



Appeal Decision

Site visit made on 8 April 2025

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 May 2025

Appeal Ref: APP/P2935/W/24/3355593

23 Dene Grove, Seghill, Northumberland NE23 7EP

- 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 Mr Neville Rodgers (HMO Northeast T/A Forevercare) against the decision of Northumberland County Council.
 - The application Ref 24/02557/VARYCO was approved on 8 November 2024 and planning permission was granted subject to conditions.
 - The development permitted is application to remove Condition 3 (car parking), Condition 4 (occupant source location), Condition 5 (emergency placements), and Condition 8 (staff levels) and vary Condition 6 (Police notification period) and Condition 7 (number of residents no more than two) on approved planning application 24/00505/COU.
 - The conditions in dispute are Nos 3,4 and 5 which states: 3: within 6 months of the date on the decision notice issued by the LPA, the car parking area shall be implemented in accordance with the approved plans. Thereafter, retained for the parking of vehicles associated with the development. 4: 23 Dene Grove, Seghill, should not be used to provide care for any children requiring an emergency placement unless otherwise registered and approved in writing with OFSTED. 5: Forever Care/Care Provider of 23 Dene Grove, Seghill, is to make contact via email to Northumbria Police's Prevention Department Mailbox (preventiondepartmentallstaff@northumbria.police.uk), prior to accepting any placement, this allows for the effective safeguarding of the young person and to ensure Philomena Protocols are followed.
 - The reasons given for the conditions are: 3: In the interests of highway safety, in accordance with the National Planning Policy Framework and Policy TRA4 of the Northumberland Local Plan. 4: To allow for the Police to fully support the creation of the care home and to ensure the safeguarding of children, to ensure they are not put at risk and are housed in a safe and secure environment. 5: To allow for the Police to fully support the creation of the care home and to ensure the safeguarding of children, to ensure they are not put at risk and are housed in a safe and secure environment and to ensure any risks can be identified and mitigated.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Neville Rodgers (HMO Northeast T/A Forevercare) against Northumberland County Council. This application is the subject of a separate decision.

Background

3. Planning permission was granted for a change of use from a single residential unit (currently use class C3 dwellinghouse) to also allow for use as care / supported living accommodation for two people (use class C2 - for under 18s) - with no physical or external alterations under reference 24/00505/COU. Conditions 3, 4, 5, 6, 7, and 8 related to car parking, occupant source location, emergency placements, police notification period, number of residents no more than two and

staff levels. These were applied for reasons relating to highway safety and safeguarding of children, to ensure they are not put at risk and are housed in a safe and secure environment and to ensure any risks can be identified and mitigated. A subsequent application to remove condition 3 (car parking), condition 4 (occupant source location), condition 5 (emergency placements), and condition 8 (staff levels) and vary condition 6 (Police notification period) and condition 7 (number of residents no more than two) on approved planning application 24/00505/COU was then granted under reference 24/02557/VARYCO and is the subject of this appeal.

4. A number of conditions have been amended whilst some have been removed and made into informatives which I will discuss further below. For clarity, this does mean that the numbering of conditions has therefore changed.
5. The proposed development seeks to remove condition 3 (car parking), condition 4 (emergency placements) and condition 5 (Police notification period).

Main Issues

6. The main issues are:
 - The effect that removing condition 3 would have on highway safety; and
 - The effect that removing conditions 4 and 5 would have on the safeguarding of children, to ensure they are not put at risk and are housed in a safe and secure environment and to ensure any risks can be identified and mitigated.

Reasons

Highway safety

7. As set out above, the site benefits from planning permission for a change of use from a single residential unit (currently use class C3 dwellinghouse) to also allow for use as care / supported living accommodation for two people (use class C2 - for under 18s) - with no physical or external alterations. Condition 3 on the most recent consent under reference 24/02557/VARYCO requires that within 6 months of the date on the decision notice issued by the LPA, the car parking area shall be implemented in accordance with the approved plans. Thereafter, retained for the parking of vehicles associated with the development. The reasoning for the condition is in the interests of highway safety, in accordance with the National Planning Policy Framework and Policy TRA4 of the Northumberland Local Plan.
8. Policy TRA4 of the Northumberland Local Plan 2016-2036, 2022 (NLP) relates to parking provision in new development and amongst other matters, explains that an appropriate amount of off-street vehicle parking to serve new development shall be made available in safe, accessible and convenient locations prior to development, as a whole or in part, being brought into use.
9. The Officer's report sets out that the scheme needs to conform to the requirements of the submitted plan showing 2 parking spaces which was previously deemed acceptable. The appellant claims that this condition is not necessary, as the plans list condition deals with this matter and that it is not reasonable as it encourages the use of the private car when national policy seeks to limit the use of the private car and limit car parking provision to encourage more sustainable modes of transport.

