



Appeal Decision

Site visit made on 15 April 2025

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 21 May 2025

Appeal Ref: APP/M4320/W/25/3358291

205 Strand Road, Bootle, Sefton L20 3HJ

- 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 Sefton Metropolitan Borough Council.
 - The application Ref is DC/2024/01661.
 - The development proposed is change of use from C3 residential dwelling to C2 residential institution for children in care.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use from C3 residential dwelling to C2 residential institution for children in care at 205 Strand Road, Bootle, Sefton L20 3HJ in accordance with the terms of the application, Ref DC/2024/01661, subject to the following 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 drawing nos 24.205SR.P03; 24.205SR.P04; and 24.205SR.P05.
 - 3) The property shall be used solely as residential care accommodation (Use Class C2) by a maximum of two occupants, at any one time.
 - 4) Prior to the commencement of the hereby approved use, a scheme of sound insulation to the party wall with 207 Strand Road, shall be submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be implemented in full, prior to commencement of the hereby approved use and shall be retained thereafter.
 - 5) Prior to the commencement of the hereby approved use, details of secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be implemented in full, prior to commencement of the hereby approved use and shall be retained thereafter.

Preliminary Matters

2. The description of development in the banner above is taken from the Application Form. I have removed the phrase "Please see supporting Planning, Design and Access Statement" as this does not refer to an act of development.

Main Issues

3. The main issues of the appeal are whether the appeal property is an appropriate location for residential care accommodation, and the effect of the proposal on the fear of crime and anti-social behaviour.

Reasons

4. 205 Strand Road is an end of terraced property located at the junction between Strand Road and Cedar Street. It is located in a residential area which is in proximity to commercial development centred around Strand Shopping Centre.
5. Merseyside Police responded to the planning application consultation noting that there were more than 1100 crimes in the area across a two-year period starting in October 2022 and that there were concerns regarding the high levels of crime. The Police raised no objection to the application proposal subject to a suitable safeguarding management strategy and internal policies being implemented.
6. The appellant indicated that their business model is one of closely supervised, high-ratio care and outlined that the property would be “operated in the same manner as a regular family home.” The appellant also confirmed that the appeal property would be occupied by a maximum of two children with two primary carers. Furthermore, Ofsted¹ set the regulatory standards for this type of accommodation and would undertake inspections of the property to ensure these standards are being met. These measures correlate with those requested by Merseyside Police.
7. The Council highlighted another appeal² where the Inspector concluded that a similar development would result in an increased fear of crime and have an adverse effect on community cohesion. That appeal was supported by evidence that residential care accommodation in that area received satisfactory assessments from Ofsted but generated a significant number of attendances by the police. That appeal property is located elsewhere in the country and therefore the evidence is not relatable to this proposal. Furthermore, Merseyside Police has not submitted similar evidence. To the contrary, it has indicated that the proposal would be acceptable subject to certain measures being implemented. Whilst there is evidence of a high level of crime in the area, there is no evidence that this is linked to the appeal property or nearby properties, or other residential care accommodation in the area. As such, there is no substantive cogent evidential basis to support concerns of an increase in the fear of crime or anti-social behaviour, related to the change of use of the appeal property.
8. The Council stated that this is not a preferred location for vulnerable children. Neither local nor national planning policy requires a sequential assessment to be undertaken to identify locations for residential care accommodation. Moreover, no harm would arise from the proposed change of use, and residential care accommodation would assimilate with the character of the area.
9. I conclude that the appeal property is an appropriate location for residential care accommodation and that there would not be a justified increase in the fear of crime and anti-social behaviour, supported by substantive cogent evidence. The proposal would comply with Policy EQ1 of A Local Plan for Sefton, April 2017,

¹ Office for Standards in Education

² Appeal Ref. APP/X1355/W/18/3196269

which indicates that development should help maximise opportunities to improve quality of life by improving access to a choice of homes, amongst other matters.

Other Matters

10. The Council contends that the appellant should enter into a legal agreement, which would in effect grant the Council first refusal on the placement of children within the accommodation. The appellant has indicated that they would be willing to enter into such an agreement. However, there is no legal agreement before me. Paragraph 58 of the National Planning Policy Framework (the Framework) is clear that planning obligations must only be sought where they meet three specified tests, which are replicated from Regulation 122 of The Community Infrastructure Levy Regulations 2010 (CIL Regulations). Subject to conditions no harm would arise from the proposal. As such, a planning obligation is not necessary to make the development acceptable in planning terms. Consequently, the proposed legal agreement would be contrary to the CIL Regulations and the Framework. Therefore, a legal agreement would not be required.
11. Concerns have been raised about a lack of consultation on the planning application. The precise details of the consultation are not before me, but a copy of the site notice has been provided. I am also aware that the application attracted comments from members of the public and was discussed at planning committee. It therefore has not been demonstrated that the consultation was insufficient.
12. Matters relating to the process of the planning committee are between the parties and are not a matter for my consideration on the acceptability of the proposal.

Conditions

13. The Council has indicated the conditions that it considers would be appropriate. I have considered these in light of the guidance within the Framework and the Planning Practice Guidance.
14. Conditions specifying a time limit to implement the permission, and approved plans are required in the interest of certainty. Conditions requiring sound insulation in the party wall to be installed and a restriction on the level of occupancy is necessary to ensure that the proposal does not have a harmful effect on the living conditions of neighbouring occupiers. A condition requiring details of secure cycle storage is necessary to prioritise the use of sustainable transport modes.
15. It would not be reasonable to specify precise insulation limits within the sound insulation condition as there is no baseline evidence to identify what level of insulation there currently is. The precise specification of any insulation could be agreed as part of any permission.

Conclusion

16. For the reasons given above the appeal should be allowed and planning permission should be granted.

J Hobbs

INSPECTOR