



Appeal Decision

Site visit made on 11 August 2025

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2025

Appeal Ref: APP/P4605/W/25/3367322

8 Wheelers Lane, Birmingham B13 0SA

- 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 Bobby Kaushal against the decision of Birmingham City Council.
 - The application Ref is 2024/07532/PA.
 - The development proposed is described as change of use to C2 (Care Home).
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Decision

1. The appeal is allowed and planning permission is granted for change of use to a Class C2 (Care Home) at 8 Wheelers Lane, Birmingham B13 0SA in accordance with the terms of the application, Ref 2024/07532/PA, subject to the following 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 approved plans: 24.744 P01, 24.744 P02 and 24.744 P03.
 - 3) There shall be no more than six residents living at the property at any one time.

Background and Procedural Matter

2. I have taken the description of the proposal in my banner from the application form. Whilst on the application form the existing use of the property is described as Class C4 of the Town and Country Planning (Use Classes) Order 1987 (as amended), on the basis of the appellant's statement and the Council's evidence, including its officer report ('OR'), the existing use is as a dwellinghouse (Class C3).
3. The proposal is for a Class C2 residential institution, not for a Class C4 House in Multiple Occupation as claimed in a representation, and I have dealt with the appeal on this basis.

Main Issues

4. The main issues are:
 - whether the loss of a dwellinghouse suitable for family occupation would have an adverse effect on the creation and maintenance of balanced communities, and the availability of accommodation to meet local needs;
 - the effect of the proposal on nearby occupiers' living conditions, with particular

regard to noise and disturbance; and

- the effect of the proposal on the safety and convenience of highway users.

Reasons

Balanced communities

5. In general terms, Policy TP35 of the Birmingham Development Plan 2017 ('BDP') seeks to make best use of the city's stock of dwellings, and prevent the loss of housing to other uses unless there are good planning justifications or an identified social need for the proposed use.
6. Policy DM12 of the Development Management in Birmingham DPD 2021 ('DMB') states that the conversion of properties into specialist accommodation, including care homes, will be supported provided that various criteria are satisfied, including that it will not result in the loss of an existing use that makes an important contribution to the Council's objectives, strategies and policies.
7. DMB paragraphs 4.28 to 4.35 set out that the provision of safe environments for vulnerable residents is a priority, and that a strong and sustainable community responds to the needs of all its residents. It says that specialist accommodation is normally most appropriate in large detached properties set in their own grounds, and that it is unacceptable in smaller detached houses unless the amenity of adjoining occupiers can be safeguarded. It continues, however, that there is a particular need for dwellings with 3 or more bedrooms, and that where there are particular shortages of large family accommodation, the Council will be sensitive to such needs when considering proposals for specialist accommodation.
8. The OR describes 8 Wheelers Lane as a large detached house with six bedrooms, although the existing floor plan depicts nine. Whichever is correct, this is a substantial property, and I do not doubt that it is suitable as family accommodation.
9. In its written statement the Council highlights, by reference to its latest Annual Monitoring Report and its Housing and Economic Development Needs Assessment 2022, that housing completions city-wide have been dominated by 1 and 2 bedroom apartments and that, having regard to its Housing Strategy (2023-2028), there is a clear need for 3 or more bedroom properties. Notwithstanding those city-wide figures, having regard to DMB paragraph 4.35, I have no cogent evidence that there is a particular shortage of large family accommodation in this local area.
10. Moreover, set against the loss of this family home, the scheme would provide safe specialist accommodation for vulnerable residents, which is a priority according to the development plan. In support of his claim that there is an urgent and growing need for adult care homes in Birmingham, the appellant has also provided a letter dated 12 May 2025 from the Council's Adult Social Care Commissioning Manager, who states that there is a shortage of suitable mental health care homes in this area and across the city.
11. Thus, whilst the proposal would result in the loss of a large family home, it would help to address a local and city-wide need for specialist accommodation. I have no evidence that there would be an over-concentration of such accommodation in the area, and for all these reasons I am satisfied that the scheme would not have a harmful impact on the maintenance of balanced and sustainable communities, including accommodation which meets the city's needs.

12. As BDP Policy TP30 addresses the type, size and density of new housing it is of limited relevance to this scheme for a change of use, but on this issue, and for the above reasons, the proposal would not conflict with BDP Policy TP35 and DMB Policy DM12; nor with the National Planning Policy Framework 2024 ('Framework') stance at paragraphs 61 and 63 that the needs of different groups in the community, some with specific housing requirements, should be met.