10. The plans may indeed show parking provision being provided. However, this does not give a timeframe for such provision to be made. Consequently, the appellant has the power to implement the care home element but not to build an element such as parking for an extended period of time after the application has been approved. This could indeed have a detrimental effect on highway related issues.
11. Ensuring the parking is provided in a timely manner would prevent such from occurring whilst also ensuring such provision is retained thereafter for the parking of vehicles associated with the development to prevent misuse that could lead to highway safety issues. This is something not covered by the plans condition.
12. Whilst I do not dispute that national policy seeks to encourage more sustainable modes of transport, the car parking spaces were needed to be attained in curtilage to achieve the optimum transport infrastructure for the site. This is a requirement of Appendix E of the NLP and something which caused contention with objectors during the original change of use application in terms of further congestion when care workers would be parking at the site. Based on the evidence before me, I do not have sufficient justification to conclude that the condition is not reasonable or be confident that sustainable modes of transport would be used over the use of car.
13. I therefore find condition 3 to be necessary, relevant to planning, relevant to the development, enforceable, precise and reasonable in all other respects. It should therefore remain as part of the overall permission in the interests of highway safety, in accordance with the National Planning Policy Framework and Policy TRA4 of the NLP.

Safeguarding of children

14. Condition 4 on the most recent consent under reference 24/02557/VARYCO sets out that 23 Dene Grove, Seghill, should not be used to provide care for any children requiring an emergency placement unless otherwise registered and approved in writing with OFSTED. The reasoning for the condition is to allow for the Police to fully support the creation of the care home and to ensure the safeguarding of children, to ensure they are not put at risk and are housed in a safe and secure environment.
15. It is my understanding that this condition was at the suggestion of the Police due to previous issues they have had with the care provider, and I have had due regard to the submitted reports in this regard. Additionally, much discontent was raised by the surrounding neighbours during the planning process with the majority opposed to its siting. This was from concern over the possible crime issues that the care facility might bring to the area based on the residents that would be placed there.
16. Paragraph 96 of the National Planning Policy Framework (the Framework), explains that planning policies and decisions should aim to achieve healthy, inclusive and safe places which amongst others, are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.
17. On this basis, putting a condition in place that states that emergency placements would only be accepted if OFSTED were notified first, provides a level of reassurance to existing residents and allows the Police to be assured that the

correct procedures were followed in the event an emergency placement was needed.

18. The procedure of placing a child under emergency circumstances has a list of legal requirements where multiple people need to be contacted with forms filled and emailed across and contacting OFSTED is part of this process. However, it might not always be the case that a care provider follows this correct procedure. The condition requiring contact to be made in emergency situations provides confidence to residents and reassurance to the Police that the correct procedures are being followed as enforced under a planning matter.
19. I appreciate the appellant's comments regarding difficulties associated with the registering and approving an occupant in such a short space of time but as this procedure should already be taking place, I am not convinced that such is impossible or unreasonable. The condition is simply enforcing a procedure that should already be taking place for reasons relating to planning amenity. To this end, it would be unwise to rely on the normal procedures taking place in the manner or to the degree needed to secure planning objectives. This is because the condition needs to be enforced against from a planning point of view to ensure that not only the child is being placed in a safe and relevant location for their needs but also that an improper placement is not made if the procedural requirements were not followed for some reason. The result being that it could have a negative impact on neighbour amenity creating discontent within the community and undermining quality of life among the residents, therefore not according with the Framework. Other care procedures and requirements do not necessarily cover matters relating to planning amenity and are therefore different in this respect.
20. The parameters of the term 'emergency placement' is not defined given the various situations that could arise. However, the care provider will be familiar with such situations and can decide if the situation amounts to an emergency placement. Additionally, given the requirement to make contact with OFSTED, they will also determine if the placement can be categorised as an 'emergency placement'. I cannot agree that this condition discriminates against emergency placements as it simply adds a degree of assurance to neighbours and the police that OFSTED will be contacted and agree to the placement based on their own assessments. I find that such a condition is enforceable given the requirements of the condition where the necessary paperwork can be provided upon request if needed. I understand that there has been much interest and objections from residents, and it is most likely that they will be monitoring the changes at the address and making the necessary contacts where needed to seek confirmation of registered placements.
21. Condition 5 on the most recent consent under reference 24/02557/VARYCO sets out that Forever Care/Care Provider of 23 Dene Grove, Seghill, is to make contact via email to Northumbria Police's Prevention Department Mailbox (preventiondepartmentallstaff@northumbria.police.uk), prior to accepting any placement, this allows for the effective safeguarding of the young person and to ensure Philomena Protocols are followed. The reasoning for the condition is to allow for the Police to fully support the creation of the care home and to ensure the safeguarding of children, to ensure they are not put at risk and are housed in a safe and secure environment and to ensure any risks can be identified and mitigated.

