



Appeal Decisions

Site visit made on 20 May 2025

by **M. P. Howell BA (Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 JULY 2025

Appeal A Ref: APP/P4605/C/24/3344529

57 College Road, Birmingham B13 9LR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Shezad Shah (WMHC Ltd) against an enforcement notice issued by Birmingham City Council.
- The notice was issued on 18 April 2024.
- The breach of planning control as alleged in the notice is without planning permission, the unauthorised change of use of the Premises from residential dwelling to flats for supported living accommodation (Use Class Sui Generis) in the approximate position marked green on the attached plan.
- The requirements of the notice are to:
 - (i) Cease the unauthorised use of the Premises as flats and cease the supported living accommodation (Use class Sui Generis); and
 - (ii) Remove from the Premises any fixtures and fittings associated with the unauthorised use.
- The period for compliance with the requirements is: 8 (eight) months.
- The appeal is proceeding on the ground set out in section 174(2)(g) of the Town and Country Planning Act 1990 (as amended).

Summary Decision: Appeal A is allowed, and the enforcement notice is upheld with variations in the terms set out below in the Formal Decision.

Appeal B Ref: APP/P4605/W/24/3344050

57 College Road, Springfield, Birmingham B13 9LR

- 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 Usman Muhammad against the decision of Birmingham City Council.
- The application Ref is 2024/00445/PA.
- The development proposed is a change of use to supported living accommodation and part-retention of existing rear outbuilding with amendments to height and scale.

Summary Decision: Appeal B is dismissed.

Matters Concerning the Enforcement Notice

1. Paragraph 1 of the Enforcement Notice (Notice) states that there has been a breach of planning control falling within section 171A(1)(a) of the Town and Country Planning Act 1990 as amended (the 1990 Act), which is the carrying out of development without the required planning permission.
2. Development is defined in section 55(1) of the 1990 Act as including 'the making of any material change in the use of any building or other land'. Whilst the Notice refers to 'the unauthorised change of use of the land', it does not allege that a 'material' change in the use of the land has occurred. It therefore follows that the allegation in the Notice would not constitute development for the purposes of section 55(1) of the 1990 Act. As the breach of planning control, as alleged in the Notice, does not constitute the development of land, it follows that planning permission would not be required for it. The Notice is defective in that respect.

3. However, considering the appellants' case, they have clearly understood that the allegation is with regard to a 'material' change of use. Correcting the allegation to specifically mention a 'material' change of use would not lead to any injustice in this case. Therefore, the allegation will be corrected by replacing the word 'unauthorised' with the word 'material.'
4. I have a responsibility to ensure the accuracy of the allegation, exercising my correction powers under section 176(1) of the 1990 Act, but I can only do so in a manner that does not cause injustice to either party. The allegation pertains to the use of the premises for flats designated as supported living accommodation and specifically referencing a 'sui generis use.' However, I find the description of the alleged use as flats and with reference to a sui generis use somewhat confusing.
5. For instance, upon reviewing the detailed plans and conducting a visit, I note that there are private rooms and three areas of communal living, kitchen and bathroom spaces. Some of the private rooms feature basic cooking facilities and en-suite bathrooms, providing a level of independence for the occupants, but others lack these amenities, essentially offering only a bed and storage. Residents, regardless of whether their rooms contain facilities, can access the communal areas and receive assistance from staff. Given the layout, facilities and use, this property represents a distinct type of residential accommodation for supported living, which does not conform to the traditional notion of flats. A flat would also typically fall within a Class C3 use under the Town and Country Planning (Use Classes) Order 1987 (UCO) and not a sui generis use.
6. In the interest of clarity, I sought observations from the main parties regarding whether the allegation and related requirements could be corrected and varied without causing any injustice to either party. I suggested that the allegation is corrected to 'without planning permission, the material change of use of the Premises from a residential dwelling to supported living accommodation, as marked in green on the attached plan.' Additionally, the requirement (i) is subsequently varied to 'Cease the unauthorised use of the Premises as supported living accommodation.'
7. Both parties provided comments and expressed that they would not object to the correction and variation, and no injustice would result from these changes. Considering the appellant's submissions and the related section 78 appeal, it is clear that the appellant understood the nature of the allegation and its requirements when making his appeal. In my judgement, the corrections and variations provide clarity on what is being alleged without altering the nature of the breach or making the requirements more burdensome. Therefore, these corrections and variations can be made without causing injustice to either party. I will exercise my authority to correct and vary the Notice accordingly.

