



Appeal Decision

Site visit made on 29 April 2025

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 May 2025

Appeal Ref: APP/J4525/W/25/3359122

1 Dene Street, Hetton-le-Hole, Houghton le Spring, Sunderland DH5 9AX

- 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 Mr Neville Rodgers HMO Northeast T/A Forevercare against the decision of Sunderland City Council.
 - The application Ref is 24/02073/FUL.
 - The development proposed is Change of use from a single residential unit (currently Use Class C3 dwellinghouse) to also allow for the use as care/supported living accommodation for up to two people (Use Class C2 - for under 18s) - with no physical or external alterations.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the appeal site is a suitable location for young people in care having regard to the character of the local area.

Reasons

3. The appeal site is a semi-detached two storey dwelling located in a residential housing estate where all dwellings follow the same character.
4. The dwelling is proposed to be changed from a C3 use to a C2 use for the purposes of a facility for supported living for up to two looked after children under the age of 18 years of age who have been removed from their families. Twenty-four-hour on-site care would be provided to vulnerable young people who require safeguarding and a co-ordinated approach from the many agencies involved in their welfare.
5. Northumbria Police identify that between 22 June 2023 and 31 January 2024, 44 reported incidents were associated with this address (around 89% of all calls for service on the street) and approximately 85% of crimes in the area connected with the address was reported. They also comment on majority of calls were associated with missing persons.
6. This number of call-outs to the site within a relatively short period of time according to Northumbria Police evidence, far exceeds the number of police call-outs to other houses on Dene Street. The appellant informs me this was during a time the property was in use as a C3(b) use, which is a lawful use and this person has since 'moved on'.

7. The appellant points to a perceived 'lesser' impact of the use of the dwelling for looked after children compared to 'lawful adult formed household use' as a C3(b) and this is a fall-back position for the appellant and a real prospect.
8. The same provider, Forever Care as the appellant was listed as being responsible for the care at the site during these listed police reports. The appellant has however submitted no evidence as to how to potentially reduce incidents arising at the property, even if the police incidents were previously associated with a C3(b) use - there remains a duty of care and responsibility to the operator to uphold.
9. I understand the appellant is an established provider and there is evidence of well-run sites they control elsewhere, and there is supporting evidence from employed staff and young people within the Forever Care system. This evidence is nonetheless limited and is afforded moderate weight in my assessment. Whilst OFSTED regulate this type of use, that is not to say that they can control day-to-day events of the individual in care.
10. There are no other confirmed C2 uses within the immediate locality. The children in care here could be in education at school for part of the day away from the site, and a number of staff members present on site on a 24-hour basis. The appellant suggests only one under-eighteen year old could live in the property, instead of two. I agree with the appellant that it is a small-scale development. These things considered, given Northumbria Police evidence surrounding call-out and crime related incidents associated with the address when a level of care was being provided, I am not convinced that a C2 use would generate no adverse levels of noise and disturbance arising from the use. These effects would detrimentally change the character of the local area. Even when mixed or 'extended' communities are encouraged by Council policy, in this context I must consider the effect of this proposal upon the character of the local area.
11. A C3(b) use could be relied upon as the appellant's fall-back position. The proposed use is to provide specific care for vulnerable children and is not the same as a lawful C3(b) use or a C3 use. Furthermore, it is not the same use as a C3 use. 'Attendance at the property' could not be reasonably compared to a C3 use, even if deliveries occur to the property in its proposed use.
12. These things considered, the character of the area would change as a result of a C2 use and would therefore contravene policy EN10 of the Unitary Development Plan and policies BH1 and HS1 of the Core Strategy and Development Plan in their broad objectives to safeguard amenity.

Other Considerations

13. Children are a group sharing a protected characteristic arising from their age and therefore the Public Sector Equality Duty (PSED) applies. I have had due regard to the PSED which requires me to consider the need to eliminate unlawful discrimination, to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. In this context, the best interests of the child are a primary consideration.
14. It follows that it will be in the best interests of children in care that there should be a sufficient number of homes where they can be supported and looked after in an appropriate manner. These will need to accommodate services to address a range of physical, emotional and behavioural difficulties. I therefore acknowledge that

there is an acute need to identify suitable properties and finding these can be exceptionally challenging.

15. However, it is equally important to ensure that the locations where such facilities are provided do not result in changing their character to their detriment. For the reasons given above, a grant of planning permission would result in a negative effect on the local area and local residents.
16. The appellant has brought to my attention a number of appeals that they consider to be relevant to their proposal. One such appeal does not raise crime and disorder as a factor in the Inspector's decision-making capacity. Other appeals brought to my attention relate to enforcement appeals and certificate of lawful use. Another appeal is under the Welsh jurisdiction. These appeals do not adequately compare to the proposal before me. In any case, I have assessed the proposal based on the evidence before me relating to this specific appeal.
17. The site is close to commercial uses that could serve the looked-after child. There would be no highway safety concerns as a result of the proposal or impact on landscaping, external appearance of the dwelling and layout, or public realm. These are however neutral in the scheme of things and neither weigh for or against it.

Other Matters

18. There is no evidence before me to indicate that the site represents under-utilised land and buildings. I am aware of the National Planning Policy Framework and the presumption in favour of development ethos. However, I am not provided with evidence from the appellant as to how this proposal is directly associated with this objective.

Conclusion

19. I have considered all matters that have been raised and conclude that the proposal would conflict with the development plan as a whole and there are no other material considerations which lead me to determine the appeal otherwise than in accordance with it. Therefore, for the reasons given, the appeal is dismissed.

Alison Scott

INSPECTOR