



Appeal Decision

Site visit made on 8 July 2025

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 July 2025

Appeal Ref: APP/V4630/W/25/3365521

43 - 43A Dartmouth Avenue, Walsall WS3 1ST

- 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 Aaran Singh of Assist Developments Limited against the decision of Walsall Metropolitan Borough Council.
 - The application Ref is 24/1485.
 - The development proposed is change of use of existing 2 nos 3 bed C3 dwellings into a single 4 Bed C2 premises.
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Decision

1. The appeal is allowed, and planning permission is granted for change of use of 2 no. 3 bed dwellings (Class C3) into 1 no. 4 bed children's residential care home (Class C2) at 43 - 43A, Dartmouth Avenue, Walsall WS3 1ST in accordance with the terms of the application, Ref 24/1485, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description in the heading above is taken from the original application form. Whereas the description in the Decision is consistent with that used on the Council's decision notice. That better reflects the nature of the proposal that was considered by the Council and by third parties at application and appeal stage. The appellant confirmed their agreement to this wording.

Main Issue

3. The main issue is whether the location of the proposal would be suitable for a children's residential care home, with particular regard to crime and the fear of crime.

Reasons

4. The site is said to be in an area with a particularly high crime rate, where police intervention has been required over several years, including use of section 60 powers (Criminal Justice and Public Order Act 1994). Accordingly, there is concern that it would not be a suitable location for potentially vulnerable young people to be housed. There is also an associated fear that it would lead to increased crime by its occupants, and by being a target for unwanted attention in the locality. I recognise that there is considerable concern about the proposal within the local community, including from residents that have lived here for many years. I have given careful consideration to the concerns raised.

5. The appeal site is located in a primarily residential area with houses on all sides. It is less than 400m from Coal Pool Local Centre. Also, there are bus stops in the immediate vicinity. As such, future occupants would be able to make use of local services and facilities that are accessible by sustainable transport modes. Furthermore, the extent to which future occupants integrate with, and are accepted by, the local community will vary considerably depending on a range of factors including the individual circumstances of the future occupants and the response of the community. However, given the residential nature of the surrounding area and its accessibility, there would be opportunities for occupants of the proposal to integrate with the local community.
6. The proposal may well accommodate children that would be considered to be vulnerable in some way. However, they would be supported by staff both during the day and overnight. As such, there would be a good level of supervision by staff employed specifically for that purpose. In addition, registration of the proposed care home with OFSTED would provide a further assessment of the suitability of the site and surroundings to meet the needs of future occupants, with individual impact risk assessments for each child.
7. As such, in comparison to occupation of the appeal building as private residential houses where the level of supervision of any resident children could be variable, there is no substantive evidence to indicate that the proposal would materially increase the risk of crime occurring. Accordingly, and since the future occupants of the proposal are unknown, it would be conjecture and unreasonable to withhold planning permission on the basis of preconceptions about their propensity to increase crime or antisocial behaviour in the locality.
8. Therefore, I conclude that the location of the proposal would be suitable for a children's residential care home, with particular regard to crime and the fear of crime. As such, it would comply with Black Country Core Strategy (February 2011) Policies CSP4 and ENV3. Amongst other matters these seek to ensure developments contribute to a safe and secure environment. Saved Policy GP2 of Walsall's Unitary Development Plan (March 2005) addresses environmental protection and is not relevant to this main issue.

Other Matters

9. Concerns have been raised that traffic surveying was not carried out at a time that is representative of usual traffic in the vicinity. However, vehicle trips to and from the proposed development are unlikely to be substantially different to that associated with the maximum possible occupation of the appeal building as traditional homes, and the frequency of visitors and deliveries associated with such a use.
10. There will likely be peaks in demand for parking on local roads due to school parking and local events. Nonetheless, the parking requirements for the proposed development would not be notably different to that of the existing development in the event of it being occupied as two houses. The proposal exceeds the Council's minimum parking requirement of two spaces for a care home of this size. No substantive evidence is before me to indicate the size of the spaces would be inadequate or lead to obstruction of the pavement. Furthermore, there is unrestricted on-street parking in the locality. As such, visitors to the appeal site, including any deliveries and healthcare professionals, would likely be able find a

space within a short walk of the appeal site without causing unacceptable harm to highway safety or parking stress to existing local residents.

11. Although there is a bus stop adjacent to the driveway of the appeal site, there would be sufficient space for bus users to access/egress the bus, including those with pushchairs, wheelchairs or other mobility issues. Moreover, vehicles parking on the appeal site would have good visibility of the bus stop such that its location would be acceptable with respect to the safety of users of the pavement. The ability to park on-street by the bus stop already exists.
12. With regard to the potential for increased noise and disturbance to neighbours, occupation of the dwellings as proposed would likely be substantially similar to that of a private dwelling. Moreover, the level of child supervision by staff employed on that basis would potentially be greater than that of a private dwelling. Although it would involve staff employed to look after children, the proposal also has a residential character that would not appear out of place given its residential surroundings.
13. The need for additional security and lighting would be at the discretion of the occupants and/or operators of the care home. In any event, the appeal site is located on a reasonably well-lit road with a good level of passive surveillance from nearby houses. The effect of the proposal on property values is a matter of purely private interests that does not alter my determination of this appeal.
14. Whilst the houses were built as private dwellings, it is not unreasonable for a subsequent proposal to be considered afresh for an alternative use such as this. In the event that other houses in the locality are intended to be similarly converted to care homes, these would need to be subject to separate planning applications to be determined in light of the circumstances and any cumulative effects at that time.

Conditions

15. The Council suggested conditions in the event the appeal is successful, and I have considered these and amended them as necessary, in light of the National Planning Policy Framework (Framework) and Planning Practice Guidance, without fundamentally altering their meaning. A condition requiring compliance with the approved plans is necessary in the interests of certainty. Conditions requiring provision of the parking spaces and dropped kerbs are necessary in the interests of highway safety.
16. A condition restricting the provision of a residential care home for no more than four children at a time is necessary to protect the living conditions of neighbouring occupants. In the absence of clear justification to the contrary and given the limited scale of the existing buildings and therefore their scope to accommodate alternative uses, a condition restricting the development to a residential care home and for no other purpose in Class C2 is not necessary.

Conclusion

17. For the above reasons, having considered the development plan as a whole, the approach in the Framework and all other relevant material considerations, I conclude that the appeal should be allowed, subject to the conditions below.

Rachel Hall INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: Site and Location Plans (Ref 2024/09/41/07 Rev A); Proposed Floor Plans (ground and first floor) (Ref 2024/09/41/04); Proposed Elevations (Ref 2024/09/41/06); Proposed Floor Plans (loft and roof) (Ref 2024/09/41/05).
- 3) Notwithstanding condition 2, the development hereby permitted shall not be first occupied until the parking spaces shown on Proposed Floor Plans (ground and first floor) (Ref 2024/09/41/04), have been provided such that surface water run-off from the parking area does not discharge onto the highway or into any highway drain. The parking spaces shall thereafter be kept available at all times for the parking of vehicles.
- 4) The development hereby permitted shall not be first occupied until details of two independent dropped kerbs to facilitate access to the driveway parking spaces shall have been submitted to and approved in writing by the local planning authority. The works shall be undertaken in accordance with the approved details prior to the first use of the development hereby permitted and shall thereafter be retained as such for the lifetime of the development.
- 5) The premises shall be used as a residential care home for no more than four children (aged 7 to 17) at any one time.