



Appeal Decision

Site visit made on 3 September 2025

by **H Marriott MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9th September 2025

Appeal Ref: APP/B0230/W/25/3368278

4 Bideford Gardens, Luton LU3 1UE

- 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 Mohammed Yousaf against the decision of Luton Borough Council.
 - The application Ref is 25/00409/FUL.
 - The development proposed is the change of use Class C3 dwellinghouse to Class C2 care home.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use Class C3 dwellinghouse to Class C2 care home at 4 Bideford Gardens, Luton LU3 1UE in accordance with the terms of the application, Ref 25/00409/FUL, 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 drawing nos DOC 01 'Site Location Plan', DOC 02 'Block Plan' and DOC 04 'Proposed Floor Plan'.
 - 3) The building shall be used for residential accommodation and care for no more than one child, and for no other purpose (including any other in Class C2 of Schedule 1 to the Town and Country Planning (Use Classes) Order 1987 (as amended) or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Main Issues

2. The main issues are:
 - the effect of the proposed development on the provision of family housing in the area with particular regard to the need for care accommodation; and
 - whether the appeal site is a suitable location for the proposed development.

Reasons

Housing provision and need

3. Bideford Gardens is a cul-de-sac, providing access to a number of terraces which are primarily in residential use and a garage courtyard area. Number 4 Bideford

Gardens is an end of terrace, two-storey dwelling containing three bedrooms. The appellant has confirmed that the proposal would provide residential accommodation and care for one child, supported by 24-hour staffing. Whilst Use Class C2¹ is a form of residential use, the appeal proposal would result in the loss of a dwellinghouse within Use Class C3, thereby reducing the stock of family housing.

4. Policy LLP15 of the Local Luton Plan 2011 – 2031 (2017) (LLP) permits the redevelopment of existing housing to other uses provided that there is an overriding need which would provide benefits to the community sufficient to outweigh the loss of housing. It further states that development should achieve a mix of different housing sizes, types and tenures informed by the latest housing market assessments and local circumstances.
5. Paragraph 63 of the National Planning Policy Framework (the Framework) requires the housing needs for different groups in the community to be assessed and reflected in planning policies. This includes the needs of looked after children. Evidence of need of this group should be assessed with reference to the relevant local authority's Children's Social Care Sufficiency Strategy.
6. The Council's Sufficiency Strategy Children in Care 2021-2024 supports the provision of sufficient, appropriate and suitable accommodation to meet the diverse needs of children in Luton. Residential care accommodation, such as that proposed, may be utilised where it is evidenced as the best way to meet a child's needs. The evidence indicates that Luton is currently a low user of this type of residential care setting, with no identified unmet demand at present, and that such settings are typically used as a last resort. Nonetheless, future demand may increase, and the Council has a duty to provide placements for looked after children. Furthermore, it is common ground between the main parties that there is a national shortage of care accommodation for young people, and the proposed accommodation could meet needs arising from outside the Borough. There is no substantive evidence before me to suggest that Luton is not expected to contribute to meeting cross-boundary needs.
7. The Council contends that any unmet needs could be addressed by several new children's care homes granted planning permission on different sites locally since 2022, and by its intention to open its own children's home. Whilst these developments may contribute to meeting demand, no detailed information has been provided regarding their delivery status or occupancy levels.
8. It is recognised that there is an identified need for family sized dwellings, including three-bedroom homes within the Luton Housing Market Area, as set out in the Central Bedfordshire and Luton Strategic Housing Market Assessment (SHMA) (2018). The Council is also currently unable to demonstrate a five-year supply of housing, with the most recent figure indicating a supply of 3.36 years (as of October 2024). However, the loss of a single family dwellinghouse would have a limited effect on housing supply. In the absence of evidence to demonstrate that the housing needs of looked after children have been fully met, the proposal would positively contribute to meeting the need for residential care accommodation for looked after children, thereby delivering associated community benefits.
9. I conclude that the proposed development would have an acceptable effect on housing in the area having regard to the need for care accommodation in this

¹ Town and Country Planning (Use Classes) Order 1987 (as amended) (the Use Classes Order)

instance. In this regard, the proposed development would comply with Policies LLP1 and LLP15 of the LLP for the aforementioned reasons.