Preliminary Matters

8. During the appeal process, the revised National Planning Policy Framework (the Framework) was published in December 2024. However, there are no substantive changes relevant to this appeal, meaning that neither party will be prejudiced by my consideration of the 2024 version of the Framework.
9. Appeal A contests the Notice regarding the alleged unauthorised material change of use of the main property, indicated in green on the attached plan, but excluding the outbuilding at the rear. Submissions reveal that the existing outbuilding is subject to a

separate enforcement notice (EN1) issued by Birmingham City Council on 15 September 2022, which has taken effect and requires its complete removal.

10. Appeal B focuses on the proposed use of the main property and introduces a new outbuilding with a different height and scale from the existing structure. This proposed outbuilding is intended for use as additional communal living space and a staff room. For clarity, even with EN1 being active, the proposed outbuilding in Appeal B can still be considered for approval. If permission is granted for this proposed outbuilding, Section 180 of the 1990 Act applies, meaning that EN1 will cease to have effect where it conflicts with the consent granted. Appeal B also proposes up to nine private rooms within the main building, along with three communal lounges, kitchen areas, and separate communal toilet facilities on each floor, to be used as supported living accommodation.
11. Appeal B focuses on the proposed layout and use of the property and outbuilding, as outlined in the submitted statements and plans. It includes a Statement of Case, supporting appendices, together with the application documents and plans referenced BR01 to BR06.

Appeal B

12. The **main Issues** in this appeal are: -

- The effect of the development on the character and appearance of the area.
- The effect of the development on neighbour's living conditions, with particular regard to noise and disturbance, waste and anti-social behaviour.
- The effect of the development on highway safety.
- Whether there is an established need to use the property as supported living accommodation, having regard to local development plan policies that seek to protect the loss of family dwellinghouses in the area.
- Whether the development provides adequate accommodation for its occupants, including the quality of the shared outdoor space.

Reasons

Character and Appearance

13. The proposed scheme does not include any significant external alterations to the main building. However, the scheme does seek to partly retain the existing unauthorised outbuilding with amendments. The existing outbuilding is currently situated at the rear; it extends the width of the garden and measures approximately 15 metres (m) in length. It has a pitched roof with roof lights and can be accessed via the garden. The proposed scheme would reduce the length by 1.7m and make the pitched roof a flat roof, reducing its overall height to 2.5m.
14. Policy PG3 of the Birmingham Development Plan 2017 (BDP) sets out that all development is expected to demonstrate high-quality design and, amongst other things, requires a development to have regard to a positive sense of place and local distinctiveness. The Birmingham Design Guide Supplementary Planning Document 2022 (Design Guide SPD) outlines that garages, outbuildings, car ports and parking areas should be in proportion to the size of the house. Their size must be incidental to

the main dwelling and not stand out as prominent features, negatively impacting the appearance of the house and the character of the area.

