



Appeal Decisions

Site visit made on 10 June 2025

by **N Bromley BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7 July 2025

Appeal A Ref: APP/C4615/W/25/3362614

36 New Rowley Road, Dudley DY2 8AS

- 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 Ms Violet Sissons, of New Pathways Support Services, against the decision of Dudley Metropolitan Borough Council.
 - The application Ref is P24/1210.
 - The development is change of use to residential care home (Class C2) for up to 3 no. residents.
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Appeal B Ref: APP/C4615/W/25/3362616

36A New Rowley Road, Dudley DY2 8AS

- 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 Ms Violet Sissons, of New Pathways Support Services, against the decision of Dudley Metropolitan Borough Council.
 - The application Ref is P24/1209.
 - The development is change of use to residential care home (Class C2) for up to 3 no. residents.
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Decision

1. **Appeal A** is allowed and planning permission is granted for the change of use to residential care home (Class C2) for up to 3 no. residents at 36 New Rowley Road, Dudley DY2 8AS in accordance with the terms of the application, Ref P24/1210, subject to the conditions in the attached schedule.
2. **Appeal B** is allowed and planning permission is granted for the change of use to residential care home (Class C2) for up to 3 no. residents at 36A New Rowley Road, Dudley DY2 8AS in accordance with the terms of the application, Ref P24/1209, subject to the conditions in the attached schedule.

Preliminary Matters

3. The two appeals in the banner heading above relate to two neighbouring properties. The description of development for both appeals is the same and they raise the same issues. Therefore, although they are two separate appeals, and I have considered each development on its individual merits, to avoid duplication I have dealt with them together.
4. The post code given on the original planning application form for appeal A was different to that given on the application form for appeal B. I am satisfied that this was a typographical error. I have therefore used the correct post code for each site address in the banner heading above for clarity and consistency.

5. I have assessed the two appeals based on the plans before me, but the appellant identifies that both homes currently have residents. As such, the two appeals are retrospective, and I have dealt with the appeals on that basis.

Main Issue

6. The main issue in both appeals A and B is whether or not the development would be an appropriate location for residential care accommodation, having regard to the development plan's approach to supported accommodation, the effect on the character and appearance of the area, and community cohesion through a fear of crime.

Reasons

7. No 36 and No 36A New Rowley Road are newly constructed four-bedroom detached houses located within the urban area. Each property has a large off-road parking area to the front and a sizeable garden at the rear. The two properties are set within a row of existing residential properties along the road. The character of the surrounding area is also residential, with a mix of house types and tenures.
8. Policy HOU2 of the Black Country Core Strategy, 2011 (BCCS), seeks to achieve an overall mix of house types to best meet local and sub regional needs. Policy L2 of the Dudley Borough Development Strategy, 2017 (DS), supports the provision of accommodation for people with specific needs, including care homes, where a need has been identified, as well as other specified criteria, including; accessibility to public transport and local services, compatibility with adjacent uses and the impact on the character of the area, parking and impact on highway safety, and provision of private space or proximity to public open space.
9. The two care homes, each with up to three people, would offer accommodation for children and vulnerable adults from the ages of 8-25 years old, typically those with learning difficulties, autism and / or other similar mental health challenges. They offer residents of the accommodation the opportunity to live independently in a safe, stable and supportive environment.
10. The evidence suggests that there is an existing under provision of care homes in Dudley, and many placements are being located outside the area. Indeed, the Council accepts that there is a need for more Ofsted registered children's homes for children with complex behaviours. Particularly smaller homes which are solo, or dual bedded.
11. The Council has not provided specific details of the occupation status, location and proportion of other care homes nearby. It has also not been identified how two care homes next door to each other, and the presence of other homes / supported accommodation, in close proximity to the appeal properties, would lead to potential 'matching difficulties'. In addition, it is not clear, on the evidence before me, what effects a higher proportion of visits from a number of different services within a small area would create.
12. Even though each property could accommodate up to three residents, the properties could be occupied by one or two residents also. As such, I am satisfied, on the evidence before me that the two properties would contribute and support the provision of accommodation for people with a specific and identified need in the area.

