



Appeal Decision

Site visit made on 3 July 2025

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 August 2025

Appeal Ref: APP/V4250/W/25/3359877

6 Valentines Road, Atherton, Wigan M46 0LD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Miss Bhahisa Khojani iCare solutions LTD against Wigan Metropolitan Borough Council.
 - The application Ref is A/24/97735/CU.
 - The development proposed is described as 'proposed change of use of house/dwelling to children's care home at 6 Valentines Road, Atherton. AKA The Golden Hive'.
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Decision

1. The appeal is dismissed and planning permission for the 'proposed change of use of house/dwelling to children's care home at 6 Valentines Road, Atherton. AKA The Golden Hive', is refused.

Preliminary Matters

2. The appeal was made against the Council's failure to determine the planning application within the prescribed period. I have had regard to the Council's stance on the application and both parties' submissions as part of the appeal in formulating the main issues and reaching my decision.
3. The proposal seeks to change the use of a detached four-bedroom dwelling in a residential area to a children's care home for up to three children, with minor external alterations. The Council states that had it determined the application it would have refused permission for two reasons. These would be the lack of need, and the effect on local public services and parking provision.
4. A legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) (the S106) was submitted at an early stage with the appeal. I return to this later in my decision.
5. Although alterations may have been undertaken at the front of the property, I have not been made aware whether the proposal is retrospective. I have therefore not determined the appeal on a retrospective basis.
6. The main issues in relation to this appeal are:
 - whether the proposal would provide adequate parking with particular regard to how the development functions and the living conditions of surrounding occupiers and the wider neighbourhood.

- whether the proposal would cater for the needs of the Borough, and the effect on local services; and
- whether any harm would be outweighed by other material considerations.

Reasons

Highway safety

7. The proposal seeks to provide Ofsted regulated care and accommodation for up to three young people between the ages of 7 and 17. The appellant's are experienced in this field and seek to offer a stable environment focusing on safety, health, education, development, family, community and well-being. The appeal property is a detached four-bedroom house, the property has off-street parking. The width of Valentines Road is narrow. Homes and driveway are sited relatively close together with little space in front of dwellings without dropped kerbs to park vehicles.
8. The appellant's Statement of Purpose document submitted with the application advises that staffing levels may depend on the specific needs of the persons being cared for at the property depending on the particular needs of the individuals that would be resident in the home. There would be two staff members on site staff at all times. However, the appellant has indicated that there is the possibility of a third member being present during handover or if a specific child requires enhanced supervision. The appellant contends that this could equate to the possibility of the presence of two to three vehicles at the property during normal hours and possibly four vehicles during short handover windows. Given the requirement to provide continued supervision and allow for a proper handover, there would be increased numbers of staff present, albeit briefly, at the beginning and end of mid-morning shifts.
9. However, there could also be other people in attendance at the property, including external agencies such as social care, health, education or other public service providers. While the intention may be that these additional staff and service providers would arrive and depart at less busy or unsociable times, there is nothing to guarantee that this would be the case. While it is intended that the premises would function as a family home, similar to others on the estate, the potential of the proposed level of staffing and support services would involve a level of vehicle movement beyond what is a typical character of single family occupation.
10. Although the Highway Authority has not objected to the proposal, they do acknowledge that it would lead to a reliance on on-street/pavement parking around the area. This is very likely to occur given the narrowness of Valentines Road. I do not have any accident records and there are also no parking restrictions, however these factors do not alter that increased pavement parking compromises safety and impedes pedestrian access. Although traffic speeds are generally low, due to the narrowness and alignment of the road, when pavements are obstructed, there is an increased risk of conflict between pedestrians, cyclists and moving vehicles due to the reduction in intervisibility. Although at the time of my site visit during late morning on a weekday there were places to park, the road in the vicinity of the appeal property could become quite congested with only a small increase in the number of vehicles.

