
Appeal Decision

Site visit made on 6 May 2025

by **T Bennett BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 May 2025

Appeal Ref: APP/P0240/W/25/3359871

6 Tarnside Close, Dunstable LU6 3PY

- 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 Allhandscare Ltd against the decision of Central Bedfordshire Council.
 - The application Ref is CB/24/03368/FULL.
 - The development proposed is Change of use from dwelling house (Class C3) to Children's Home (Class C2)
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from dwelling house (Class C3) to Children's Home (Class C2) at 6 Tarnside Close, Dunstable LU6 3PY Ref CB/24/03368/FULL, subject to the conditions in the attached schedule.

Preliminary Matter

2. The description of development in the banner heading and formal decision above has been taken from the original decision notice as this more accurately describes the development. I note that this description has also been used on the appeal form.

Main Issues

3. The main issues are the effect of the change of use on:
 - the living conditions of neighbouring occupiers with particular regard to noise and disturbance; and,
 - highway safety

Reasons

Living conditions

4. The appeal site is a three bedroom semi-detached property in a residential area, located part way down a cul-de-sac. The proposal seeks to convert the appeal dwelling into a children's care home for three children aged between 11 to 18 providing care to them on a temporary basis before being rehomed.
5. The property is set back from the road with a garden and tandem drive located at the front of the property, similar to other properties on the street. To the north east are the rear gardens and rear elevations of No 7 to 10 Tarnside Close.

6. Concern has been raised regarding the potential increased level of activity at the site over and above the use as a family dwelling, particularly considering the temporary nature of the accommodation for children.
7. As a single-family, three bedroom dwellinghouse, in a relatively dense residential neighbourhood, a degree of noise and disturbance would naturally arise from activities undertaken by different generations of a family. For example, parents going to and from work at different times of the day and separate school, work and leisure activities undertaken by the children, particularly if the children were young adults and had their own vehicles. A typical family home would also generate activity associated with visitors and deliveries as part of its normal function. Therefore, considering this and the limited scale of the proposal, I am not persuaded that noise and disturbance generated by the proposed change of use from residents, staff and visitors coming and going from the property, would be significantly greater or any more discernible than if it were used as a single family dwelling that could consist of adults, children and teenagers.
8. Although between ten and twelve members of staff would be employed, no more than two members of staff would be on site at any one time, except during staff changeover. Given the limited number of staff, this would likely be short in duration. Whilst noting that the children would be housed on a temporary basis, potentially leading to a frequent turnover, there is little substantive evidence before me to indicate that this would result in an adverse effect on neighbouring occupiers in relation to noise and disturbance.
9. Moreover, irrespective of the possible turnover in children staying at the property, there would nevertheless be no more than 5 people residing at the property at any one time. The occupation of the appeal property could also be restricted to three children by condition. Therefore, the increase in activity would be modest when compared to the existing use of the appeal property.
10. Whilst children in care may have a wide variety of needs, there is no substantive evidence before me that the occupiers of the home would cause significantly harmful disruption to the neighbouring occupiers, resulting in an increased police presence. There is limited evidence that the proposal would give rise to property damage or that there would be an increase in anti-social behaviour, including alcohol consumption and drug use. Reference has been made to the property being a former house of multiple occupation. However, the proposed use as a children's home means that staff are present on site at all times to address issues of anti-social behaviour, which would not otherwise be controllable.
11. For the above reasons, I conclude that the proposed change of use would not materially affect the living conditions of neighbouring occupiers, with particular regard to noise and disturbance. The proposal would therefore accord with Policy HQ1 of the Central Bedfordshire Local Plan (2021) (LP) which seeks to ensure that, amongst other matters, development does not have an adverse impact on amenity and noise.

Highway safety

12. Policy T2 of the LP requires development to not have a detrimental effect on highway safety and patterns of movement. Policy T3 requires developers to have regard to the car parking standards set out in the Central Bedfordshire Council's Design Guide and Parking Strategy.

