



Appeal Decision

Site visit made on 2 September 2025

by T Bennett BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 September 2025

Appeal Ref: APP/B0230/W/25/3367033

21 Swan Mead, Luton LU4 0YP

- 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 Keith Vickers against the decision of Luton Borough Council.
 - The application Ref is 25/00134/COU.
 - The development proposed is for the conversion and change of use of six bedroom dwellinghouse (C3) to a three bed children's home (C2).
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Decision

1. The appeal is allowed and planning permission is granted for conversion and change of use of six bedroom dwellinghouse (C3) to a three bed children's home (C2) at 21 Swan Mead, Luton LU4 0YP in accordance with the terms of the application, Ref 25/00134/COU, subject to the following 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 the following approved drawing nos and documents: DC01, DC02, DC03 and 21548/P/01.
 - 3) The building and/or site shall be used for residential accommodation and care for up to a maximum of 3 persons aged between 8 -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) Notwithstanding the submitted details, prior to the first operation/use of the development hereby approved, a Management Plan, including management responsibilities and maintenance schedule for all residents and external and internal areas, the management of site parking and visitation, refuse storage details and details of the complaints and compliance procedure shall be submitted in writing to the local planning authority for approval. The approved details shall be retained and adhered to so long as the development exists thereafter.

Main Issues

2. The main issues are:

- the effect of the proposed development on the availability of larger family housing,
- the need for the proposed development, and;
- whether the proposal would lead to unsustainable transportation movements.

Reasons

Larger family housing

3. Policy LLP15 of the Luton Plan 2011-2031 (2017) (LP) seeks to ensure residential development meets the identified housing needs of the area set out in the Strategic Housing Market Assessment (2018) (SHMA). The policy also permits residential development of unallocated sites provided they are not in other uses for which there is a recognised local need.
4. The Council refers to its latest Strategic Housing Land Availability Assessment (2019) (SHLAA), which monitors the requirement of the SHMA through an annual publication. The Council contends that the SHLAA indicates an identified need for large 4+ bedroom dwellings and that the proposal would exacerbate this need through the loss of a 4+ bedroom home, particularly as they currently do not have a five year housing supply.
5. Whilst Table 2.5 of the SHLAA identifies that only 402, 4+ bedroom dwellings were delivered between 2011 and 2019, I have little substantive evidence which corroborates the stated need of 2,590 4+ bedroom dwellings, as neither the SHLAA nor SHMA references this figure. Furthermore, considering the age of both the SHLAA and SHMA, having been published several years ago, and notwithstanding the Council's lack of a five year housing supply, I cannot be sure to what extent these documents accurately represent the area's current housing needs or whether housing developments since then have altered the need for larger family housing.
6. I am also mindful that the proposed C2 Use Class is still a residential use and would result in living accommodation for 3 children that would be similar to a 4+ bedroom dwelling house. The officer's report also finds that the proposed use would not result in activities in the building that would be so significantly different from the existing residential use, a conclusion with which I agree.
7. The proposal also does not appear to involve any physical alterations. Thus, whilst an application for a change of use would be required to revert back to C3 use, the plans before me suggest that it would not be unduly onerous to revert back to a C3 single dwelling house that could be re-used by a large family in the future. Consequently, I find that any harm resulting from the loss of a larger home would be very limited.
8. Drawing all the above points together, in conclusion, I find that the proposal would not have a harmfully adverse effect on the supply of larger family homes. There is therefore no conflict with Policies LLP1 and LLP15 of the LP which seeks amongst other things to ensure residential developments reflect housing needs of Luton and the Luton Housing Market Area and deliver sustainable communities.

