



Appeal Decision

Site visit made on 5 August 2025

by A Phillips MPlan BA CertHE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 August 2025

Appeal Ref: APP/B0230/W/25/3366487

15 Millfield Road, Luton LU3 1RT

- 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 Mandeep Singh Basra on behalf of Children To Prosper Ltd against the decision of Luton Borough Council.
 - The application Ref is 25/00275/FUL.
 - The development proposed is change of use of existing dwelling (Use Class C3(a)) to use as a children's home (Use Class C2) for up to four children and erection of associated bin and cycle stores.
-

Decision

1. The appeal is allowed and planning permission is granted for change of use of existing dwelling (Use Class C3(a)) to use as a children's home (Use Class C2) for up to four children and erection of associated bin and cycle stores. at 15 Millfield Road, Luton, LU3 1RT in accordance with the terms of the application, Ref 25/00275/FUL, 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 documents and plans: DC01, DC02, PL.001, PL.004, PL.005, PL.006, PL.007 and PL.008.
 - 3) The building and/or site shall be used for residential accommodation and care for up to a maximum of four persons and who are aged between 7 -18 years old and shall be used for no other purpose, including any other purpose falling within Class C2 as specified in the schedule to the Town and Country Planning (Use Classes) Order, 1987, (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
 - 4) Prior to the occupation of the development hereby permitted, the cycle and bin storage as identified on the approved plans No. PL.007 and PL.008 shall be installed and ready for use. The approved scheme shall be retained in accordance with those details thereafter.
 - 5) The Change of use hereby permitted shall be carried out fully in accordance with the Operational Management Plan (document reference: DC01) in perpetuity.

Main Issues

2. The main issues are:

- The effect of the conversion of a C3 use class dwelling.
- Whether the proposal would meet the needs for childcare provision.
- The effect on the character of the street.
- Whether the proposal would lead to additional unsustainable transport movements.

Reasons

Conversion of C3 Use Class dwelling and childcare provision

3. The existing dwelling is a large 4+ bedroom dwelling, which the Council states in 2019 there was a need of an additional 2,590 dwellings of this size. However, a C2 Use Class is still classed as residential and therefore the proposal would not lead to the loss of a residential use.
4. It is accepted that the incremental loss of family homes would have moderate harm upon the range of housing stock. However, this harm is reduced as the property would still in effect provide accommodation that would be similar to a 4+ bedroom dwelling.
5. The Council states that there are 354 children in care. With 15 of these people being placed in a residential setting, of which 12 were placed outside of the Borough. It also recognised that there is a national shortage for children's residential homes.
6. The Council also states that 13 children care homes have been approved since 2022, with 12 currently operating. In addition, it is seeking to provide its own children's care home.
7. Whilst I acknowledge that there are several existing care homes in the Borough, there are still a number of children who are being cared for inside of the Borough. On this basis, I find that there is unlikely to be overprovision of children's care homes in the Borough. Given the potential vulnerability of these children, and the known national shortage of children's residential homes, the combination of these factors allows me to grant significant weight to this element of the appeal scheme.
8. On this issue, I conclude that the proposal would not have a detrimental impact upon the reduction in the stock of 4+ bedroom dwellings (C3 Use Class) and that there is a clear identified need for an additional residential children's care home (C2 Use Class) in the community. On this basis, the proposal complies in regards to this issue with Policies LLP1 and LLP15 of the Luton Local Plan 2011-2031 November 2017 (Local Plan), that seek to ensure sustainable development, a mix of house types based on need and that the community benefits outweigh the redevelopment of existing houses.

Character of the street

9. No external alterations are proposed, except for the provision of bin and cycle stores that would be located to the rear of the site.
10. The Council has stated 12 Millfield Road has already gained permission to be a children's care home and raises that an additional care home would be less appropriate in an area defined by family dwellings.
11. It is accepted there would likely be additional movements of adults entering and leaving the site than many dwellings in a C3 Use Class. However, the way the children would use the home is unlikely to be materially different to the current situation. In addition, the use of two dwellings as children's care homes within the street would still only make up a small proportion of the overall residential units on Millfield Road.
12. On this issue, I conclude that the proposal would not have any material impact upon the character of Millfield Road. On this basis, the proposal on this issue complies with Policies LLP1 and LLP15 of the Local Plan, which seek to ensure sustainable development and provision of a mix of house types.

Transport movements

13. From the evidence provided there would be up to 7 carers working within the proposed care home on different shift patterns. It is also accepted that there could be other services arriving at the site. While it is accepted that these people might be commuting into the Borough, this is no different to a large proportion of jobs. In addition, I have no evidence to suggest that the carers would only be able to access the site via unsustainable methods of transport or that carers could not be employed locally.
14. On this issue, I conclude that the proposal would not lead to unsustainable transport movements. On this basis, the proposal complies with Policies LLP1 and LLP31 of the Local Plan, which seek to ensure sustainable transport movements.

Other Matters

15. The proposal shows space for three cars to park and 4 secure cycle spaces. Given the proposed number of employees travelling to the site, there is a reasonable chance that the proposal would lead to further on street parking. However, if there is suitable management of staff parking and encouragement of sustainable transport there would only likely be a limited increase in the number of vehicles parking on the street. In addition, no objection to the proposal was raised by the Local Highways Authority on the grounds of highway safety and I am of the same view given the evidence before me. Therefore, there is only limited harm on the issue of suitable parking provision.
16. The issue raised concerning children's welfare on a neighbouring site is a serious matter. However, this matter is dealt with under separate legislation and it has not been substantiated that this proposal would fail to comply with this legislation.
17. While there might be some noise disturbance from children, this could equally be the same if the site remained a family home. I am also of a similar view to the Council that given staff on site working a regular pattern the disturbance from noise pollution is likely to be limited.

Conditions

18. The suggested conditions by the Council ensuring the proposal is implemented in three years and that it complies with drawings are required to ensure it is commenced in a reasonable timeframe and in accordance with the submitted drawings.
19. The suggested condition to ensure the precise use of the condition is also required, as a very specific use has been applied for and considered. In addition, this is required to protect against undue noise pollution to neighbouring residents.
20. The suggested bin and cycle storage condition is also required to ensure it is possible for staff, as well as children, can use sustainable transport methods and that there is suitable bin storage.
21. There is conflict between the main parties to the suggested management plan condition. From the evidence before me while the Council's recommended condition includes many elements, its fundamental concern is the mechanism on how neighbour complaints would be dealt with. However, from the submitted Operational Management Plan (document reference: DC01) this would come under the registered manager's duties. On this basis, a compliance condition should be added. While this condition would be a compliance in perpetuity, it is understood that this condition might need to be varied in the future for instance to reflect changes in legislation.

Conclusion

22. For the reasons given above the appeal should be allowed.

A Phillips

INSPECTOR