11. Given the quiet, residential nature of the estate, there is also a relatively high probability of pedestrians and cyclists being present within the highway. The fact that parking across the pavement may be commonplace does not justify increasing the likelihood that this will occur. The road itself is very narrow, and if cars were to park on pavements, or fully on the road there would be issues with manoeuvring of vehicles or obstruction of the highway from indiscriminate parking, not necessarily from staff, but also from any displaced parking for existing residents.
12. Staff change over time would be mid to late morning. However, there would be the potential for regular entering and leaving the premises, with associated vehicle movements. Concentrated activity in and around the appeal site, such as the frequent opening and closing of the property's front door, voices, starting and running of car engines, car doors closing, and general noise from the manoeuvring of vehicles, would become noticeable to residents close-by.
13. On a regular basis this is likely to result in disturbance, which would be detrimental to living conditions and make homes or garden areas less enjoyable to use as a result. Overall, the issues can have significant effects on the quality of life of residents and how the area functions. The close knit relationship of the properties and width of Valentines Road are likely to exacerbate the effects.
14. It is accepted that a number of visitors as well as staff may choose to travel to the site by non-car modes. This would reduce the likelihood of those travelling by car and thus the parking requirement. However, patients and visitors using public transport could not be controlled. The proposal has not demonstrated if staff are likely to reside locally or whether it would be a requirement for a car driver to reside at the home.
15. I therefore conclude that the proposal would not provide adequate parking with particular regard to how the development functions and the living conditions of surrounding occupiers and the wider neighbourhood. Consequently, the proposal would be contrary to Policy CP17 of the Wigan Local Plan Core Strategy¹ (the CS) which seeks to ensure that new development is planned and designed so that it does not have an unacceptable adverse impact on amenity and quality of life in the area.

Need and local services

16. The appellant's Statement of Purpose document identifies that a home would be provided for children who have experienced trauma and present with a range of emotional and behavioural difficulties. The Council contends that need has not been demonstrated and that the proposal has the potential for children from outside of the borough to be allocated a place to live at the property, who may have specific needs. These specific needs may have additional implications for resources and for placing children from the Wigan area within the Borough which are at the crux of the Council's concerns.
17. The Council advises that the Borough has more registered beds locally than the number of children who require them. The appellant contends that there is a significant demand for placements in the Wigan borough, and currently, there is not enough available spaces in Atherton to meet the demand. I am unable to

¹ Wigan Local Plan Core Strategy, Development Plan Document, adopted September 2013

corroborate if there is a need for such a proposal as neither party has provided any first hand evidence, strategies or other documents for me to review.

18. The appellant states they are on the North West Children's Residential Placements Framework. It is evident that this does not restrict referrals from the Local Authority to their own administrative area. It is therefore likely that children from other local authority areas could be accommodated within the home. The Council contends that the admission criteria will have direct detrimental impacts on local public service delivery across a range of services beyond the Local Authority.
19. In terms of its own services high numbers of children in care from out of the area is placing a high demand on alternative educational provision such as pupil referral units, and additional demand is impacting on the local authority's ability to fulfil statutory duties. Although I have no reason to doubt this, I am unable to conclude in the absence of clear and convincing details of cost or which services would have undue strain put upon them and how, be it due to staff, resources or for other reasons, there would be insufficient capacity for the proposal or that it would put a strain on such services for existing residents. Potentially the effects could be controlled through ensuring that only children who reside within the Wigan area or whom agreement with the authority has been sought are referred there.
20. The Council also maintains that it has a responsibility through health services to complete statutory health assessments and act as lead health professionals, and more complex health needs puts a high demand on other service providers. Although I have been provided with a range of service providers, including Greater Manchester Police, I have no evidence from these practitioners or bodies to corroborate this, which limits the weight I can attach to this aspect.
21. It has not been demonstrated that the matter of any safeguarding issues arising and continuing education and healthcare provision, in view of the size of the appeal property, would not be limited. Furthermore, because placements from within the borough, although relatively low, are placed in other areas, and conversely, the receiving authority covers the cost of safeguarding and other services, this removes some of the financial burden of those residents residing in the borough.
22. While I have found that a local need for the proposal has not been fully demonstrated, I am unable to conclude that the proposal would have a harmful effect on local services. I find that the appellant has had regard to local circumstances and that the proposal would align with Policy CP6 of the Wigan Local Plan Core Strategy² (the CS) Policies JP-H3 and JP-P6 of the Places for Everyone Joint Development Plan Document³ (the DPD). Together and insofar as they are relevant to the appeal, these seek to ensure that there is sufficient housing in the borough to meet people's needs, including specialist housing, tackle health inequalities by requiring proposals to maximise the positive contribution to health and wellbeing, whilst avoiding any potential negative impacts of new development and facilitating greater integration of health and social care.

