



Appeal Decision

Site visit made on 17 June 2025

by N Kempton BAHons, PGDip, MA, IHBC, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2025

Appeal Ref: APP/B4215/W/25/3363244

1520 Ashton Old Road, Manchester M11 1HN

- 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 Nicholas Ledger on behalf of First Steps Together Care Services against the decision of Manchester City Council.
 - The application Ref is 141660/FO/2024.
 - The development proposed is the change of use of 1520 Ashton Old Road to Residential Care Facility (Class C2).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development is taken from the application form. The description shown on the Council's decision notice differs from that on the application form, but the appellant has confirmed that they disagree with the description used and did not agree to the change.

Main Issue

3. The main issue relevant to this appeal the effect of the development on the mix and balance of housing provision in the locality, with particular regard to the character of the area and family sized dwellinghouses.

Reasons

4. The appeal site is a mid-terrace, 2-storey property with basement and accommodation in the roofspace. To the front of the property is an open forecourt for off road parking and bin storage. To the rear is a large, enclosed garden. The immediate area is predominantly residential and comprises bed and breakfast (B&B) accommodation, including the adjacent Warren Guest House, and residential care homes. The appeal site is located on Ashton Old Road, which is the main arterial route linking Aston Under Lyne with Manchester City Centre. Also along this road is a petrol filling station, a church and some shops and services.
5. The Council considers that the property is a dwellinghouse (Use Class C3). The appellant disputes that the property was formerly a family home, rather it is claimed that the property previously comprised a number of bedsits and a flat and was latterly converted in 2021/2022 to a 10-bed House in Multiple Occupation (HMO). It is not within the remit of this appeal decision to pronounce on the lawful

use of the property- that would more appropriately be the subject of a Certificate of Lawfulness of Existing Use or Development (CLEUD). The evidence before me does not show that the HMO conversion or previous subdivisions were carried out with the benefit of planning permission. It is unclear whether or not the property has actually operated, or been inhabited as a HMO, or that the use has been established as lawful. Based on the available evidence and for the purposes of determining this appeal, I find the property to be a dwellinghouse (Use Class C3) with a considerable number of bedrooms. Even so, I acknowledge that it has not operated as family accommodation for some time, but most recently has been vacant.

6. Saved Policy DC2.1 of the Unitary Development Plan (1995) (UDP) states in determining planning applications for uses within Class C2 of the Use Classes Order, the Council will have regard to (f) the desirability of avoiding an over-concentration of special needs housing in any one area of the City; and (g) the desirability of broadly maintaining the existing character of a residential street or group of adjoining streets.
7. Saved Policy DC2A.1 of the UDP states that planning permission will be refused when it cannot be demonstrated that development proposals will contribute to the achievement of a number of objectives for the City's local communities, including: (ii) to ensure the protection of the residential character and amenity of family housing within established communities; and (iii) to avoid the unnecessary loss of the bigger dwellinghouses available for larger and extended families.
8. Policy H10 of the Manchester Core Strategy (2012) (CS) amongst other things, states that proposals for accommodation for people with additional support needs will be supported where there is not a high concentration of similar uses in the area already. It indicates that the concentration of such uses is a factor that makes up the character of an area.
9. Policy H4 of the CS confirms that 3-4 bed family accommodation is a priority in east Manchester. The Special Needs and Supported Housing Supplementary Planning Guidance (SPG)(April 1998) reinforces the approach to special needs housing and seeks to balance different kinds of residential uses.
10. The area close to the appeal site has an established predominantly residential character. Within that there is some evidence of residential care homes and B&Bs alongside more conventional dwellinghouse uses, but the latter prevails.
11. The proposal is for a 6-bed children's residential care home. This would fall within the remit of Saved Policy DC2 of the UDP and CS Policy H10. In the absence of an explicit definition of what 'high concentration' or 'area' means for CS Policy H10, it is a question of judgement, based on the evidence before me. Evidence shows that two children's homes already exist at no.s 1524 and 1484 Ashton Old Road, in close proximity to the appeal site. As such, the proposed development would constitute a high concentration in a relatively confined area of the city. This would conflict with development plan policy objectives for special needs housing provision to be evenly distributed, in the interests of fostering a mixed and balanced community. Such a cluster, or concentration, would be likely to undermine the balance of uses which contribute to the prevailing dwellinghouse character.

