



Appeal Decision

Site visit made on 3 July 2025

by **P Barton BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 July 2025

Appeal Ref: APP/X2410/W/25/3364243

9 Fieldgate Crescent, Birstall, Leicestershire LE4 3JE

- 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 Ndabezihle Ndlovu of Sanctuary Limited against the decision of Charnwood Borough Council.
 - The application Ref is P/24/1357/2.
 - The development is proposed change of use from C3 Residential to C2 for use as care home catering for up to 3 people.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from C3 Residential to C2 for use as care home catering for up to 3 people at 9 Fieldgate Crescent, Birstall, Leicestershire LE4 3JE in accordance with the terms of the application Ref P/24/1357/2, dated 6 August 2024, subject to the conditions in the schedule at the end of this decision.

Preliminary Matters

2. The appellant has submitted evidence that did not form part of the original planning application. Whilst elements of it are referenced in the officer report, I cannot be certain that all of it was before the Council at the time of their decision. However, due to the nature of the information, the representations made, and that the Council have had the opportunity to review the information, I am satisfied that taking them into account would not cause procedural unfairness to anyone involved in the appeal. As such, I have had regard to this evidence.

Main Issue

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

Reasons

4. 9 Fieldgate Crescent is a semi-detached property with a 2-storey side extension and off-street parking for 2 cars. It is located within an established residential area of similar properties, of which many have been extended and provide a generous amount of off-street parking to the frontage.
5. The carriageway to Fieldgate Crescent is of a modest width, with no parking restrictions, and I observed limited on-street parking. I also saw capacity for on-street parking on Queensgate Drive, a short distance from the appeal site, that connects with both ends of Fieldgate Crescent. Where on-street parking occurred, it impacted upon the ability of vehicles travelling in opposite directions to pass

each other at those particular places. However, vehicular movements were light and it did not impede upon the free flow of traffic.

6. There are no parking standards for care home uses before me and the Council asserts that the assessment of parking need would be based on the expected number of staff and visitors.
7. The proposal would create a care home for up to 3 children and young people, up to the age of 17 years. Whilst the application form refers to a proposed total of 15 full-time equivalent employees, the appellant has clarified that this figure relates to a pool of staff that support operations being staffed on a 24hour basis doing shift work. The appellant adds that the number of staff on the site at any given time would depend on the needs of the service users and highlights the maximum number would be 3. Furthermore, the proposed shift patterns before me indicate that there would likely be some shift overlap.
8. There is no dispute between the main parties that the appeal site is accessible by public transport. Moreover, the appellant has stipulated that the existing garage would be utilised for cycle storage.
9. On the basis of the evidence before me and recognising that not all movements to and from the proposed care home would necessarily be by private car, the provision of 3 off-street parking spaces would be an acceptable level, given the intended scale and staffing numbers. This level of provision could be achieved by extending the existing off street parking provision to the front of the appeal site by 1 space. Whilst the appeal site is located on the inside of a bend, the positioning of the additional space would be adjacent to the existing parking spaces and a low boundary wall. From my observations and the lack of any substantive evidence before me, including from the highway authority, I am satisfied that adequate visibility to the additional parking space could be achieved.
10. During staff changeovers or when there are visitors, and assuming that all movements are by private car, there would be capacity for on-street parking within the vicinity of the appeal site. Moreover, this is likely to be for short periods of time and not be prevalent throughout the whole day.
11. Concerns, including submitted evidence, of inconsiderate parking on the public highway associated with the appeal property are noted. However, I have found that subject to the provision of an additional off-street parking space, sufficient parking would be provided to meet the needs of the proposed use. I am also mindful that there is separate legislation to address parking that is dangerous or obstructive.
12. For the above reasons, the proposed development would have an acceptable effect on highway safety, with particular regard to the provision of parking. Consequently, I find no conflict with Saved Policy TR/18 of the Borough of Charnwood Local Plan (2004) as well as Policy T3 of the emerging Draft Charnwood Local Plan 2021-37, which seek developments to provide off-street parking to, amongst other things, secure highway safety. The proposal would also accord with the National Planning Policy Framework (the Framework) which requires development to have an acceptable impact on highway safety.
13. The Council has referenced Policy CS18 of the Charnwood Local Plan 2011 to 2028, which relates to maximising the local and strategic road network, including

delivering sustainable travel improvements. Nevertheless, this is not relevant to the case.

Other Matters

14. In addition to the main issue, local residents, Birstall Parish Council and local Ward Members have raised concerns regarding a number of other matters. These include, amongst other things, the effects of the proposal on living conditions from anti-social behaviour, noise and disturbance, untidy appearance and management deficiencies. I also appreciate that some of these concerns relate to the current use of the site as supported accommodation, which is different to the proposal before me. However, these matters are not raised by the Council, and I have seen little substantive evidence to show that there would be unacceptable harm in these respects arising from the proposed use. Based on the evidence before me, these matters attract a minor degree of weight and so would not lead me to find differently overall. Furthermore, given that the planning permission relates to the land, the credentials of a care provider and any Ofsted rating at other premises are not relevant to the consideration of the merit of the case.
15. I note concern that if the proposal was to proceed, it could set a precedent. Whilst consistency in the planning process is important and like cases should be decided in a like manner, it is also important to reiterate that each case is determined on its own merits and on the basis of the evidence. As such, I am satisfied that my decision on this proposal would not harm the ability of the Council to exercise their judgement on relevant matters, as I have done here, in future cases.

Conditions

16. I have considered the conditions suggested by the Council in light of the Framework and the Planning Policy Guidance. Where appropriate, the wording from that proposed by the Council has been amended for clarity.
17. In addition to the standard time condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans as this provides certainty.
18. The Council has suggested a condition to limit the use of the appeal site to a care home for up to 3 children. The evidence predicated on the use providing accommodation and care for a maximum number of 3 children. I accept that even a small increase in the number of children living on site could have implications for staffing levels. In turn, this would be likely to affect the quantum of parking required. Therefore, I consider it would be reasonable and necessary to control this element by condition in the interests of highway safety.
19. I have also attached a condition relating to the provision of off-street parking spaces and cycle parking in the interests of highway safety.

Conclusion

20. For the reasons given above the appeal should be allowed, subject to the conditions set out below.

P Barton

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 the following drawings: Location Plan dated 6 August 2024 and Ground and First Floor Plan.
- 3) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking and re-enacting that Order with or without modification), the premises shall only be used as a residential care home for up to three children and for no other purpose (including any other use falling within Class C2 of that order, but may revert back to Class C3 (dwellinghouse) on cessation of the use).
- 4) Before the use hereby permitted commences, details of the provision of 3 off-street car parking spaces, as well as secure and covered cycle parking, shall be submitted to and approved in writing by the local planning authority. The off-street car parking spaces and cycle parking shall be completed as in accordance with the approved details before the use is commenced and shall thereafter be kept available for such parking at all times that the property is in use as a residential care home.

End of conditions