Location

10. The Council has indicated that that the proposed development may accommodate children placed by other local authorities. This can be necessary in certain circumstances, including for safeguarding reasons. It is also acknowledged that Luton itself places children outside the Borough when appropriate. Consequently, the involvement of staff, services and organisations from outside the area may be unavoidable in the operation of the appeal proposal.
11. While this may result in vehicular movements from outside the locality, the appeal site benefits from its location within the urban area of Luton, where alternative modes of transport are available. During my site visit, I observed a bus stop servicing multiple routes situated a short walk away on New Bedford Road, providing connections to Luton town centre and other destinations. Although no specific information has been provided regarding the frequency of these services, the staff rota submitted by the appellant indicates that staff shift changes would occur at 8am and 8pm, times when bus services are likely to be in operation. Moreover, the child residing at the appeal property would likely access services and facilities within the local area, providing support for the suitability of the location in terms of accessibility.
12. I conclude that the appeal site is a suitable location for the proposed development. In this regard, it would comply with Policies LLP1 and LLP31 of the LLP which seek to create a network of connected and sustainable places, minimises the need to travel and provides sustainable transport choice.

Other Matters

13. The Council has expressed concern that granting planning permission could set a precedent for other similar developments. However, no directly comparable sites to which this might apply have been put forward. Each application and appeal must be determined on its individual merits, and a generalised concern of this nature does not justify withholding permission in this case.
14. The appeal proposal would accommodate one child, with up to two carers present at any one time, working on a shift basis. Occasional visits from social workers and NHS staff are also anticipated. The level of activity associated with the proposed use would be broadly comparable to that of a typical family dwelling. Whilst interested parties have raised concerns regarding noise, disturbance, privacy and impacts on health and well-being, the limitation to a single child would ensure that the proposal would not result in a materially greater impact on the living conditions of neighbouring occupiers. For the same reason, the proposal is unlikely to cause a discernible change to the residential character of the area or place undue pressure on local infrastructure, traffic or parking. I also note that the Council has not raised concerns in relation to these specific matters.
15. It has brought to my attention that the proposal may affect of the ability of the current occupier to continue residing at the appeal site. Whilst tenancy issues are a private legal matter, I have had regard to human rights of the individuals concerned, including under Article 8 of the Human Rights Act 1998. I have also considered the potential impact on persons with protected characteristics, including

age and disability, in accordance with the Public Sector Equality Duty and Section 149 of the Equality Act 2010. The proposal seeks to meet a need for children's residential care, which is a legitimate planning objective. I am satisfied that any interference with the rights of the occupiers would be proportionate and justified in the wider public interest. Accordingly, these considerations do not alter my findings on the planning merits of the proposal.

16. Concerns have been raised regarding the potential effect of the proposal on property values. However, it is a well-established principle that the planning system does not exist to protect private interests such as land or property values. Similarly, the financial viability of the proposed use is a matter for the appellant and does not fall within the scope of this decision.
17. An interested party has suggested that public consultation during the planning application process was inadequate, I have no substantive evidence before me to indicate that the Council failed to comply with the statutory publicity requirements.

Conditions

18. I have had regard to the tests for planning conditions set out in the Framework and Planning Practice Guidance. Standards conditions requiring a time limit for the commencement of development (1) and requiring the development to be carried out in accordance with the approved plans (2) are necessary in the interests of planning certainty. A condition (3), limiting the use of the building to the care of no more than one child, is considered both reasonable and necessary to prevent more intensive uses within Use Class C2 that could result in greater impacts. This restriction is consistent with the appellant's final comments.

Conclusion

19. For the reasons given above the appeal should be allowed.

H Marriott

INSPECTOR