15. With the above in mind, most of the properties in the immediate vicinity have long and spacious rear gardens enclosed by fences, and back onto the grounds of a school. The gardens of the properties are not prominent from the public viewing points to the front, but the outbuilding is visible from within a shared parking area at the back of 61 College Road. It is also evident that the back of the site would be visible from the wider school grounds. From the evidence provided, and what I saw during my visit, large garages and outbuildings were not a typical feature to the rear of the properties in the immediate vicinity.
16. I appreciate that the design has finishings, openings and features that are reflective of a residential outbuilding, and it is not a prominent feature on the street. However, despite the reduction in length and height, the outbuilding would still have a considerable footprint, size and scale, which is at odds with smaller and more proportionate outbuildings in the vicinity. Furthermore, by virtue of its scale and size, it undermines the sense of hierarchy at the appeal site, whereby it would still appear as a dominant rather than subservient structure. As such, in my judgement the proposed outbuilding would still be of a size that is not in proportion to the size of the house or typical of the character and appearance of outbuildings in the immediate locality.
17. I have had regard to the appellant's position that a comparatively large outbuilding could be delivered through permitted development rights at the neighbouring sites, or the appeal site, if it were in use as a dwelling. Although it is possible to erect large outbuildings through permitted development rights, it is important to understand that to benefit from these rights, the use must be for incidental residential purposes, and the size must be reasonably required for their purpose. More importantly, there are currently no outbuildings of this size and scale in the area, and there is no substantial evidence with the appeal to suggest that this will change anytime soon. Therefore, I afforded this limited weight in my assessment.
18. The proposed outbuilding would, therefore, detrimentally impact on the character and appearance of the host dwelling and wider area. It would be contrary to the requirements of Policy PG3 of the BDP, and the guidance set out in the Design Guide SPD. The policy and guidance require outbuildings to be a high-quality design, be in proportion to the size of the house and have regard to local distinctiveness.
19. The intensified use of the property also raises several concerns regarding the impact on the surrounding character and appearance of the area. Criterion (a) of Policy DM12 of the Birmingham Management Development Plan 2021 (MDP) states that development for specialist accommodation will be supported where it will not lead to an unacceptable adverse impact on the amenity, character, appearance, parking, public and highway safety of the area. This includes taking into account the cumulative effects of similar uses in the area.
20. The Council Officer Report cites Policy DM11 of the MPD, which concerns itself with proposals for Houses in Multiple Occupation. I acknowledge DM11 of the MPD is not relevant to proposals for specialist accommodation covered by Policy DM12 of the MPD. Nevertheless, I have had regard to the Council Officer Report's findings on the concentration of similar uses within 100m, as it provides useful information when evaluating the cumulative effects of similar uses in the area.

21. College Road, on the same side of the appeal site, predominantly features semi-detached properties that are similar in scale, height, and design and finish with minimal space between them. Most have a slight setback from the road, with a balanced mix of open hard standings and gardens, some of which are enclosed by low walls. During my visit, I observed that College Road serves as a bus route with higher-than-typical vehicular traffic. The neighbourhood is characterised by a mixture of residential uses, alongside a religious centre, a small convenience store, and two schools. The context reflects a busier urban residential environment rather than a quiet cul-de-sac or suburban area
22. The conversion of a large semi-detached property to supported living accommodation is likely to be more compatible within a more concentrated residential setting such as this. However, paragraph 4.30 states that the Council will resist proposals for residential conversion and specialist accommodation where it would result in an overconcentration of similar uses in the immediate area, if it is considered that the proposal will cause demonstrable harm to the character and function of an area, and/or local amenity. Planning permission may be refused because further development of such uses will harm local character, appearance, amenity and sustainable communities.
23. With the above in mind, it is important to note that over 10% of properties within 100 meters of the site are already being used for more intensive residential purposes, including HMOs and specialist accommodation. Several third-party representations have also been included with the appeal and application, raising concerns regarding the ongoing unauthorised use of the property, including the increased number of comings and goings, inadequate waste management, and inconsiderate parking. Some representations also raise concerns over the number of intensified properties in the locality. Furthermore, during my visit, I also observed that some properties within the immediate locality had poorly maintained frontages, resulting from the high number of bins being openly stored at the front and cars parked partly obstructing pavements.
24. As such, even though this is a high-density residential area, based on the evidence before me, the concentration of uses in the locality, together with the introduction of the specialist accommodation, has resulted in adverse impacts on the character and appearance of the area. Accordingly, the proposed use as supported living accommodation is contrary to Policy PG3 of the BDP, and criterion (a) of Policy DM12 of the MPD.

Neighbours Living Conditions

25. The property is a large four-bedroom dwelling originally designed to accommodate a sizable family. Currently, it houses seven occupants along with four full-time staff members, and there are proposals for a potential increase in occupants to nine. However, it remains unclear from the appeal submissions whether this increase would require additional staff. With nine occupants and a minimum of four staff, the total number of individuals present could reach thirteen at any given time. This proposed increase represents a significant rise in occupants when compared to a large 4 bedroomed property.
26. The property shares a boundary with a semi-detached residence at 59 College Road and features a narrow pathway that provides access to the rear. This pathway

separates the property from the neighbouring home at 55 College Road, allowing access to the rear yard, rooms 1 to 4, and the outbuilding.

