
Appeal Decision

Site visit made on 28 May 2025

by H Whitfield BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2025

Appeal Ref: APP/J0540/W/25/3361344

4 Swift Close, Hampton Vale, Peterborough PE7 8PW

- 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 Nyasha Banhire (24/7 Support UK Limited) against the decision of Peterborough City Council.
 - The application Ref is 24/01572/FUL.
 - The development proposed is the change of use from C3 (residential dwelling) to C2 (residential institution) for up to 2 children (aged 4 to 17).
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Nyasha Banhire (24/7 Support UK Limited) against Peterborough City Council. This is the subject of a separate decision.

Preliminary Matters

3. The description of the development was amended during the determination of the planning application to revise the maximum age from 18 to 17. The appellant has adopted this revised description on their appeal form, and I have therefore used this in the banner heading above.

Main Issue

4. The main issue is the effect of the proposed development on highway safety, with particular regard to parking provision.

Reasons

5. The appeal property is a four bedroomed detached dwelling located on Swift Close, which is a residential cul-de-sac. The stretch of Swift Close immediately outside the property is a shared surface with no pavements and is not subject to any parking restrictions. The surrounding area is predominantly residential in character where most properties are provided with off-street parking provision. The appeal property has space to the side of the dwelling for off-street parking. Adjacent to this is an area for visitor car parking that serves the wider development. The visitor spaces are differentiated by a change in surface treatment. From my observations and based on the Council's evidence, this visitor parking area could accommodate two vehicles.
6. The appeal scheme proposes the change of use of the existing dwelling to a children's care home. The proposed use would see the property occupied by up to

2 children who would be supported by 2 full-time staff members during the day and 2 full-time staff members overnight. Staff would work 12-hour shifts with the day shift between 8:00am to 8:00pm and night shift between 8:00pm to 8:00am. The appellant's evidence suggests that staff changeover periods would be no more than 30 minutes at 8:00am and 8:00pm. During these changeover periods there would be up to 4 staff members on site. Other visitors may also attend the site such as social workers, albeit infrequently.

7. For C2 uses, Policy LP13 of the Peterborough Local Plan 2016 to 2036 (the PLP) requires one car parking space per full time equivalent staff member plus one visitor space per three bedrooms. The proposed plans show one of the first-floor bedrooms would be used as an office and the resultant dwelling would have three bedrooms. Therefore, three parking spaces would be required to serve the proposed use in accordance with Policy LP13.
8. The appellant contends that the existing dwelling was designed with 4 on-plot parking spaces. However, the evidence indicates that the appeal property was designed with two on-plot parking spaces located to the side of the dwelling in a tandem arrangement and this aligns with my site visit observations. The proposed site plan shows two parking spaces to the side of the dwelling in a side-by-side arrangement, between the dwelling and the adjacent boundary fence. One space is also shown to the front of the dwelling, parallel to the highway, between the front door and the existing lamppost.
9. From my observations, the available space to the front of the dwelling is relatively constrained and, due to the width and relationship with the lamppost, if the front parking space was occupied it would likely restrict, but not completely block, access to the front door of the property. The parking space is proposed parallel to the highway which is contrary to the Local Highway Authority Standard Design Requirements 2024 v.1 (the LHA SDR). The LHA SDR states that if perpendicular spaces are not achievable then on-plot turning may be required. However, I note that the available space to the side of the dwelling is also constrained and is proposed to accommodate two parked cars in an area which partially overlaps the diagonal end of the adjacent visitor parking spaces.
10. If two cars were parked in the spaces to the side of the dwelling, as shown on the plans, and a car was parked in the adjacent visitor parking bay, the available space to manoeuvre a vehicle into the front parking space and for on-plot turning would be limited. Even if a car was not parked in the visitor space it would still be difficult to park within this space and, in either scenario, doing so would likely necessitate several vehicle manoeuvres. Moreover, given the space to the side of the dwelling is narrow, if site users were to park in a tandem arrangement, the space to manoeuvre into the parking space to the front of the dwelling would be further restricted.
11. For the above reasons, I therefore find that whilst the proposed plans show three parking spaces, given the contrived parking layout, in order to allow for unobstructed access to the entrance and due to manoeuvring limitations, in reality only two spaces could be reasonably accommodated. This conclusion is drawn irrespective of whether the front parking space would be for visitors or would be lightly used as the appellant contends. This would therefore represent a shortfall of one parking space from the amount required by Policy LP13.