Living conditions

13. The Aspects Care Homes Management Report ('ACHMR'), which was submitted with the appellant's statement, sets out that the proposal is for a female residential care home for up to 6 residents, which would be a transitional centre, where on average residents would stay for around 24 months to develop living skills before moving on to supported, or independent, accommodation. It continues that the home would be registered with the Care Quality Commission; that the residents would typically engage in structured, quiet routines, supported by a Registered Care Manager; and that there would be two or three daytime staff, and two waking night staff, working on 12 hour shifts, starting at 08:00 and 20:00.
14. The frequency of comings and goings by staff, residents and visitors, and their mode of transport, could not be controlled. However, given the site's good accessibility to services and to public transport, with bus stops very nearby on Alcester Road South, and as the ACHMR says that the residents would not drive, it is not unreasonable to conclude that many movements would be on foot, thus limiting noise from vehicular traffic, or from the opening and closing of car doors. Whilst nearby residents may be at home at the time of the anticipated shift changeovers, these would not be at unsociable hours.
15. The host property is set back from the fairly wide highway, with a private car park and gardens to one side and to the rear, and a detached house at 10 Wheelers Lane ('No 10') to the other side. I observed that No 10 has a car port adjacent to the common boundary. No changes to the building's elevations are proposed, and it has just one window facing No 10, which serves a bedroom and is high up at the second floor. Its main windows and openings face the front forecourt, or are to the rear where they have an outlook over the garden.
16. Whilst I have considered local representations, and the consultation response from West Midlands Police, having regard to the ACHMR, I have no cogent evidence that the proposed use would result in security concerns or threats to personal safety, or that there would be additional light pollution, or that security lights are any more likely to be installed, compared to the property's use as a dwelling.
17. For these reasons, I conclude that the property's reasonable use as a Class C2 care home would not generate significant noise or disturbance for nearby occupants in this largely residential area, or significantly greater comings and goings compared to its use as a large family dwelling, particularly if the number of residents were limited to six by a planning condition.
18. The scheme would not therefore result in a harmful impact on nearby occupiers' living conditions, and it would not conflict with those parts of DMB Policies DM2 and DM12 which set out that development shall not have an unacceptable adverse impact on amenity, having regard to matters such as noise and the compatibility of adjacent uses; nor with the broadly similar stance on privacy and amenity at Principle 13 of the Birmingham Design Guide 2022, and in the Framework.

Highway safety

19. The scheme would make use of an existing building which could have a significant number of residents occupying it as a family home. Whilst the submitted drawings do not depict off-road parking arrangements, based on my visit and submitted photographs, there is ample space for 3 cars to park comfortably on the property's forecourt. I have found that the site is located close to public transport, where staff and visitors would not necessarily require a car.
20. Consequently, subject to a condition limiting the number of residents, and having regard to the ACHMR, I am satisfied that the proposed use would not give rise to a significant increase in vehicular movements or on-road parking pressures in the local area. Given those conclusions, although the forecourt is next to the private car park access, and there are schools and a hall in the area, the scheme would not have a harmful impact on the safety and convenience of pedestrians or highway users.
21. DMB Policy DM2 and BDG Principle 13 are of limited, if any, relevance on this particular issue, but the scheme would not conflict with that part of DMB Policy DM12 which requires specialist accommodation to avoid an adverse impact on highway safety, nor with the Framework's requirement to ensure that safe and suitable access can be achieved for all users, with development only refused on highway grounds if there would be an unacceptable impact on highway safety.

Other matters

22. Given that no extensions or alterations to the building are proposed, the scheme would not result in significant disruption due to construction work, and I am satisfied that a tree survey is not required. Having regard to my conclusions on vehicular movements, the scheme would not give rise to a significant increase in exhaust fumes or a deterioration in air quality. Finally, I have no evidence that refuse storage facilities would be inadequate.

Conditions and Conclusion

23. I have found that the proposal would not have a harmfully adverse effect on the local community, having regard to planning policies which seek to maintain balanced communities where the needs of all residents are met; that it would not have a harmfully adverse impact on local occupiers' living conditions; and that it would not have an unacceptable impact on the safety and convenience of highway users.
24. Turning to the matter of conditions, I have considered those suggested against the tests in the Framework. As well as the standard time limit, in the interests of certainty, I have imposed a condition requiring that the development be carried out in accordance with the approved plans. Finally, for the reasons set out in my decision, a condition is necessary limiting the number of residents to six.
25. Having regard to all other matters raised, including representations by interested parties, the appeal is therefore allowed.

Chris Couper

INSPECTOR