



Appeal Decision

Site visit made on 29 July 2025

by **D R Kay BA Dip.Arch RIBA**

an Inspector appointed by the Secretary of State

Decision date: 03 September 2025

Appeal Ref: APP/G4620/W/25/3363221

34 Poole House Road, Great Barr, Sandwell, Birmingham B43 7SJ

- 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 Mrs Nigar Toofany Jeewa against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref is DC/24/69615.
 - The development proposed is the change of use from dwellinghouse to residential home for up to two children.
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Decision

1. The appeal is allowed, and planning permission is granted for the change of use from dwellinghouse to residential home for up to two children at 34 Poole House Road, Great Barr, Sandwell, Birmingham B43 7SJ in accordance with the terms of the application, Ref DC/24/69615, subject to the conditions in the attached schedule.

Preliminary Matters

2. I have taken the description in the heading above from the Council's decision notice. This describes the appeal development accurately and more succinctly than the application form.
3. At my visit, it was apparent that the dropped kerb and extension of the parking area in front of the appeal property was already in place.

Main Issues

4. The main issues are the compatibility of the new use with adjacent uses, and the effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to noise and disturbance.

Reasons

Compatibility with Adjacent Uses

5. The appeal property is one half of a pair of semi-detached dwellings, located within a residential neighbourhood of similar properties, constructed between the wars, and retaining much of their original detail. However, many former front gardens have been converted for the parking of vehicles in front of the principal elevation. Other properties have retained their front gardens, and so vehicles are parked on the highway in front of these properties, as the layout of the estate is such that access driveways between adjacent pairs of dwellings, are shared providing access to garages located behind properties and so preclude parking.

6. The properties that surround the appeal property all appear to be in use as dwelling houses and I have assessed the proposed development against its compatibility with adjacent uses on this basis.
7. The appeal proposal is solely for the change of use from a C3 residential use to a residential institutional dwelling C2 use, to provide a residential care home for children with emotional or behavioural difficulty (EBD). There are no physical changes proposed to the building, which would therefore retain its existing residential external appearance. The property would, therefore, be indistinguishable from other surrounding residential properties.
8. Policy SAD H4 of the Sandwell Metropolitan Borough Council - Site Allocations and Delivery Development Plan (SADDP), is the relevant policy within the development plan covering housing for people with specific needs. The starting point of this policy is that the Council will encourage and negotiate the provision of housing to cater for the special needs of people. The policy has five criteria for the assessment of proposals, which include compatibility with adjacent uses; the suitability of the site and building; the character and quality of the resulting environment; accessibility by a choice of means of transport and the proximity to services.
9. The existing property is a three-bedroom property, and the proposal is for a maximum of two children, with either 3 staff during the daytime, or two staff at night-time present in the property. This would equate to the same level of occupation as would be expected in a dwelling of this size, under normal residential use. It has substantial garden areas to the rear of the property, which can be made adequately secure. It would therefore meet the suitability of the site and building element of the SAD H4 policy.
10. The location of the property has been accepted by the Council as being in a sustainable location, with adequate access to a choice of means of transport and close to other services. It therefore meets these two criteria of the above policy. As the external appearance would not change, other than the expansion of the parking area, which is common within the area, the proposal would meet the criteria regarding character and quality of the resulting environment of the policy.
11. Turning to the criteria of compatibility with adjacent uses, the proposal is for a residential care home for children with EBD. As a principal aim of the provision of care for such children, would be to provide as stable and mainstream a home environment as possible, it is difficult to see how this would be provided anywhere else than within an established, well serviced residential district. Therefore, I find that the proposal would be compatible with surrounding uses and would therefore satisfy this criterion of policy SAD H4.
12. I therefore conclude that the proposed use would be compatible with the surrounding use. It follows therefore, that I find the proposal accords with policy SAD H4 of the Sandwell Metropolitan Borough Council - Site Allocations and Delivery Development Plan (SADDP), which requires, among other things, development to be compatible with surrounding uses, to provide adequate character and quality of resulting environment and be located with access to a choice of means of transport and local services.