13. The Central Bedfordshire Parking Standards for New Developments Supplementary Planning Document (2023) (the Parking SPD) sets the parking standards for development. As a three bedroom house, a minimum of two parking spaces are required. The appeal site has a tandem driveway which allows for the parking of two vehicles and as such meets the minimum standards.
14. The appellant states that the children in care would not be vehicle owners and as such only the carers would be parking at the property. Given that there would only be two carers working at any one time and they would be working in the same building, this would not create an unsuitable parking arrangement.
15. During staff changeover I acknowledge that this would likely lead to on-street parking on Tarnside Close, which I observed had no parking restrictions. On my site visit I did not observe any on-street parking stress, however I recognise that this was only a snapshot in time and was during mid-morning. I am aware that a nearby school creates parking pressure during drop off and pick up times. However, given the limited number of staff, any on-street parking during staff changeover periods would be likely for a short period of time and involve a limited increase in the number of vehicles. Moreover, this situation would be no different to the existing situation if occupiers of the property, as a single-family dwelling, were to own more than two vehicles. The site is also in accessible location with a nearby bus service, which could reduce reliance on a private vehicle.
16. Given the limited scale of the development, the level of potential additional demand would be unlikely to harm the proper functioning of the highway. Overall, there is no substantive evidence that the cumulative impact on the road network from the change of use would be severe, or that any additional vehicles parked on the road would significantly constrain it to the point where it would have an unacceptable impact on highway safety. Consequently, it has not been demonstrated that the proposal would have an undue detrimental impact on highway safety.
17. Therefore, for the reasons above, I find that the development would not have an adverse effect on highway safety, having regard to vehicle movements and parking provision. It would therefore accord with Policies T2 and T3 of the LP and the parking standards set out in the Parking SPD.

Other Matters

18. There have been a large number of representations from local residents concerning the proposal. Some of the matters raised are not of direct relevance to the planning considerations of the appeal, including the experience of the planning agent and the impact on property values. It is a well-established principle that the planning system does not exist to protect private interests such as the value of land and property. Matters relating to concerns with the care provider, outsourcing of staff and impact of staffing changes on the children are not planning matters and would be controlled under separate legislation and other bodies. Similarly, matters relating to the motives of the care provider are not a planning matter.
19. Concern has been raised that no complaints procedure has been submitted for the care home. Any complaints relating to the behaviour of the children or staff within the care home would not be planning matters and could be dealt with by other bodies outside of the planning system.

20. I note that interested parties are aggrieved at both the handling of the case by the Council and the actions of the appellant. However, these are matters between the parties that likewise do not fall within the remit of this appeal, which I have considered on its planning merits.
21. I have found that the proposal would not cause harm to highway safety or the living conditions of nearby residents in relation to noise and disturbance. Given the limited scale of the development, I therefore do not find it necessary or proportionate for details to be provided on how shift changeovers will be managed.
22. Residents have raised concerns about anti-social behaviour occurring at the property and a large number of vehicles at the appeal property, suggesting that the Class C2 Use is operational. However, the appellant confirms that this is not the case. Based on the evidence before me and my site observations, I have no reason to disagree with the appellant.
23. Residents have raised concerns about anti-social behaviour occurring at the property and a large number of vehicles present, with some suggesting that the Class C2 Use is already operational. However, the appellant confirms that this is not the case. Based on the evidence before me and my site observations, I have no reason to disagree with the appellant. Any existing anti-social behaviour would be related to its current C3 use. This does not therefore alter my conclusions on the main issues.
24. Any potential future changes and extensions to the property that could result in additional children residing there would require planning permission. Furthermore, a condition will be imposed restricting the number of children residing at the property to three. As each application and appeal is determined on its individual merits, a generalised concern of this nature does not justify withholding permission.
25. The limited length of individual stays would make it less likely that residents would integrate into the local community in the same way as might ordinarily occur with longer-term residents. Nevertheless, there is no guarantee that those occupying a C3 dwellinghouse would choose to mix within the community.
26. The proposal does not include any external changes or enlargement of the building, so it would not have any greater impact on neighbouring properties in respect of outlook and privacy than the existing building. The Council has raised no concerns in relation to outlook and privacy, and I find no reason to disagree.
27. I have not been provided with any substantive evidence to demonstrate that the scheme would in itself materially change the character of the area, particularly as the proposed use is residential in nature. Given my findings on the main issues, there is little to support the suggestion that the development is not suitable in a residential location.
28. Interested parties have raised concern that the children living at the proposed care home would represent a safeguarding threat to local children and that it would impact on vulnerable elderly residents living nearby. People within certain age groups have protected characteristics for the purposes of the Public Sector Equality Duty (PSED).

