



Appeal Decision

Site visit made on 22 July 2025

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 August 2025

Appeal Ref: APP/K3415/W/25/3362304

Chapel House, Main Road, Haunton, Tamworth, Staffordshire B79 9HL

- 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 Zia Zamir of Bayleaf Care Ltd against the decision of Lichfield District Council.
 - The application Ref is 24/00992/COU.
 - The development proposed is change of use of dwelling (C3) to a home for children in care (C2).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would preserve or enhance the character or appearance of the Haunton Conservation Area (CA) with particular regard to the front boundary wall and trees within the site; and
 - The effect of the proposal on the living conditions of local residents with particular regard to noise and disturbance.

Reasons

Character and appearance of the CA

3. The appeal property is a large, five bed detached dwelling, falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended). It is in the village of Haunton and within the CA, a designated heritage asset. The significance of the CA, insofar as it relates to this appeal, is derived from its surviving historic settlement pattern, which is linear in form. The strong boundary treatments at the front of properties, in the form of brick and stone walls, railings and hedges, and the mature trees adjoining the highway, make a substantial contribution to its significance. The low brick wall that defines the front boundary of the appeal site, and the mature trees that are within its frontage, positively contribute to the character and appearance of the CA.
4. The Council consider that the proposed change of use to Class C2 care home would intensify the use of the site access, and that it would, therefore, need to be significantly widened. The appeal plans before me, which are those listed as 'Refused Plans' on the Council's decision notice, do not propose the widening of the access. Nonetheless, it is necessary for me to address whether that would be

required in the interests of highway safety, and if so, whether harm to the character and appearance of the CA would arise.

5. Given its size and the level of accommodation it provides, the appeal property lends itself to a high occupancy level, for instance by a large family, and has the potential to generate quite considerable levels of vehicle movements each day. Such activity is likely to include vehicle trips associated with attending work, childcare, shopping, leisure activities, and visits from friends and family. It is also reasonable to assume that older children could leave for school, or work, independently, and could have their own car, thereby generating additional vehicle movements. Consequently, the occupation of the appeal property as a dwelling could potentially result in frequent vehicle movements that are intensive at certain times of the day.
6. It is proposed that the appeal property would be used to provide full time care for four children aged 5 to 17 years, with trained staff based on site 24 hours a day. Three carers would be at the property during the day, and two in the evening and night. The number of persons occupying the property would, therefore, be comparable to that of a large family. Even taking into consideration the shift changeover and movements associated with visits from social workers and others, there is no substantive evidence that vehicle movements related to the proposed use would be materially greater than that which would be generated by its use as a large family home.
7. Furthermore, there is good visibility in both directions along Main Road at the point of access, and a vehicle waiting to leave the site could be seen above the front boundary wall. Any waiting on the highway to allow a vehicle to exit would be for a short period and could be seen by other highway users, enabling them to stop as appropriate.
8. For these reasons, I find that the use of the existing access would not materially intensify because of the proposal, and that vehicles entering and leaving the site could do so safely. Accordingly, I find that the proposal would not require the widening of the access and, therefore, the front boundary wall would remain intact, ensuring no harm to the character and appearance of the CA. It thus follows that an assessment of the impact of any loss of boundary wall on the heritage asset is not required.
9. I acknowledge the appellant's assertion that the existing parking area could accommodate at least 6 car parking spaces and that current parking and manoeuvring arrangements are satisfactory. Nonetheless, the proposal before me includes a parking layout plan, drawing number A101 Rev 1, which proposes to increase the size of the parking area, and I have determined the appeal on that basis.
10. As referred to above, the trees within the frontage make a positive contribution to the character and appearance of the CA. Based on my observations of the tree that would be affected, and in the absence of any compelling argument to the contrary, they appear to be healthy and, therefore, it is reasonable to assume that they would survive for many years if current circumstances remained.
11. On my visit I noted that the root protection area (RPA) of the trees is already constrained by the front boundary wall and the adjoining highway. The proposed additional hard surfacing would extend under tree canopies and therefore would

further affect their RPA. In the absence of any assessment or Arboricultural method statement there is no evidence that demonstrates such works would not further constrain the root area and thereby adversely affect the health of the trees.