Need

9. Policy LLP15 of the LP seeks, amongst other things, to ensure that the redevelopment of existing housing to other uses will be permitted, provided that replacement dwellings are provided on or off site, or there is an overriding need for other uses which provides benefits to the community.
10. The Council states that the use of residential care is low and there is no unmet need for the proposed accommodation within the Borough, with no guarantee that it would be used. The Head of Service for Children outlines that there is currently 2-4 referrals a year, with Luton having two residential provisions that they currently use, with the aim to keep children at home with their families where possible. However, the appellant has provided evidence which indicates that as of March 2023, 420 children in Luton were placed in looked-after care, the highest since 2009/10 with 111 children placed outside the Borough. The Council has not sought to refute this information.
11. Whilst the Council state there is not a local need, I have limited substantive evidence to support this point or that the number of children being placed outside the Borough has declined or ceased. Whilst I note that 13 children's homes have been approved within the Borough since 2022, I have limited evidence to suggest that the existing homes are meeting the need. Moreover, I am also mindful that there is a national shortage of children's homes, which the Council recognises.
12. Taking into account the recognised national need for such accommodation, as well as the evidence of children in care who have been displaced from Luton, I consider that there is a need for such accommodation, to which the appeal scheme would contribute. Moreover, as part of the Government's objective of significantly boosting the supply of homes, the National Planning Policy Framework (the Framework) states that the needs of groups with specific housing requirements should be addressed.
13. Given the development would still be providing a form of housing, I find the requirement to demonstrate an overriding need for the use which provides benefits to the community which would outweigh the loss of housing is not necessary. Notwithstanding this, based on the evidence, I find that there is an over-riding need for the use.
14. In conclusion, for the above reasons, I find there is an overriding need for the proposal and there would be no conflict with Policies LLP1 and LLP15 of the LP, which seek amongst other things to ensure sustainable development and that development achieves a mix of different housing sizes, types and tenure based on need.

Sustainability

15. Given the national shortage of children's homes, there is potential that other local authorities would house children within the property. The Council considers that the proposal therefore has the potential to result in staff and other services from outside the Borough travelling into Luton to operate the development, which would not promote sustainable development or reduce travel.
16. Whilst some staff may commute from outside the Borough, this does not appear to be any different to many other jobs. If a large family were occupying the property, it

is plausible that they could attend work or school outside of the Borough. Furthermore, there is limited substantive evidence to indicate that only staff outside the Borough would be employed or that they would use unsustainable modes of transportation.

17. Additionally, considering the proposed use as a children's home, vehicular movements to and from school, work, shopping and social events are not likely to be significantly different compared to that of a large family.
18. On this issue, I conclude that the proposal would not lead to unsustainable transportation movements. It would therefore accord with Policy LLP1 and LLP31 of the LP which seeks to ensure sustainable transportation movements.

Other Matter

19. The Council raise concern that if the proposal was to proceed it could set a precedent. Whilst consistency in the planning process is important and similar cases should be decided in a like manner; it is also important to reiterate that each case is determined on its own merits and on the basis of the evidence. As such, I am satisfied that my decision on this proposal would not harm the ability of the Council to exercise their judgement on relevant matters, as I have done here, in future cases.

Conditions

20. The Council suggested a number of conditions, which I have considered in the light of the advice in the Framework and Planning Practice Guidance (PPG). In addition to the standard time limit condition, a condition requiring the development to be carried out in accordance with the approved plans is needed for the avoidance of doubt.
21. A condition restricting the use of the site to children in need of care and the total number of children that are able to reside at the property at any one time is necessary to manage the intensity of the use of the site in the interests of neighbouring occupiers and to ensure only children in care reside. The condition also limits the approved use to children's care home only, preventing movement within the C2 use class which would otherwise be deemed to be permitted development (PD). The Framework advises that conditions should not be used to restrict PD rights unless there is clear justification to do so. However, C2 use also include hospitals, nursing homes and training centres and therefore covers a range of activities that could be found to be unsuitable given the residential location. A condition is therefore reasonable to restrict the approved use.
22. A condition requiring a management plan is necessary to ensure any adverse impacts that may arise from the change of use can be avoided, minimised and mitigated.

Conclusion

23. I conclude that the proposal would comply with the development plan and the material considerations do not indicate that a decision should be made other than in accordance with it. Therefore, the appeal is allowed.

T Bennett INSPECTOR