12. Furthermore, evidence before me demonstrates that the existing provision of residential care facilities, at both street level and neighbourhood level, meets current need. The Council's Supported Needs and Monitoring Group (SNMG) and Children's Commissioning Team states that current provision exceeds current need. Whilst the parties disagree on the level of need for such accommodation, assessing need is a complex subject. Given their role and expertise, I give greatest weight to the SNMG regarding under occupancy. As such, need would not justify departing from the Saved Policy DC2.1 /CS Policy H10 approach in this instance.
13. In addition, CS Policy H4 and other evidence points to a greater need for family sized dwellings to rebalance the housing mix of East Manchester. This is not defined, but given the explanation for H4, it relates to houses with more than 2-bedrooms. The appeal site has potential to provide accommodation for a larger family, albeit it is likely to have more than 3-4 bedrooms. So, whilst it would not lose a presently functioning family dwelling, the proposal would remove its potential to do so.
14. For these reasons, I find that the development conflicts with development plan policy and guidance. The proposed change of use would be contrary to the aforementioned Saved Policy DC2 of the UDP, and CS Policies H4 and H10. The proposed development would also be contrary to CS Policy DM1 which sets out a number of specific issues to which all development should have regard, including the character of the surrounding area; and CS Policy SP1 which sets key spatial principles to guide the strategic development of the city. This policy states that there is an emphasis on the creation of neighbourhoods of choice, providing high quality and diverse housing around district centres which meet local needs.
15. Furthermore, the proposal would conflict with the guidance contained within The Special Needs and Supported Housing Policy Supplementary Planning Guidance (SPG) (1998). These policies and the SPG relate to supported living provision and seek to avoid an over-concentration of such provision in any one area and to ensure a more even spread of 'special need' accommodation within the local area and across the city as a whole.

Other Matters

16. The appellant has advanced the fallback position of the appeal property being operated as a care facility for up to 6 adults without the need for planning permission. This demonstrates a keen desire to secure a residential care facility on the site, and a greater than theoretical possibility of the appellant pursuing the fallback position. Nevertheless, if pursued, that would be on the basis that the appeal property constituted a class C3 use. As such, it would not be a use that would run counter to development plan policies that seek to manage special needs care concentrations. Moreover, it would retain its potential to function as a family dwelling in the future. Hence, the fallback position advanced would be preferable in policy terms to the appeal proposal and so does not weigh in its favour.
17. In seeking to evidence the mix and availability of housing, and specifically family-sized dwellings, the appellant refers to properties on the market in the local area, the details of which have not been submitted. This amounts to anecdotal evidence, to which I attribute little weight.

18. I note the appellant's reference to the Inspector's decision on an appeal at Shuster Road¹. However, that appeal relates to a change of use to Use Class C4. It is not therefore, directly comparable to the current appeal.
19. The proposed development would return a vacant property to beneficial use. It would make a modest contribution to the housing supply, which is an important consideration in the context of the Government's objective to boost significantly the supply of homes. However, given the current and former residential use of the appeal property, this is a benefit to which I attribute only limited weight.
20. The appeal property is located in close proximity to local services and facilities. The proposal would provide employment opportunities, albeit small scale. These matters attract limited weight.
21. The appellant states that the proposal would provide high quality living accommodation. This is noted but would not justify use of the property as a residential care facility or mitigate the harms arising from the concentration of such provision in the immediate area. I attribute minimal weight to this matter. These benefits would not be sufficient to weigh in favour of the proposal or against the identified harms.
22. I have had due regard to the Public Sector Equality Duty (PSED) under Section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, advance equality of opportunity and access, and foster good relations between persons who share a protected characteristic and those who do not share it. Age is a relevant protected characteristic to which the PSED applies.
23. I acknowledge that the proposed residential care facility would deliver benefits related to children, a group with the protected characteristic of age. Nevertheless, based on the totality of the evidence before me, including that of need, I have found that the harm caused would outweigh the benefits of the proposed development, which would be contrary to the development plan. As such, I am satisfied that my approach would be proportionate in these circumstances.

Conclusion

24. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations, which include the Framework, indicate otherwise.
25. In light of the harm I have found, use of the appeal property as a residential care facility would be contrary to the development plan when read as a whole and there are no material considerations to indicate that a decision should be taken other than in accordance with that plan.
26. For the reasons given above, it is proportionate and necessary to dismiss the appeal.

N Kempton

INSPECTOR

¹ APP/B4215/W/18/3210218