Living Conditions

13. Evidence before me highlights that the existing property is a three-bedroom residential dwelling, with no residential restriction on occupancy. As such it could be occupied by anyone, with any combination of personal or family profile or circumstances. The dwelling is large enough to be occupied by a family of five. Such an occupancy level could result in two to three vehicles being used in association with the dwelling daily, plus any associated delivery or servicing vehicles.
14. The appellant has submitted that the proposal would provide care places for a maximum of two children. During the day there would be two staff present from 8:00am to 8:00pm together with a manager from 9:00am to 5:00pm. Two staff would be present overnight on an 8:00pm to 8:00am shift. A handover period of 30 minutes is proposed at changes of shift. In addition, there would be less frequent visits from social workers or Ofsted Inspectors by appointment.
15. Whilst there has been comment during the consultation stage that the area is a quiet residential street, passing traffic noise and the manoeuvring of vehicles would not be uncommon because of the residential nature and inevitable variation in the work patterns of surrounding occupiers. It would, therefore, not be unusual for residents to hear the movement of their neighbours throughout the day and into the early evening. As the proposal has limited numbers of occupants and staff, I find that the extent of vehicle movement and their likely timing, is not inconsistent with normal day-to-day residential use, such that it would not appreciably increase noise and disturbance from traffic movements.
16. The proposal would provide two parking spaces within the parking area to the front of the property. There would also be parking available on the highway in front of the parking apron, as staff would be able to control access requirements. At my visit, it was apparent that there is sufficient on-street parking within the vicinity of the appeal property, to cope with infrequent visits by Ofsted Inspectors or social workers, or for changeover times of shifts. I am therefore satisfied that the proposal would not detrimentally affect the availability of on-street parking for surrounding residents in the area.
17. There is no compelling evidence that the use of the property, or its external garden spaces, for the care of children with EBD, would result in disturbance which would be out of keeping with that which could reasonably be expected of a domestic family residence. Indeed, the constant presence of appropriately trained staff, and robust management procedures, which could be secured by an appropriately worded condition, would provide safeguards that would not be present if the property were in standard domestic use. Concerns have also been raised with regards to privacy, particularly from overlooking from the first-floor windows of No 34. However, I find that this would be no different to that typically found where houses line the street and so would be acceptable in planning terms.
18. I therefore find that the appeal proposal would not harm the living conditions of neighbouring occupiers, with particular regard to noise and disturbance. It follows therefore, that the proposal accords with policy SAD H4 of the SADDP, where it requires development for specific needs housing to be compatible with surrounding uses, and for the character and quality of the resulting environment to be considered.

Other Matters

19. Concerns have been raised by residents. I have already addressed the majority of these in the main issues. However, in addition, it was asserted that the appeal proposal would result in anti-social behaviour, that there was insufficient information on the background of future users, that the proposal would set a precedent for business use and would be out of character with the area.
20. The potential for anti-social behaviour would be highly dependent on the profile of the children being cared for, together with the responsible management of the premises. Appropriately worded conditions could be imposed on the approval which place enforceable controls on the management and use of the premises. The size of the proposal is limited in terms of the numbers of children to be cared for, who would be referred by local Council's and the premises would be regulated by Ofsted. Accordingly, there would be sufficient controls in place in relation to the care of children with EBD.
21. The proposal, whilst being for a private care home operated commercially, is within a residential use class in the Use Classes Order 1987 (as amended). As such, the use would be compatible with a residential area and would not set a precedent for business use. As the building would not be physically changed, and the use would remain residential in nature, the proposal would not be out of keeping with the character of the area.

Conditions

22. I have had regard to the 6 conditions suggested by the Council. Where necessary I have amended the wording, in the interests of precision and clarity, and to comply with the advice in the Planning Practice Guidance and the Framework. I have not applied the condition relating to the provision of a drop kerb, as the drop kerb was in place at the time of my visit.
23. In addition to the standard time limit for implementation, in the interests of certainty I have attached a condition specifying the approved plans.
24. In the interests of living conditions of surrounding residents, conditions are necessary to control the use of the premises in line with the description of development and to control the management of the premises in accordance with an approved management scheme. For the control of levels of on-street parking for surrounding residents, a condition for the provision and retention of parking facilities is also necessary.

Conclusion

25. For the reasons set out above, I conclude that the appeal proposal would accord with the development plan, read as a whole. There are no material considerations, including policies in the Framework, that would justify determining the appeal other than in accordance with it. Therefore, the appeal should be allowed.

D R Kay

INSPECTOR

Schedule of Conditions

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.
- 2 The development hereby permitted shall be carried out in accordance with drawing numbers: PH-SF-A-2010 Rev P2 - Location Plan, PH-SF-A-2011 Rev P1 - Floor Plans-Existing, PH-SF-A-2012 Rev P1 - Floor Plans-Proposed.
- 3 The premises shall only be used for a residential home for a maximum of two children and up to three staff and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), but may revert back to use class C3 (dwellinghouse) on cessation of the approved use.
- 4 Before the use is commenced, a management scheme shall be submitted to and approved in writing by the local planning authority, identifying management of the property, including staffing, waste disposal, parking, noise control and procedures for dealing with complaints. The approved management scheme shall be implemented in accordance with the approval for the duration of the use hereby approved.
- 5 The existing car parking spaces to the front of the property shall be kept available for the parking and manoeuvring of motor vehicles at all times and shall be retained for such use.

***** End of Schedule*****