27. The dynamics of nine individuals living independently, alongside their visitors and the four staff members, would likely lead to a level of activity that exceeds what is typically expected from a single household, including a large family. Consequently, this increase in activity would disrupt the residents of the adjoining semi-detached property by virtue of noises and disturbances. This is evident from the third-party representations that indicate several complaints over the use of the property. The issues include general noise and disturbance from the comings and goings, waste being discarded to the front of the premises, loud music and voices from within the property, as well as instances of anti-social behaviour. The accessibility of the private rooms (2 to 4) and shared communal spaces in the outbuilding have also elevated noise and disturbances due to the increased movement via the external pathway.
28. The appellant asserts that residents are unlikely to engage in full-time employment and instead would receive skills and training on-site through care operations. This arrangement also includes designated communal areas where the training will occur, which is intended to limit movements in and out of the property. Furthermore, adjustments have been made to the internal layout to provide more communal space, and allow occupants of rooms 2, 3, and 4 to access these areas via both the property and the side pathway, thereby attempting to minimise the impact on neighbouring homes. The presence of staff is also aimed at proactively managing any issues associated with noise and disturbance.
29. Despite the proposed changes, there is insufficient evidence with the appeal indicating the average number of pedestrian and vehicle movements to and from the property over a typical week or month. The application does not specify the frequency of social or professional visitors or the shift patterns of staff, leaving uncertainties regarding the overall activity. While the property is situated in a busy urban area, I am also mindful that the rear gardens of neighbouring residential properties offer a quiet space for their occupants. The adjacent pathway borders the private gardens of neighbours, which could still lead to increased noise disturbances from activities associated with the occupants and staff, despite the changes to the internal layout. Movements to these areas via the pathway may also occur during unsociable hours, exacerbating disruptions during early mornings and late in the evening.
30. As indicated, numerous objections have been lodged by third parties regarding the use of the property. The issues raised include general noise disturbances, waste disposal in front of the premises, loud music and voices, as well as instances of anti-social behaviour. While some aspects of the situation could potentially be managed, the scale of intensified use has evidently harmed the living conditions of nearby residents already. Moreover, the management plan lacks sufficient detail on how the property intends to address noise disturbances, waste management and anti-social behaviour, indicating a need for more comprehensive strategies to mitigate these impacts.
31. Accordingly, the development results in an intensive residential use, which affects the living conditions of the neighbours by increased comings and goings leading to unacceptable noise and disturbance, anti-social behaviour and poor waste management. The development is, therefore, contrary to the aims and objectives of

Policy PG3 of the BDP and Policies DM2, DM6 and DM12 of the MDP. These policies, amongst other things, require developments to be of a high quality, appropriate to their location and not result in unacceptable adverse impacts on the amenity of neighbours.

