



Appeal Decision

Site visit made on 11 August 2025

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 August 2025

Appeal Ref: APP/V4250/W/25/3365949

92 Miles Lane, Shevington, Wigan WN6 8EW

- 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 Mrs L McCarter against Wigan Metropolitan Borough Council.
 - The application Ref is A/24/97774/CU.
 - The development proposed is change of use from C3 to C2.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from C3 to C2 use that will provide care for two young persons aged 16 – 18 at 92 Miles Lane, Shevington, Wigan WN6 8EW in accordance with the terms of the application, Ref A/24/97774/CU, subject to the following conditions:
 - 1) The development must be begun not later than the expiration of three years beginning with the date of this permission.
 - 2) The development hereby approved shall be carried out in accordance with the following approved plans:
 - 2024-1076 – Location Plan
 - 2024-1076 – Existing & Proposed Site Plan
 - 2024-1076 – A01 – Rev A – Proposed Floor Plans
 - 3) Notwithstanding the provisions of Schedule 2, Part 3, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order revoking and re-enacting that Order, with or without modification) the property shall be used as a young persons care home for the care of a maximum of two young persons between the ages of 16 - 18 years of age only. It shall be used for no other purpose (including any other use falling within Class C2 of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that class in any statutory instrument amending or replacing that Order).
 - 4) The use hereby approved shall at all times operate in accordance with the details contained within the submitted document titled “*Statement of Purpose Miles Lane*”.

Preliminary Matters

2. The appeal is made against a failure to give notice within the prescribed period of a decision on an application for planning permission. In response to the appeal the Council has prepared a Statement of Case. This statement outlines the Council's view that permission should be refused on the basis that the proposal has not demonstrated that the development would not lead to an increase in a level of demand for publicly provided support services to an extent that is likely to result in a deterioration of the level of service available to existing users. It is also stated that a need for the development has not been demonstrated.
3. The Council also raised concerns in respect of the provision of parking, stating that if a planning condition requiring additional parking provision within the site was not imposed, the development would be to the detriment and disruption of the amenity and quality of life of neighbouring and local residents.
4. The Council's Statement of Case refers to documents submitted by the appellant during the planning application process. Some of these documents were not however submitted as part of the appeal. The appellant was therefore requested to provide copies of the documents submitted to the Council during the planning application process.
5. In response, the appellant has provided documents titled "*Location Risk Assessment*" and "*Statement of Purpose*", as well as an email sent to the Council on 17 October 2024. The Council has subsequently confirmed that these documents were submitted during the planning application process and thus I have taken them into consideration in my determination of this appeal.
6. The description of development in the above banner heading is taken from the submitted application form. However, the appellant has confirmed that the appeal proposal seeks permission for a specific C2 use that will provide care for two young persons aged 16 – 18. The Council's submissions were also based on this specific use within Class C2.
7. I have therefore determined this appeal on the basis that it seeks permission for a specific C2 use that will provide care for two young persons aged 16 – 18 and this is reflected in my formal decision¹.
8. The appellant's supporting documents state that each young person would be provided with their own bedroom within the property. However, the originally submitted floor plans show only one bedroom for the proposed occupants, with an additional staff bedroom and office at first floor level. During the appeal process an amended floor plan² has been provided showing a separate bedroom for each of the proposed occupants, as well as an office/staff bed at first floor level.
9. Having regard to the Wheatcroft³ and Holborn⁴ principles, as well as the procedural guidance⁵, the Council was given an opportunity to comment on this amended floor plan. As such, I do not consider that the Council, or other parties, would be prejudiced by my acceptance of this amended floor plan. I have

¹ Paragraph 1 of this Decision Letter

² 2024-1076 – Rev A – Proposed Floor Plans

³ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

⁴ Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

⁵ Planning Inspectorate Procedural Guide: Planning Appeals – England

therefore determined the appeal based on the amended floor plan provided during the appeal process.

10. The appeal site is located within the Green Belt. The Council does not assert that the proposed change of use would be inappropriate development within the Green Belt. On the evidence before me, and from what I observed on site, I see no reason to disagree.

Main Issues

11. In view of the above, the main issues are the effect of the proposal on:
 - the provision of public services and facilities; and
 - the living conditions of nearby occupiers, with regard to car parking.

Reasons

12. The appeal relates to a semi-detached dwelling which is set back from the highway of Miles Lane by a front garden and a hard surfaced car parking area. On the opposite side of the road are the Grade II Listed Master's House and attached stone-built portion of Shevington Community Primary School.

