



Appeal Decision

Site visit made on 5 August 2025

by **C McDonagh BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 August 2025

Appeal Ref: APP/P4605/W/25/3365351

32 Dalmuir Road, Birmingham B31 2GY

- 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 New Journey Residence Limited against the decision of Birmingham City Council.
- The application Ref is 2024/07319/PA.
- The development proposed is Change of use from dwellinghouse (Use Class C3) to care home (Use Class C2).

Decision

1. The appeal is allowed and planning permission is granted for the Change of use from dwellinghouse (Use Class C3) to care home (Use Class C2) at 32 Dalmuir Road, Birmingham B31 2GY in accordance with the terms of the application, Ref 2024/07319/PA and 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: Location Plan dated 18 November 2024; GA Plans, Ref 0583-11-00-PL1; Existing GA Plans, Ref 0583-03-00-PL1.
 - 3) No more than three people shall be living and receiving support at the property at any one time.

Main Issues

2. The main issues are the effect of the proposal on the Council's housing supply and on the living conditions of occupiers of neighbouring dwellings.

Reasons

Housing Supply

3. The appeal site comprises a semi-detached dwelling with a rear garden and parking area to the front located within a predominantly residential area. Policy TP35 of the BDP¹ states that best use will be made of the existing dwelling stock and seeks to prevent the loss of housing in good condition to other uses unless there are good planning justifications or an identified social need for the proposed use.
4. The dwelling as existing has 4 bedrooms and I am informed by the Council that it cannot currently meet the city's housing needs, particularly with regards to 3 and 4

¹ Birmingham Development Plan (adopted January 2017)

bed properties as per a 2022 assessment². However, I have not been provided with relevant extracts of this document or substantive information on how significant the shortfall in larger dwellings is.

5. I have had regard to the appellant's data with regards to children who require care. This shows that 741 placements of children were made outside of the Council area. I note the Council does not dispute this data and I see no reason to either. As such, there is clearly a shortfall in this type of housing in the Council area and to my mind, this demonstrates an identified social need for the loss of housing.
6. Policy DM12 of the DPD³ supports the conversion of properties to specialist accommodation subject to several criteria. This includes at section e, which stipulates it will not lead to the loss of an existing use that makes an important contribution to the Council objectives, strategies and policies. There would be conflict with this policy given the loss of housing, although there is also conflict between policies DM12 and TP35 in their relative aims.
7. While all housing is important, it is unclear what the overall shortfall of either 4-bed properties or housing overall is with regards to the Council's housing supply. However, it is clear that children and young adults with specialised care needs also need housing. Based on the evidence before me, the acute need for specialist care housing outweighs the loss of one dwelling from the Council's overall stock.
8. Taken together, the proposal would lead to the loss of a dwelling from the Council's supply, but this would be to an identified social need in accordance with policy TP35 of the BDP. On balance, the proposal would accord with policies TP35 of the BDP and DM12 of the DPD as explained above. This would also accord with paragraph 61 of the National Planning Policy Framework (the Framework) which advises that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed

Living Conditions

9. The proposal seeks to change the use of the dwelling to a care home which would accommodate children and adults between the ages of 8 and 24 who require specialist care. There would be 24-hour care provision which would be provided by up to 3 staff members during the day and a maximum of 2 overnight. There would also evidently be visits made to the premises by social workers and other professionals on a case-by-case basis by appointment.
10. The area is residential in nature and while there would be comings and goings during shift changeovers and other staff, this would not be substantially different to any other domestic situation which may include people coming home from or going to work during hours outside of the traditional 9-5 or indeed families with caring responsibilities for children or adults. Although I take on board the concerns of local residents, given the limited traffic anticipated, and the staff numbers, I find that the anticipated movements would not be disproportionately greater than those associated with a 3-child family in a property of this size, carrying out their day-to-day activities.

² Housing and Economic Development Needs Assessment

³ Development Management in Birmingham Development Plan Document (adopted December 2021)

11. As such, I conclude that the proposal would not harm the living conditions of occupiers of neighbouring dwellings due to noise and disturbance. This would accord with policies DM2 and DM12 of the DPD which seek to ensure that development will need to be appropriate to its location and not result in unacceptable adverse impacts on the amenity of occupiers and neighbours. The proposal would also accord with paragraph 135 of the Framework which advises that development should seek to ensure a high standard of amenity for existing and future users.

Other Matters

12. There are a number of objections to the proposal from local residents as well as the Ward Councillor and Member of Parliament. I take on board their concerns and those matters relating to the main issues are addressed in the relevant foregoing paragraphs. Other matters, such as anti-social behaviour, parking, property values and waste generation are not substantiated. Were these to occur, they should be reported to the proper authorities such as the Council or Police. In planning terms, there is nothing before me to indicate that the change of use to a care home would give rise to any of these concerns.

Conditions

13. The Council has suggested conditions in the event the appeal is allowed. These include the standard time condition and approved plans lists. A further condition to limit the number of people residing at the property at one time is also necessary to ensure the safe operation of the home and ensure the living conditions of neighbouring occupants.

Conclusion

14. The development complies with the development plan and the material considerations do not indicate that a decision should be made other than in accordance with it. Therefore, for the reasons given above, I conclude that the appeal should be allowed.

C McDonagh

INSPECTOR