12. For these reasons, it is not certain that the proposal, which includes the changes shown on drawing number A101 Rev 1, can be carried out whilst ensuring the protection and long-term retention of all the frontage trees. Any harm to, or loss of, any of the trees within the site would materially and harmfully erode the character and appearance of the CA.
13. Paragraph 212 of the Framework advises that great weight should be given to the conservation of designated heritage assets (and the more important the asset, the greater the weight should be). Paragraph 213 goes on to advise that any harm to, or loss of, the significance of a designated heritage asset through alteration or destruction, or development within its setting, should require clear and convincing justification.
14. In this instance, due to the nature of the development, the harm to the CA would be at the lower end of 'less than substantial' but, nevertheless, of great weight. Under such circumstances, paragraph 215 advises that this harm should be weighed against the public benefits of the proposal
15. The proposal would provide a home for children in care. However, no substantive evidence has been provided that demonstrates that there is an unmet need for such a use and, therefore, this public benefit carries modest weight. On balance, the sum of any public benefits is insufficient to outweigh the less than substantial harm I have identified to the character and appearance of the CA.
16. I conclude that the proposal would harm the character and appearance of the CA due to its impact on visually significant trees. It would therefore be contrary to Policy BE1 and NR4 of the Local Plan Strategy (LP), adopted 2015, which requires that development has a positive impact on the significance of the historic environment and seeks to protect trees in the interests of local distinctiveness. It would also be contrary to the similar aims of Core Policy 3 and 14 of the LP and Policy BE2 of the Lichfield District Local Plan Allocations, adopted 2019.

Living conditions

17. There is the potential for the children that would be cared for at the appeal site to regularly exhibit behavioural problems which could result in noise and aggression. However, behaviours of the occupants of a Class C3 dwelling can vary greatly and any person residing at the property for that purpose could bring with them noisy or disturbing activities. I acknowledge that the Environmental Health department have experienced noise complaints arising from care homes. Nevertheless, this does not constitute substantive evidence that inappropriate and anti-social behaviour would, inevitably, occur in connection with the proposed use, that such behaviour would be more severe or frequent than that which could arise from the existing use as a Class C3 dwelling, or that such behaviour would be unmanageable.
18. The appellant indicates that shift changeovers, entailing two staff arriving and two staff leaving, would ordinarily take place in the morning between 8am and 8.30am. This would be at a time when the background noise level would be greater as there would likely be a concentration of departures to work and school in connection with the use of the property as a Class C3 dwelling and the occupation

of the nearby houses. The shift changeover would also happen at a time when people are generally awake or have already left for work or school and are likely to occur for a short period of time. Additional vehicle movements associated with visits from social workers and others would also be likely to take place, some of which may occur at night. However, I see no reason why such comings and goings would be more noisy or disruptive than a family who, commonly, come and go during the day and night.

19. Overall, although I acknowledge that the property would function differently as a children's care home, I find that the levels of noise and disturbance would not significantly exceed that which could reasonably occur in connection with its use as a dwelling. As such, the proposal would not have a materially greater, or harmful, impact on the living conditions of nearby residents than that which would arise in connection with a Class C3 use.
20. Consequently, the proposal would not harm the living conditions of local residents due to noise and disturbance. It would therefore accord with Core Policy 3 and Policy BE1 of the LP which require that development contributes to the creation and maintenance of sustainable communities and ensures that a high quality sustainable built environment can be achieved by, amongst other things, protecting the amenity of residents. It would also accord with the design aims of the Framework.

Conclusion

21. I have found that the proposal would not have an unacceptable effect on the living conditions of local residents. However, this does not outweigh the harm that I have identified above. The proposed development, therefore, conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harms and associated development plan conflict.
22. Accordingly, I conclude that the appeal should be dismissed.

Elaine Moulton

INSPECTOR