Parking and Highway Safety

32. Policy DM14 of the MPD stipulates that any development must consider the safety of highway users and ensure that it does not create an unacceptable adverse impact on highway safety. Additionally, Policy DM15 requires that new developments meet their operational needs regarding parking provision. According to paragraph 116 of the Framework, development should only be refused on highway grounds if it would result in an unacceptable impact on highway safety or if the residual cumulative effects on the road network, after mitigation, would be severe, considering all reasonable future scenarios.
33. The Birmingham Parking Supplementary Planning Document 2021 (Parking SPD) notes that there are no specific standards for extra care housing and independent living housing. Instead, parking requirements will depend on various factors, including the mobility and connectivity needs of residents, visitors, and staff, as well as the site's accessibility to local services and public transport. Applicants must justify their approach and provide details on the proposed layout, parking standards for cars and bicycles, disabled parking, and servicing requirements.
34. Currently, the site features a block-paved front but lacks a dropped kerb, and the appellant's submissions indicate that no off-street parking is proposed. There is a single yellow line restricting parking between 0745 and 1845, Monday to Saturday, on the side of College Road where the appeal is located, while double yellow lines are present on the opposite side. Observations reveal that College Road is served by public transport, with a bus stop nearby and regular services available. Additionally, a variety of shops and facilities are within a short walking distance of the appeal site. Aside from yellow line restrictions at junctions and dropped kerbs in front of properties, the adjacent streets of Pickwick Grove and Woodlands Road do not have any parking restrictions.
35. During my visit¹, College Road was relatively busy with traffic, yet there were no cars parked on either side of the road at that time. Both Woodlands Road and Pickwick Grove were quieter adjacent streets, but on-street parking appeared high, with limited spaces available. Although this visit provides only a snapshot in time, it does reflect the parking situation on a weekday while the restrictions on the appeal side of the road were in effect. It is reasonable to assume that the high-density residential properties on College Road would generate an even greater demand for parking during evenings and weekends when the controls are not active.
36. I recognise that the site is situated in an accessible location and offers alternatives to reaching it by private car; residents of the supported living accommodation are less likely to own cars, and staff are encouraged to use public transport. However, I have not been provided with information on the number of staff expected to work at the site, their working patterns, when shifts change and how they are encouraged to use public transport. Additionally, no details are provided regarding the number of staff who use private cars to access the site, nor is there insight into how many visitors typically come to the premises to meet residents and how they access it.

¹ 1400- Tuesday 20 May 2025

37. Due to the absence of substantive evidence regarding the level of private car traffic generated by the development, I am unable to ascertain whether there is enough capacity on nearby streets to accommodate parking needs. I understand that insufficient parking provision alone does not inherently result in an unacceptable impact on highway safety; however, without adequate evidence, I cannot determine if the operational needs of the development are being met with respect to parking. Consequently, the development does not comply with the requirements of Policy DM15 of the MPD, and the guidance provided in the Parking SPD.
38. Moreover, despite the appellant stating that staff are encouraged to use public transport, evidence submitted by interested parties in the form of photographs shows vehicles have been parked in front of the premises during the unauthorised use. These images depict cars partially on the blocked-paved area and partly across the pavement. In my judgement, such actions create an unacceptable impact on highway safety, as the indiscriminately parked vehicles obstruct pedestrian movement on the pavement. This situation increases the risk of accidents, as pedestrians, including vulnerable and disabled persons, would be forced to navigate onto the busy highway to bypass the parked vehicles.
39. I acknowledge that illegal parking is often dealt with by the police or the local authority as a separate matter. Nonetheless, the parking associated with this use, especially in the evening and on weekends, would make effective enforcement difficult. As such, I do not agree that other controls can be relied on to address the highway safety issues outlined. Indeed, during my site visit, I witnessed several cars parked in the front of properties, with one across part of the pavement despite the presence of parking controls.
40. As such, in my judgement, and based on the evidence before me, the proposed scheme would have an adverse impact on highway safety and fails to accord with Policies DM14 and DM15 of the MPD, the Parking SPD and paragraph 116 of the Framework. These policies and guidance require sufficient evidence to be provided to ensure the operational parking provision of the proposal is met, and the development would not have an unacceptable impact on highway safety.
41. It is noted that Policies PG3, TP27 and TP30 of the BDP, as well as Policy DM2 of the MPD, are cited in the reason for refusal associated with highway safety. However, there is no criterion in these policies that refers to the impacts on highway safety. Policy DM11 of the MPD is also cited and does require the consideration of highway safety and parking. However, as already indicated, Policy DM11 of the MPD relates to proposals to convert dwelling houses to HMOs. As the proposal is for a use involving specialist accommodation and not an HMO, this policy is not relevant.

Loss of Family Dwelling

42. Policy DM12 of the MPD stipulates that development will be supported if it does not result in the loss of an existing use that significantly contributes to the Council's objectives, strategies, and policies. The Council has referenced Policies TP27 and TP35 from the BDP, which are strategic housing policies aiming to ensure a diverse range of housing sizes, types, and tenures. These policies also seek to protect the existing housing stock from conversion to other uses unless there is clear justification or identified social need.
43. The Officer Report also highlights findings from the Strategic Housing Market Assessment 2013 and the Housing and Economic Development Needs Assessment

2022, indicating a considerable demand for 2 and 4-bedroom housing within the area.