12. The proposed staffing arrangement could result in a maximum of four vehicles attending the site during the shift changeover period. Due to the on-site shortfall and based on how the appellant has described the proposed use, there would be two periods of up to 30 minutes during the day, around 8:00am and 8:00pm, where up to two cars would rely on on-street parking. Whilst noting the possibility that not all employees would travel individually to the site by car, given it would not be possible to control the number of vehicles used by employees, it is entirely reasonable and correct to consider the effects of the worst-case scenario.
13. On-street parking is unrestricted in the vicinity of the appeal site, however, the Council notes that the surrounding housing development has been designed to comply with the minimum parking standards with limited on-street parking for residents and visitors. Two visitor parking spaces exist adjacent to the appeal site; however, reliance on these parking spaces to meet the on-site parking deficit could displace other visitor parking onto the highway.
14. Given the nature of the proposed use, this could be a frequent occurrence for up to 30 minutes, twice a day, 7 days a week and during times where surrounding residents could either be leaving the house for work or school, or where residents (and potential visitors) are likely to have returned home and there is the greatest parking demand. This would result in additional pressure for on-street parking. As the visitor parking spaces have been designed to meet the needs of the existing housing development, it is not appropriate to rely on these spaces to meet the needs of the appeal scheme.
15. The shared surface design of the road and the layout of on-site parking provision in the vicinity means that on-street parking would only be available without blocking access to surrounding properties on the initial stretch of Swift Close where it joins Kite Way. This section of Swift Close contains pavements either side of the carriageway, which is understood to be approximately 5.5m wide. However, the pavement on the northern side has an extended drop kerb to provide access to off-street parking areas. While my site visit can only represent a brief snapshot in time, I observed parked cars partially on the pavement along both sides of this stretch of road during the mid-morning, in addition to a car within the visitor space adjacent to the appeal site. This is an indication that there is an existing demand for on-street parking in the area, particularly given
I would expect demand to be at its greatest in the evening when residents would, for example, be likely to return from work.
16. Whilst there is sufficient room for a single vehicle to drive along this stretch of the road around parked vehicles, the on-street parking of vehicles nevertheless makes manoeuvrability on the highway difficult. From my observations, should two vehicles meet, then they would be unable to simultaneously pass where there is on-street parking. There may be more availability in the wider area, but it is likely that staff/visitors would park within close confines of the property. Due to the highway constraints identified, this would impede the free flow of traffic, giving rise to highways safety issues.
17. I acknowledge that the existing use of the property as a four bedroomed dwelling could result in vehicles belonging to any occupiers being parked on the street or in the existing visitor spaces. However, the proposed use would result in up to four staff members being on the site during changeover times, in addition to any other visitors and professionals who may attend the property. The regular pattern of car movements

associated with the members of staff and their shift patterns would not be comparable to, or replicate, the typical movements associated with the existing use of the dwelling.

18. Moreover, I note the site may be relatively close to services and facilities and accessible by public transport and a condition could be imposed to require a sustainable travel plan to promote sustainable transport modes. However, given the nature of the proposed use and the shift patterns, it is highly unlikely that the majority of the staff would not travel to the site by car. The proposed use would therefore increase the demand for on-street parking spaces in comparison to the existing use of the property as a dwelling. Whilst the shortfall of on-site parking, and thus, the increased demand may be moderate, in the absence of any substantive evidence to the contrary, I find that the proposed use would likely lead to vehicles parking and/or carrying out manoeuvres on the highway, which would only exacerbate an existing issue, to the detriment of the free flow of traffic and highway safety.
19. The appellant has suggested a condition restricting the occupation of the site to no more than two children and no more than one member of staff per child being present at any one time. However, this would not allow for the changeover of staff as described by the appellant or account for instances where there are other professionals or visitors accessing the site. Such a condition would therefore not address the harm identified.
20. The appellant also advances that if an adult carer were to live permanently within the building with the two children, they would class as people occupying a single household and receiving care which is permitted under use class C3(b), which would not require express planning permission. However, if carers were to live permanently with the building, then this would not give rise to the same effects I have identified during the shift changeover times and thus would not be directly comparable to the appeal scheme.
21. Moreover, it is not for me, under a Section 78 appeal, to determine whether this would be lawful in any event. It is open to the appellant to apply to the Council for a separate Lawful Development Certificate determination in this respect, independently of the outcome of the appeal. In any event, the proposal before me is for a change of use to a residential care home (Use Class C2) and I have determined the appeal on that basis.
22. For the above reasons, I find that the proposed development would have an unacceptable adverse effect on highway safety, with particular regard to parking provision. As such, the proposal would be contrary to Policy LP13 of the of the PLP and the guidance contained within the LHA SDR. These require, among other things, that developments make appropriate and deliverable provision for their car parking requirements and provide design guidance for driveway and parking spaces.

Other Matters

23. I have had full regard to other various matters raised by interested parties including, amongst other things, concerns relating to the appropriateness of the use for its location, anti-social behaviour, and the potential for noise and disturbance to be generated by the proposed use to the detriment of the living conditions of occupiers of nearby residential properties. However, as I am dismissing the appeal on other grounds, I have not pursued these matters further.

24. The appellant suggests that the development would result in a sustainable building as a modern development that would assist in meeting the governments global sustainability goals. However, as this appeal relates to a change of use rather than the construction of a new building, this has limited bearing on my consideration of this appeal.

Planning Balance and Conclusion

25. The proposed development would provide a valuable service in the community by providing accommodation for children and young people requiring care. There would also be benefits to the local economy through employment opportunities. However, whilst there would be benefits, it is not clear why this proposal needs to be in this specific location. Given the scale of the development, the benefits associated with the proposal would be limited and would not outweigh the harm I have identified in respect of highway safety.
26. For the reasons given above, I conclude that the proposal conflicts with the development plan as a whole and material considerations do not indicate that a decision should be made other than in accordance with it. Therefore, the appeal should be dismissed.

H Whitfield

INSPECTOR