22. In a similar way to condition 4, this was at the suggestion of the Police due to previous issues they have had with the care provider.
23. The condition clearly sets out who should make contact, at what point they should make contact, how they should make the contact and under what circumstances they should make the contact and who the contact is made too. Reference to the Philomena Protocol in this condition, which the care provider would be familiar with, is something that additionally provides enough information so that the appellant would know what to include in the email to be sent under the circumstances required.
24. I appreciate the appellant's claims that an offer of a placement may not be made after information is shared and would not want to waste police time. I do not dispute that there may be situations where information is provided, and circumstances change but I am not convinced that this would waste police time compared to the situation which would occur if the condition was removed. The condition ultimately saves time further down the line if something were to happen to a resident. To this end, if a situation arose in the future of e.g a child going missing, the Police already have all the necessary information to exercise their duties without delays. If the Police felt it was a waste of time, they would not have suggested the condition. In a similar way to condition 4, the condition also provides reassurance to existing residents that the Police are well informed of the residents at the address which would reduce the fear of crime as per the requirements of the Framework.
25. Personal information is not shared with a public forum, nor are details being passed on to a third party. The information is conditioned to be shared with the Police only and the Police have given a legal reason for requesting this information which is to ensure the Philomena Protocol is followed and is deemed necessary as per paragraph 96 of the Framework. As set out earlier, other care procedures and requirements do not necessarily cover matters relating to planning amenity and are therefore different in this respect.
26. I find this condition to be enforceable given the requirements of the condition where the necessary emails can be provided upon request if needed.
27. For the above reasons, I conclude that conditions 4 and 5 are necessary, relevant to planning, relevant to the development, enforceable, precise and reasonable in all other respects. They should therefore remain as part of the overall permission in the interests of safeguarding of children, to ensure they are not put at risk and are housed in a safe and secure environment and to ensure any risks can be identified and mitigated.
28. There are no local plan policies cited as part of the reasoning for the conditions, but this would not alter my findings or mean that the conditions have not been properly considered. The relevant policy documents were indeed referenced within the previous Officer's reports relating to such matters.

Other Matters

29. The appellant raises concern regarding the 'notes to applicant' on the back of the decision notice. However, the guidance notes are simply informatives that provide guidance on certain matters. These are additional comments and are not enforceable but provide further information for the appellant. I do not find them to

be confusing or unreasonable based on the evidence provided. I also understand that some of them were previous conditions from the change of use application but upon further assessment with the Council's Enforcement team, they were deemed not enforceable and were better placed as informatives and enforced by the Police separately.

30. In considering this appeal, I have had due regard to the Public Sector Equality Duty (PSED) set out under Section 149 of the Equality Act 2010, in particular the need to eliminate discrimination against persons with the protected characteristics of age and/or disability, advancing equality of opportunity for those persons and fostering good relations between them and others. Following careful consideration of the scheme. I am satisfied that the impact of dismissing the appeal is proportionate and necessary.

Conclusion

31. For the reasons given, having had regard to all other matters raised, the proposal would not accord with the development plan and the appeal should therefore be dismissed.

N Teasdale

INSPECTOR