13. With no external alterations proposed, each property would retain their appearance as residential dwellings within the street scene. Likewise, the existing parking arrangements on the frontage of each property would also remain the same.
14. While vehicle movements and activity on the site frontage, particularly during the two staff change over times would be busy periods, the comings and goings of two-family homes would also be busy during certain times of the day. Additionally, in a residential street such as this, the other properties on the street are likely to have associated trips, particularly at certain times of the day, as occupiers travel to work and school. As such, a reasonable amount of activity at certain times of the day would not be unusual for a residential street such as this. Particularly in an urban environment. Therefore, I am not persuaded that the use of the two properties as care homes would create an “institutionalised impression” within the street scene.
15. Both properties have good access to public transport, local services and public open space nearby. The two properties each have sufficient parking provision and outdoor amenity space to serve the needs of the future occupants, staff members and visitors.
16. There are concerns from interested parties about the proximity of the two properties next to other properties in use as Houses in Multiple Occupation, as well as the cumulative effect of two care homes located next door to one another. Particularly because there are pensioners and young children living on the road. Indeed, the Designing Out Crime Officer from West Midlands Police (the Police) does not support the proposals and raises a number of concerns. In particular, the Police suggest that two Children’s homes in the area is a high concentration. They also highlight that the site borders an ‘IMPACT’ area, which has high crime / high harm and high Police demand.
17. The Police have also made a number of observations about the internal layout of the proposed accommodation, which do raise some concerns about how the homes would function. However, the two care homes would be registered with Ofsted and / or the Care Quality Commission, once planning permission is obtained. In addition, the activities of children and young adults residing at the two care homes would be monitored and managed by staff members. Also, matters related to the management and monitoring of the two care homes, as well as the welfare of future occupants are dealt with by the regulators under separate legislation, and it has not been substantiated that the appellant would fail to comply with them.
18. Although the opinion of the Police attracts considerable weight and the experiences of local residents are undoubtedly real, there is no substantiated evidence that the two appeal schemes would contribute to high crime in the area or that there would be increased Police demand as a result of the proposals. Furthermore, the Police make sensible recommendations to ensure suitable security and management measures for the two properties. These could be secured by a condition, to help deter incidents of crime and anti-social behaviour at the property and within the area. This would further minimise the prospect of problems arising at the two properties. As such, there is no robust evidential basis before me to support concerns of an increase in the fear of crime that would undermine the existing quality of life in the local community.

19. Reference has been made to a previous planning application which was refused for the change of use of 4 no. properties from C3 Dwellings to C2 Children's Care Homes (Council reference P23/1376). Nevertheless, that previous application related to the change of use of four properties. I also have limited details before me. Therefore, as I am required to do, I have determined the case before me on its own merits.
20. While the two appeal schemes would result in the loss of homes that could be suitable for first time buyers and families, equally they would provide accommodation for people with a specific and identified need in the area.
21. For the above reasons, I conclude that each development would be an appropriate location for residential care accommodation, having regard to the development plan's approach to supported accommodation, the effect on the character and appearance of the area, and community cohesion through a fear of crime. As such, the proposals would not conflict with Policy HOU2 of the BCCS and Policy L2 of the DS.

Other Matters

22. I am mindful that interested parties have raised concerns about land ownership matters. Both planning applications were accompanied by a completed Certificate A. In each case, it is confirmed that the applicant is the sole owner of all the land to which each application relates. This matter does not alter my findings set out in the main issue. Likewise, concerns about the legitimacy or not of the appellant fall outside the scope of this appeal which is determined on its planning merits.

Conditions

23. A time limit condition is not necessary as each development has commenced. For similar reasons, a condition stating the approved drawings is not necessary.
24. Given that use Class C2 includes other uses, a condition to restrict the use to up to three vulnerable adults and children from the ages of 8-25 years within Use Class C2 is necessary to adequately control the use of the site and to protect the amenity of the area, given the potential of other uses within the class to give rise to other planning harms.
25. Conditions 2 and 3 of both appeals are imposed to ensure that bin storage arrangements and security measures are submitted, approved and implemented so as to make the development acceptable in planning terms. There is a strict timetable for compliance because permission is being granted retrospectively, and it is not possible to use a negatively worded condition to secure the approval and implementation of the bin storage arrangements and security measures before the development takes place. The condition will ensure that the development can be enforced against if the requirements are not met.

Conclusion

26. For the reasons given above, I conclude that Appeal A and Appeal B should be allowed.

N Bromley

INSPECTOR

Schedule of Conditions

Appeal A

- 1) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that order with or without modification) the premises shall be used as a residential home for up to three vulnerable adults and children from the ages of 8-25 years old, along with the appropriate care support staff, and for no other purpose (including any other use falling within Class C2 of the Order) but may revert back to C3 (dwellinghouse) on cessation of the use.
- 2) Unless within three months of the date of this decision a scheme for waste / recycling bins storage provision within the site, is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within three months of the local planning authority's approval, the occupation of the building shall cease until such time as a scheme is approved and implemented.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained as such at all times in the future.

- 3) Unless within three months of the date of this decision a scheme of security measures (including but not limited to CCTV, controlled access to the building and external lighting) for the building and site, is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within three months of the local planning authority's approval, the occupation of the building shall cease until such time as a scheme is approved and implemented.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained as such at all times in the future.

Appeal B

- 1) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that order with or without modification) the premises shall be used as a residential home for up to three vulnerable adults and children from the ages of 8-25 years old, along with the appropriate care support staff, and for no other purpose (including any other use falling within Class C2 of the Order) but may revert back to C3 (dwellinghouse) on cessation of the use.
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Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained as such at all times in the future.

- 3) Unless within three months of the date of this decision a scheme of security measures (including but not limited to CCTV, controlled access to the building and external lighting) for the building and site, is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within three months of the local planning authority's approval, the occupation of the building shall cease until such time as a scheme is approved and implemented.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained as such at all times in the future.