall into that category. Framework paragraph 63 says that housing needed for different groups in the

community, including looked after children, should be assessed and reflected in planning policies. This appears to be what DMB policy DM12 does, in supporting the development of specialist accommodation. The proposal would make efficient use of an existing dwelling to provide a home for someone needing specialist accommodation.

11. In any case, policy TP35 also allows for the loss of residential accommodation where there is an identified social need for the proposed use. I consider that such a social need includes care homes.
12. I conclude that, in the absence of any evidence to show that there is a specific and overriding need for 2 bedroom accommodation in this particular area, the change of this one small bungalow to a care home would not significantly affect the supply of residential accommodation. The proposal accords with the support for specialist accommodation in BMD policy BM12, the Birmingham Design Guide Supplementary Planning Document (BDG) and the Framework. It also accords with BDP policy TP35's aim to make best use of the housing stock.

Future occupiers' living conditions

13. The Council's concern here is about the lack of information regarding the size of the accommodation to be provided. Criteria (b) of DMB policy DM12 says that the accommodation and facilities of specialist accommodation, including outdoor amenity space, should be suitable for the intended occupiers.
14. The Council confirms that it has no set standards relating to the size of bedrooms in supported living accommodation, but says that bedroom sizes should have regard to the internal space standards within the Nationally Described Space Standards (NDSS). DMB policy DM10 requires other residential development to meet the relevant minimum in the NDSS, but specifically excludes specialist accommodation covered by policy DM12 so the NDSS is not part of an adopted policy relevant to this appeal. The Government's Planning Practice Guidance makes it clear that, where a local planning authority wishes to require an internal space standard, they should only do so by reference in their Local Plan.
15. It is evident anyway that this 2 bedroom bungalow is of sufficient size to provide a reasonable standard of accommodation for one person and their carers, as proposed. If the measured bedroom sizes shown on the submitted plan are correct, then both bedrooms would meet the minimum standard for single bedrooms set out in the NDSS. The garden space would moreover be ample for outdoor amenity.
16. I conclude that the proposal would make reasonable provision for the living conditions of future occupiers, in accordance with the provisions of BDP policy PG3, DMB policies DM2 and DM12(b) and the BDG, which aim to secure high quality design that avoids unacceptable adverse impacts on occupiers.

Neighbours' living conditions and highway safety

17. The Council is further concerned that additional details including a statement of purpose, number of children/staff, a management plan, staff rotas, a trust sufficiency strategy, noise mitigation measures, details of plant/equipment and details of car parking provision would be necessary to demonstrate in detail how the proposed care home would operate. In the absence of these, it considers that it is not possible to fully assess whether the proposal and its associated activities

would lead to an unacceptable adverse impact on the amenities of neighbouring residential occupiers and highway safety. Some of these details were submitted with the appeal, but the Council makes no comment on those.

18. This is a small detached bungalow at the end of a short residential cul-de-sac, with a generous parking area to the front. It is proposed for a type of residential use. The Council confirms that the Office for Standards in Education, Children's Services and Skills (Ofsted) would inspect the home and its policies and interview the Home Manager before they consider registering the home, and would then carry out regular inspections. A plan dealing with a range of detailed issues, including matters beyond the scope of the planning system, would presumably be required by any such vetting body. The scale of activity should not be substantially different from single family residential use and no physical development is proposed. I see no particular reason why the proposed use should cause undue disturbance to neighbours or prejudice highway safety.
19. Some of the items mentioned by the Council, such as details of plant and equipment, seem wholly unnecessary. I note that the Council has not suggested draft conditions requiring the submission and approval of any additional information.
20. Although there is some reference to another care home nearby, I have seen no evidence of other similar uses causing problems at Rivermead Park. I conclude that this very small scale proposal would not significantly affect neighbours' living conditions or highway safety. It accords in these respects with BDP policies PG3 and TP44, DMB policies DM2, DM12, DM14 and DM15, the BDG and the Framework, which taken together aim to ensure that development does not lead to an unacceptable adverse impact on the amenity, character, appearance, parking and highway safety, taking into account the cumulative effects of similar uses in the area.

Other matters

21. In assessing all of these issues I am aware of the strong objections by some neighbours, including concerns about the potential for anti-social behaviour. The Council refers to the need for a location risk assessment but raises no specific safety and security concerns. The West Midlands Police consultation response refers to a lack of information regarding matters such as CCTV, staff training and Disclosure and Barring Service (DBS) checks, but most of these are non-planning matters. The police response also confirms that the Neighbourhood Police Team has raised no adverse comments. It is not clear to me why occupation of this 2 bedroom bungalow as proposed should be a particular security concern.
22. I note that most of the residents of this street are elderly or families with young children. It is always possible, of course, that difficult situations could arise in the use of this property, causing some disturbance or inconvenience to neighbours – though I see no evidence that this is likely to be the case. I would expect such issues, if necessary, to be dealt with under other legislation and processes rather than by withholding planning permission. I find that the proposal would also accord in this respect with BDP policy PG3, DMB policies DM2 and DM12, the BDG and the Framework, which aim to ensure that developments make provision for safety, considering crime, the fear of crime and anti-social behaviour.

Conditions

23. I impose a condition specifying the relevant plans to provide certainty. The Council has not suggested any other conditions and I see the need for none.

Conclusion

24. I find that the proposal accords with the development plan, taken as a whole. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.

Les Greenwood

INSPECTOR