Services and facilities

13. Paragraph 61 of the National Planning Policy Framework (The Framework) states that it is important the needs of groups with specific housing requirements are addressed. Paragraph 63 of the Framework goes on to confirm that establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups include looked after children and footnote 26 of the Framework states evidence of need for looked after children can be found in the relevant local authority's Children's Social Care Sufficiency Strategy.
14. In this regard, I have not been provided with a copy of the Council's Children's Social Care Sufficiency Strategy. Furthermore, my attention has not been drawn to any policies within the Development Plan which restrict the change of use of C3 (dwellinghouses) to C2 (residential institutions), or which state that there is an over provision of C2 uses within the authority.
15. The appellant's submission explains that the proposed change of use would cater for young persons between the age of 16 – 18 years old. The purpose of the use is to get these young people ready for an independent life when they become adults and therefore residents would be taught and helped with a range of important life skills. The appellant states that there is a shortage of these types of houses for young people.
16. Conversely, the Council's submission claims that there are currently enough children's homes in the authority to deal with the demand. However, I find the appellant's proposed use of the property to be specifically aimed at a particular age of young persons, and I have not been provided with any substantive evidence from the Council to demonstrate that the demand for housing for this particular age group is over provided for.

17. Moreover, should there in fact be no need or demand for the proposed use, as suggested by the Council, then the proposed change of use would be unlikely to be implemented.
18. The Council, as well as its Children, Adults and Families Service, has also raised significant concerns in respect of the extra demands and detrimental impact the proposal would have upon local public service delivery across a range of services. The Council state this would impact their ability to meet its own housing need for looked after children. The Council has also stated that limited detailed information has been provided as to how the use will operate, which is critical information needed in respect of assessing the impact on public services.
19. Whilst I acknowledge the Council's concerns in respect of this matter, I have no substantive evidence before me in respect of the demands currently being placed on public services or evidence that the appeal proposal would have an undue impact on the delivery of these services. Furthermore, there is no evidence before me that future occupants of the property would not be provided with access to necessary infrastructure and facilities.
20. Additionally, the appellant has submitted detailed documentation explaining how the proposed use will operate. Whilst I acknowledge that it does not include the very specific details of the exact requirements of future occupants, this is understandable given that the future occupants are unlikely to be known at this stage.
21. Furthermore, given the nature of the proposed use, specifically for 16 – 18-year-olds, occupants would only be at the property for a few years before moving on. Consequently, there would be a relatively frequent change in occupancy and it is clear from the evidence that not all young people have the exact same behaviours or require the exact same level of care. Thus, it would be extremely difficult for the appellant to provide specific details on exactly what demands the proposal would place on public services as this would be intrinsically linked to the needs of each individual.
22. I also note the concerns raised in respect of children being housed in this property from other authorities. This however is a matter outside the remit of this appeal.
23. My attention has been drawn to a dismissed appeal decision⁶ in another authority. In that appeal the Inspector considered on balance that the proposal would result in greater demands being placed upon public services in that area than a family bungalow, and that the proposal could therefore jeopardise facilities for the social needs of the community.
24. I have had due regard to this decision. However, each application must be determined on its own merits, and I have very limited information as to what details and evidence was before that Inspector when making their decision. Consequently, I cannot draw any direct comparisons between that appeal decision and the appeal scheme before me. This therefore limits the weight I can attribute to that decision in my determination of this appeal.
25. In view of all the above and on the evidence before me, given the small scale of the proposed change of use to provide care for two young persons aged 16 – 18, I conclude that the proposal would not have a detrimental impact on local public

⁶ APP/Z2260/A/05/1176509

service delivery and facilities, and would not have a direct detrimental impact upon the Council's ability to meet its own housing needs for looked after children.

26. I therefore find no conflict with Policy CP 6 of the Wigan Local Plan Core Strategy (2013) (LP) and Policies JP-H3 and JP-P6 of the Places for Everyone Joint Development Plan Document (2024) (PfE), where they together seek to ensure, amongst other things, that development across the plan area incorporates a mix of dwelling types, including specialist housing for vulnerable people; and that development maximises its positive contribution to health and wellbeing. I also find no conflict with Vision 3.1, Objective 9 of the PfE, where it seeks to ensure that new development and communities are supported and served by physical and social infrastructure.
27. The proposal would also comply with the provisions of the Framework, where it seeks to provide housing for different groups in the community, including looked after children, and the provisions of the Planning Practice Guidance which seeks to promote healthy and inclusive communities.

Car parking

28. The appeal property currently has a hard surfaced area to the front which provides off-street parking provision for 2no. cars. The appellant's supporting documentation details that one member of staff would always be on site and there would also be visits to the property from other workers and family members.
29. A copy of the Council's Policy Note: Parking Standards for New Development has been provided. However, this document does not provide specific parking standards or requirements in respect of C2 residential uses. Nevertheless, whilst there is no objection to the proposal from the highway authority, the Council contend that the additional parking demands from various potential visitors, as well as the overlap from staff during shift changes, will exceed the levels generated by a family home.
30. The Council therefore assert the provision of two off-street parking spaces is not sufficient to cater for the proposed use and the resultant comings and goings associated with on-street parking would be detrimental to the amenity and quality of life of local residents. The Council has therefore suggested a condition be imposed on any allowed appeal which requires the appellant to provide additional parking provision within the site. The Council state that failure to impose such a condition would result in an additional reason for refusal.
31. In this regard, I acknowledge that the proposed development would attract other callers to the premises in addition to the specified single full-time staff member on site. However, these would typically be health and social care visitors, managers and other staff members, as well as family members, and in most cases these visits would likely be pre-planned. As such, at times when both the on-site car parking spaces would both be occupied, it is envisaged that only a low level of additional car parking demand would be generated from the proposal. Furthermore, it is reasonable to anticipate that most visits of a professional nature would take place on weekdays and during the daytime.
32. During my late-morning weekday site visit, I was able to park on Miles Lane close to the appeal site. During that time, several other available parking spaces were observed along this section of the highway. Whilst only a snapshot in time there is

no substantive evidence to suggest that the parking availability I observed was untypical of the area during normal office working hours on a weekday.