29. In my assessment of the effect of the development on local children and elderly residents, I have had due regard to the PSED contained in Section 149 of the Equality Act 2010. This sets out the need to eliminate unlawful discrimination, harassment, and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. In reaching my decision, I have kept these interests at the forefront of my mind. However, these are qualified rights, and interference may be justified where in the public interest. The concept of proportionality is key.
30. I recognise the paramount importance of ensuring the safety of local children and the well-being of elderly residents. Any adverse effects for local children or elderly residents, would weigh against the proposal in these respects.
31. However, given the limited scale of the development, with up to three children and two staff members on site, I do not consider that there is substantive evidence before me to lead me to conclude that allowing the development would threaten the safety of local children or harm the living conditions of elderly residents. Therefore, even with additional weight applied to this consideration, the development would not result in an increased exposure of vulnerable individuals to risk and would not result in significant harm. Therefore, I am satisfied that people with protected characteristics would not be discriminated against, it would not affect their equality of opportunity, and it would not alter the ability to foster good relations between them and others.
32. The benefit of the development is to provide residential care for three vulnerable children, the needs of which I must also consider under the PSED, which weighs in favour of the proposal.
33. In view of this, and having regard to the legitimate and well-established planning policy aim of providing a sufficient number of homes for different groups in the community, a refusal of permission would not be proportionate and necessary. Allowing this appeal would be consistent with my PSED duty contained in Section 149 of the Equality Act 2010.
34. Concern has been raised regarding the loss of a family home. The Council have raised no concerns on this matter. I have no substantive evidence before me that there is a shortage of family homes in the area nor have I been made aware of any policy that would prevent the change of use to a children's home on the basis a family home could be lost. This therefore does not alter my conclusions.
35. I have little information on a proposed school road closure trial. As such, this carries limited weight.
36. I have no substantive evidence that the proposal would add additional pressure on social services, healthcare and schools. Moreover, the proposal is not increasing the occupancy over and above its existing use.
37. Interested parties have raised concerns that the proposal is unclear as to whether it is for three or four children and whether it is providing long-term or temporary care. From the appeal statement, I am satisfied that it is for three children, and a condition will be imposed to restrict the number of children residing at the property to three. I have assessed the proposal on the basis that it is providing temporary care to children. However, even if it were to provide long-term care, it would not materially alter my conclusions on the main issue, as the overall number of

children residing in the property would remain the same, and there is no information to suggest staffing levels would be any different.

38. The appeal site falls within the 12.6km Zone of Influence for the Chiltern Beechwoods Special Area of Conservation (SAC). The qualifying features for which the SAC is designated are its beech forests, dry grasslands and scrublands and stag beetle population. New residential development, alone or in combination with other developments, can result in increased recreational pressure on sites within the SAC.
39. Given that the development would not result in any increase in occupancy over and above what could be accommodated in its existing use as a single family dwelling, I consider the proposal would not result in any increased recreational pressure on the SAC and it would not have a likely significant effect on the integrity of the SAC. As such, an Appropriate Assessment is not required.
40. Therefore, it is unlikely the development would have significant effects on the integrity of the aforementioned designated sites, either on its own or in combination with other plans/projects. As such, an Appropriate Assessment is not needed.

Conditions

41. The Council has suggested several conditions. I have considered them against the statutory tests outlined in the Framework and the advice in the Planning Practice Guidance.
42. For the avoidance of doubt, development needs to be carried out in accordance with the statutory time limit and approved plans.
43. I have imposed conditions restricting the use of the site to children in need of care and the total number of children that are able to reside at the property at any one time. These are necessary to manage the intensity of the use of the site in the interests of neighbouring occupiers and to ensure only children in care reside there. Moreover, condition 3 limits the approved use to children's care home only preventing movement within the C2 use class, which would otherwise be deemed to be permitted development (PD). The Framework advises that conditions should not be used to restrict PD rights unless there is clear justification to do so. However, C2 use (Residential Institutions) also include hospitals, nursing homes and training centres and therefore covers a range of activities that could be found to be unsuitable given the residential location. A condition is therefore reasonable to restrict the approved use.

Conclusion

44. The material considerations do not indicate that a decision should be made other than in accordance with the development plan. For the reasons given above the appeal should be allowed.

T Bennett

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plan: CBC.001.
- 3) Notwithstanding the changes of use permitted within Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), the development hereby approved shall only be used as a children's residential home and to children in need of care within Class C2 of the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking or re-enacting that Order with or without modification) only, and for no other purpose within C2.
- 4) No more than three children in care shall reside at the home hereby approved at any one time.

****End of Conditions****