44. The appeal property in question is an extended semi-detached house, which both parties previously acknowledged as a four-bedroom dwelling. The Council's concern stems from the belief that the use of the property for supported living accommodation may diminish the availability of family-sized homes in the locality. However, it is essential to note that Policy DM12 of the MPD expressly supports the provision of specialist accommodation, which encompasses supported arrangements for vulnerable groups, such as those residing at the appeal property.
45. Moreover, the appellant has provided evidence of a national and local need for supported living accommodation, particularly in the Sparkhill and broader Birmingham area. Over the past year, there have been more than 100 referrals for this type of housing, alongside a 6-month waiting list. A statement from a Social Worker and Senior Practitioner working in South Birmingham also confirms the difficulty in locating accommodation for this particular client group and underscores the existing demand in the Moseley area.
46. Therefore, despite the conversion resulting in the loss of the property as a single-family dwelling, the appellant has demonstrated that the development aligns with the principle of Policy DM12 of the MPD, which permits specialist accommodation. Furthermore, the evidence highlights an identifiable need for such accommodation both nationally and locally. Consequently, the development complies with DM12 of the MPD and meets the criteria set forth in Policies TP27 and TP35 of the BDP.

Standard of Accommodation for Occupiers

47. The property layout comprises nine private rooms distributed across three floors: four on the ground floor, three on the first floor, and two on the second. Five of these rooms are equipped with small kitchenettes (including a sink, hob, air fryers, and microwave) and have en-suite facilities. Each floor features communal lounge and kitchen areas, along with a separate bathroom, providing shared amenities for all occupants. Rooms 2 to 4 have single windows that may be partially obscured but offer direct access to outdoor space. An outbuilding proposes a large communal lounge and two meeting rooms.
48. In accordance with Policy PG3 of the BDP, all developments are expected to exemplify high-quality design. Furthermore, Policy DM2 of the MPD emphasises that developments must be appropriate to their location and should not result in unacceptable adverse effects on the amenity of occupiers. Policy DM10 of the MPD outlines that residential developments must meet the Nationally Described Space Standards (NDSS), but it is important to note that specialist accommodation is exempt. Since the development includes specialist accommodation, I will focus on Policy DM12 of the MPD, which specifies that the accommodation and facilities, including outdoor amenity space must be suitable for the intended occupants.
49. The Council has raised concerns regarding the size of what it refers to as 'self-contained letting rooms.' However, the appellant asserts that the accommodation complies with the Council's own Property Management Standards 2019 (PM Standards), which guide property standards for privately rented properties.
50. While neither the NDSS nor the PM Standards are strictly applicable to specialist accommodation, I have used them as a helpful benchmark in my assessment. Upon

reviewing the detailed plans, it is evident that all rooms meet the NDSS requirements. Although Rooms 6 and 7 fall below the size designated for a double room, they exceed the minimum size of 7.5 sqm for single rooms and include bed space, storage, and adequate light, making them suitable for residents. Furthermore, all rooms comply with the space standards established for privately rented HMOs under the PM Standards.

51. While I acknowledge that the cooking and washing facilities in rooms 1 to 5 reduces the bedroom space, I find that the remaining size of the living and storage areas to be acceptable. Occupants of these rooms also have access to communal kitchens and living spaces, as well as bathrooms. Although the windows in rooms 2-4 are obscured and near the boundary fence, they do not overlook neighbouring gardens or properties. Thus, I contend that there is no necessity for them to be obscured. If I had not dismissed the appeal for other reasons, I would have suggested an appropriately worded condition requiring clear glass to improve light and outlook for these individuals.
52. According to the Design Guide SPD, all residents should have access to private outdoor space of sufficient size and quality. A minimum of 10 sqm of outdoor amenity space is required per resident. Additionally, paragraph 4.31 of the subtext to Policy DM12 of the MPD states that proposals for supported living accommodation should include adequate outdoor amenity space to create a satisfactory living environment. This typically requires at least 16 sqm of space per resident.
53. In terms of size, I am confident that the outdoor space will be ample to cater to the needs of the proposed development. Although it does not meet the 16 sqm per resident standard, it does exceed the requirements stated in the Design Guide SPD. From my observations, the outdoor area is also a flat, usable space with sufficient room beyond the rear extension for all residents to access and use. Although accessing the outbuilding requires going through the outdoor area, it is spacious enough to offer additional amenities to occupants. In my judgement, the functionality will not be adversely impacted by the need to access the outbuilding.
54. Overall, I am satisfied that the private rooms, internal spaces and communal rooms proposed in the main property and outbuilding, together with the outdoor area, would result in acceptable living accommodation for the occupants. The development, therefore, complies with the aims and objectives of Policies PG3 of the BDP and DM2 and DM12 of the MDP, and the advice and guidance in the Design Guide SPD, in respect of the standard of accommodation and external amenity space for occupants.