33. On the information before me I am therefore satisfied that the level of car parking provision on site, and in the area, is sufficient to serve the needs of the proposed use.
34. I also noted that the dwellings on Miles Lane are set back from the highway by front garden and / or driveway areas. These areas provide a buffer between the houses and the highway where any additional cars that cannot fit on the driveway are likely to park.
35. Additionally, general noises associated with the comings and goings of vehicles parking on this highway would not be dissimilar to those which regularly take place outside residential properties throughout the day. Consequently, I do not find that the comings and goings, and parking, of cars on the highway would have a harmful impact upon the amenity of nearby residents.
36. The Council has also referred to the potential for taxis' and mini-buses parking and waiting on the highway to take children to school. However, such a situation is not uncommon and could occur with the existing C3 use of the property as a dwelling.
37. I note some minor inconsistencies between the originally submitted "*Management Plan*" and the later submitted "*Statement of Purpose*", with particular regard to staff rota patterns and shift time changes. Nevertheless, the submitted information is clear that there would always be one full time member of staff on site, with an overlap during shift changes, and there would be occasional visits from other staff members, professionals or family members. I am therefore satisfied that the comings and goings would not be dissimilar to that of a C3 dwelling.
38. In view of all the above, I do not find the comings and goings, and servicing, associated with the proposed use would have a harmful impact upon the living conditions of neighbouring occupiers and would not unduly add to on-street car parking stress in the area. I therefore find the provision of 2no. off-street car parking spaces to be sufficient for the proposed development and should I be minded to allow the appeal a condition requiring the appellant to provide additional car parking provision within the site would not be reasonable or necessary to make the development acceptable.
39. Consequently, as submitted the proposal would comply with LP Policy CP 17 where it seeks to ensure, amongst other things, that new development does not have an unacceptable adverse impact on amenity and quality of life of existing uses. The proposal would also not conflict with the Framework where it seeks to ensure a high standard of amenity for existing users.

Other Matters

40. As mentioned above the Master's House and the attached stone-built portion of Shevington Community Primary School, located on the opposite side of Miles Lane, are Grade II Listed. The proposed change of use of the appeal property would not affect the setting of this designated heritage asset.

Conditions

41. The Council has provided a list of suggested planning conditions, which I have considered against paragraph 57 of the Framework, and the advice contained in

the Planning Practice Guidance, and I have edited to improve precision and enforceability.

42. In addition to the standard time limit condition (1), I have attached a condition specifying the approved plans to provide certainty (2).
43. Given that use Class C2 includes a range of other uses, and the appellant has confirmed that the appeal proposal seeks permission for a specific C2 use that will provide care for two young persons aged 16 – 18, a condition to restrict the use to that which is being applied for is necessary to adequately control the use of the site and to protect the amenity of the area, given other uses within use Class C2 could potentially give rise to other planning harms (3). I have however not included the Council's suggested requirement for the property to revert back to a C3 use "*should the approved use cease*", as any such change of use would potentially require planning permission and the use of the word 'cease' is somewhat open to interpretation and therefore not precise.
44. The Council has suggested a condition be attached requiring the submission and approval of a new Management Plan, detailing the staffing arrangements and extent of the comings and goings to the site. The Council has however itself questioned whether such a condition would be enforceable given that different occupants will have different needs.
45. In this regard, the appellant has submitted a document titled "*Statement of Purpose*" and I find that the level of information within this document to be sufficient for the proposed use. To impose a condition requiring more specific details to be provided would be both unreasonable and unenforceable as for the reasons given earlier the individual circumstances of each future occupant are likely to be different.
46. As such, I conclude that the Council's suggested condition requiring the submission of a new Management Plan would not meet the six tests and thus has not been included. However, a condition is imposed requiring the development to take place in accordance with the details within the submitted "*Statement of Purpose*" document (4).
47. The Council also suggested a condition be attached requiring the appellant to provide additional car parking provision at the front of the property. However, for the reasons given above I do not find that such a condition is reasonable or necessary to make the development acceptable. Subsequently this condition has not been included.

Conclusion

48. For the reasons given above, and having regard to all matters raised, the proposed development would accord with the development plan when taken as a whole and there are no material considerations that indicate it should be determined other than in accordance with the development plan. The appeal is therefore allowed.

R Major

INSPECTOR