² Wigan Local Plan Core Strategy, Development Plan Document, adopted September 2013

³ Places for Everyone Joint Development Plan Document for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan 2022-2039, adopted March 2024

Other Matters

23. The proposal would advance equality of opportunity for disadvantaged young people who share a protected characteristic due to their age. With that in mind, when considering the appeal I have had appropriate regard to the aims of the Public Sector Equality Duty (PSED), as set out in s149 of the Equality Act 2010. I have furthermore been mindful of the need to avoid giving weight to any unjustified assertions of a discriminatory nature.
24. The proposed development would accommodate young people in need of care and support, within a setting which the appellant explains would be designed to function as far as possible as a family home. The site is located within a residential area, with access to local services. The proposal would also provide employment opportunities. Setting aside the harm I have identified in relation to the associated vehicle movements, I find that the surrounding environment would support the underlying objectives of the proposed use. To that extent the proposal would support the rights of disadvantaged young people as defined in Article 8 of Schedule 1 to the Human Rights Act 1998 (the HRA), namely the right to respect for private and family life.
25. In line with Article 3(1) of the United Nations Convention on the Rights of the Child, I am mindful that the best interests of the child are a primary consideration in all actions by public decision-makers where children are concerned. In this regard, I recognise that the proposal would increase the availability of residential placements for young people in the North West.
26. It is a positive consideration that the residential institution would provide support services for children and employ staff in an accessible location. I recognise that the government is pushing to support this type of facility, more of which is required nationwide. I attach significant weight to the benefits the development would bring in the above respects.
27. Given the regulated nature of residential social care provision, mechanisms exist outside the scope of the planning system to ensure that the proposed use would appropriately meet the needs of the young occupiers. There is no substantive evidence that the use would increase the likelihood of anti-social behaviour. In the event that such issues arose, these could be addressed under the relevant regulatory regime, in the same manner as disruptive behaviour by any other local residents, and it has not been demonstrated how or the extent that the scale of the development would harm public services.
28. Having regard to all of the above, weight is clearly attributed in favour of the development, particularly having regard to the use of the site by children. However, the weight I can attribute to these benefits is tempered as it is evident the facility is not unique and there is other accommodation within the area. In addition, limited evidence has been provided to demonstrate that the appeal site is to meet the needs of a particular child or young person.
29. I have found that the proposed development would result in harm to the living conditions of neighbouring occupiers as a result of noise and disturbance due to increased vehicle movements and the parking arrangements. There would also be increased harm to the safety of pedestrians and cyclists as a result of the additional demand for parking in a constrained area.

30. I have seen the evidence of good practice presented by the appellant, but this does not assist in addressing the specific concerns arising in the case. Dismissal of the appeal would not prevent the continued care of children by the relevant authorities, whereas the continued use of the site may harm the living conditions of neighbouring residents. The collective planning harm that I have identified is of such weight that a refusal of planning permission is proportionate and necessary.
31. The submitted planning obligation is flawed. There is no plan associated with the agreement to fully identify the site. Nor does it refer to the planning application reference, and it has not been signed by a witness. It also refers to the provision of 8 off-street parking spaces, which has not been shown on any plans. Consequently, I am not satisfied that it would be secure, and I therefore give it no weight in my determination. In addition, and related to this, I am not satisfied that a planning condition, requiring a scheme to demonstrate that the operator will continue to work with the Council's housing referrals team, would be sufficiently precise or enforceable, to ensure the accommodation would be appropriately targeted. There is insufficient evidence before regarding how the process would work and whether any breach of the condition could be easily remedied or identified.
32. The effect of the limited external changes to accommodate the proposal upon the character and appearance of the area has not been raised as a concern by the Council. Although it has been suggested that the proposal would result in the loss of family dwelling, the harm arising from this has not been substantiated. I have also considered all other issues raised by interested people. However, as I have found the development to be unacceptable for the reasons given, it is not necessary for me to reach a conclusion on these matters.
33. The Council has drawn my attention to an appeal decision⁴ from 2005, that has not been provided. I note that this case was in Thanet and the decision was made prior to the Framework. With limited details, I am unable to make a comparison between that case and the appeal before me. Therefore, I have determined this appeal on its own merits.
34. I appreciate that the appellant's frustration regarding the Council's handling of the application and communication. However, this has no bearing on my decision, and there is no costs application before me.

Conclusion

35. I have had due regard to the PSED, and the HRA recognising that the proposed development would advance equality of opportunity for people with protected characteristics due to their young age. However, the scale of the associated benefits, would be very modest. Set against that would be the more clearly identifiable harm to the living conditions of neighbouring occupiers.
36. Therefore, having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that it is proportionate and necessary to dismiss the appeal.

K Williams INSPECTOR

⁴ Appeal Ref: APP/Z2260/A/05/1176509