Planning Balance and Conclusion on Appeal B

55. The provision of supported living accommodation for nine occupiers in an accessible location is a benefit. I also note that there would be limited social and economic benefits, in terms of jobs for the staff working at the premises and the additional expenditure in the local economy from both the staff and occupants. However, the benefits do not outweigh the harm I have identified to the conflict with the MDP and BDP policies seeking to protect the character and appearance of the area, neighbour's living conditions and highway safety. The living conditions of the occupants are considered acceptable, but this is the expected standard, and I do not regard this as a benefit.

56. For the reasons given above and taking into account the development plan as a whole and all other relevant material considerations, I conclude that Appeal B should be dismissed.

Appeal A on Ground (g)

57. An appeal on this ground is that the period specified in the Notice falls short of what should reasonably be allowed. The Notice specifies a compliance period of 8 months starting from the date the Notice takes effect.
58. The appellants initially request that the Notice be held in abeyance until Appeal B has been determined. However, as the Notice and Appeal B have been linked and determined together, this is not necessary. The appellant also requests an additional 4 months to the compliance period, bringing the total to 12 months. They explain that the supported living accommodation has bed spaces for nine individuals and that there is a high demand for housing, with insufficient capacity in their other properties to rehouse the occupants. Furthermore, those being rehoused are vulnerable adults, which necessitates additional time to find suitable accommodation that meets their needs.
59. The Council states that their records show there are 194 properties in Moseley managed by the social housing organisation Reliance, which also manages the appeal site. As such, the Council contends that an 8-month compliance period is adequate to cease the use and find alternative accommodation for the occupants.
60. I acknowledge that alternative accommodation with supported living could be found with the social housing organisation who manages the appeal site and a large number of other properties. However, the Council has produced limited information to demonstrate how many of the 194 properties referred to as being located in Moseley have the appropriate permission and capacity to house the occupiers with specialist needs. Additionally, Article 8(1) of the Human Rights Act 1998 grants everyone the right to respect for their private and family life, their home, and their correspondence. In this context, the term "home" should be understood as any place that can reasonably be considered a person's home; it does not need to be a conventional dwelling and can include specialised living accommodation.
61. Given that several tenants would lose their homes and require rehousing, along with the need for the appellant to find alternative specialised accommodation, I believe that extending the compliance period is justified, although not to the extent requested. I find that a compliance period of 10 months for the appellant to comply with the corrected and varied Notice would strike a suitable balance between minimising the identified harms, respecting the human rights of the occupants, and addressing the time needed to cease the use and rehome the occupants.
62. Consequently, the appeal on ground (g) is successful, and I will amend the terms of the Notice accordingly.

Formal Decisions

Appeal A Ref: APP/P4605/C/24/3344529

63. It is directed that the enforcement notice is corrected and varied by:

In paragraph 3, delete the words of the allegation entirely and substitute with 'Without planning permission, the unauthorised material change of use of the

Premises from a residential dwelling to supported living accommodation in the approximate position marked green on the attached plan.'

In paragraph 5, step (i), the requirement can be deleted in its entirety and substituted with 'Cease the unauthorised use of the Premises as supported living accommodation.'

In paragraph 6, specifying the time for compliance, delete the word 'eight' and substitute with 'ten.'

64. Subject to the corrections and variations, the enforcement notice is upheld.

Appeal B Ref: APP/P4605/W/24/3344050

65. The appeal is dismissed.

M. P. Howell

INSPECTOR