



Appeal Decision

Site visit made on 2 September 2025

by **L C Hughes BA (Hons) MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 September 2025

Appeal Ref: APP/D4635/W/25/3368621

141 And 143 Victoria Road, Wednesfield, Wolverhampton WV11 1RL

- 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 Narinder Singh (Stepping Stones Care Ltd) against the decision of Wolverhampton City Council.
 - The application Ref is 24/01217/FUL.
 - The development proposed is change of use of 143 Victoria Road to children's home and merge with existing children's home at 141 Victoria Road for 3 children (amended development description and plans received 09.05.2025).
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Decision

1. The appeal is allowed and planning permission is granted for change of use of 143 Victoria Road to children's home and merge with existing children's home at 141 Victoria Road for 3 children (amended development and plans received 09.05.2025) at 141 And 143 Victoria Road, Wednesfield, Wolverhampton WV11 1RL in accordance with the terms of the application, Ref 24/01217/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 drawings: Amended location plan and car parking proposed; Amended proposed ground floor plans; Amended proposed first floor plans; Proposed elevations; Amended proposed parking plan and bin store (car parking proposed).
 - 3) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that order with or without modification) the premises shall be used only as a children's residential home for a maximum of three children aged under 18 years of age, along with the appropriate care support staff, and for no other purpose (including any other use falling within Class C2 of the Order, but may revert back to C3 (dwellinghouse) on cessation of the use).
 - 4) The development hereby permitted shall not be occupied until the vehicle parking spaces have been provided in accordance with drawing 'Amended proposed parking plan and bin store' received 9th May 2025. Thereafter those spaces shall be retained for the parking of vehicles only.

Main Issues

2. The main issues are:

- whether the proposal would maintain a balanced and sustainable residential population; and
- the effect of the proposal on the living conditions of neighbouring occupiers with regard to noise and disturbance and the character of the area.

Reasons

Balanced and sustainable population

3. Wolverhampton does not have a five-year housing land supply and there is a significant need for housing in the borough. However, The National Planning Policy Framework is clear that in significantly boosting the supply of homes, not only family housing is required, but the needs of different groups in the community should be addressed. This includes looked after children.
4. Whilst the proposal would see a change of use from a residential dwelling to a children's care home, the use would still be residential, with children living at the property. The dwelling would therefore continue to provide residential accommodation and would contribute to meeting the needs of looked after children.
5. Number 141 Victoria Road (No 141) is already in use as a children's residential care home, and benefits from a Certificate of Lawful Development¹ which allows for the use of the dwelling for three children. However, the submitted evidence indicates that due to staffing numbers set out in the Certificate, and Ofsted requirements, only two children currently reside at the property. The proposal would allow for three children to live at the accommodation, and there would therefore be a small net gain in meeting the city's identified need for children's residential care placements.
6. There is a significant demand for affordable housing across Wolverhampton, with a high number of households awaiting Council housing. However, 143 Victoria Road (No 143) is privately owned and as such even if it were to remain as a C3 dwellinghouse it would not contribute to reducing the city's housing waiting lists or addressing affordable housing need. Notwithstanding that the proposal would provide accommodation to meet a need for looked after children, there is no substantive evidence that the loss to housing supply of one residential dwelling would significantly affect the Council's ability to meet its housing targets.
7. The proposal would therefore maintain a balanced and sustainable population. It would not conflict with Policy H1 of the Wolverhampton Unitary Development Plan 2001-2011 (2006) (UDP) which seeks to meet the housing needs and aspirations of the whole community.
8. The Council has referred to Policy ENV3 of the Black Country Core Strategy (2011) (CS). However, this relates to design and is not relevant to this main issue. As such, I have not concluded against this policy.

¹ 20/00975/CPL

Living conditions

9. No 141 and No 143 are semi-detached properties located in a residential area. The proposed care home would accommodate a maximum of three children with carers on site both during the day and night. The carers would rotate in accordance with shift patterns. In this sense, the proposed use would function much like a typical family home with older adults caring for children.
10. The evidence indicates that there would normally be a maximum of three staff members on site, along with a registered manager. There would be more staff members present on site during changeover times or when others visit. However, shift changes would be short in duration and would occur between 7.45 and 8.15am, a relatively common time for people to leave for work or school. As such, the changeovers would happen at a time when people would generally be awake. Passing traffic noise and the manoeuvring of vehicles would not be uncommon in the residential area, and the changeovers would be unlikely to cause any significant noise and disturbance.
11. The area is well-served by public transport and close to local facilities. As a result, a number of the comings and goings in relation to the proposed development could be by foot, which would limit the amount of vehicular movements to and from the site. Notwithstanding this, there would be sufficient parking spaces for the number of staff. No 141 has three off-street parking spaces at the front of the property and there would be one off-street parking space to the front of No 143, which also has a garage to the rear of the property, accessed along a shared drive with the neighbouring property, 145 Victoria Road (No 145).
12. The shared drive between No 143 and No 145 provides a small gap between the two properties, and the separation distance between the two dwellings as well as those on the opposite side of the road and 139 Victoria Road would be sufficient to ensure that the noise and disturbance from comings and goings to the proposed development would not be harmfully disruptive to neighbouring occupiers.
13. Moreover, any vehicular comings and goings associated with the proposal would not be markedly different to that of a family who could have three or four cars. Visits, lifts, and deliveries to family dwellings would be undertaken by vehicles. Consequently, any noise and disturbance related to vehicular movements, access to the garage, and car doors opening and closing would be little different to that associated with a family dwelling.
14. There would be comings and goings associated with the children attending school or college, and general after school and leisure activities, along with occasional visits from social care professionals. However, such activities are not unusual in residential areas, and comings and goings associated with a family dwelling would likewise have the potential to generate activity and associated noise and disturbance including residents using the garden, arriving to and from work or school, and from visitors attending the property. The comings and goings would not be significantly greater or more intensive than those associated with a family carrying out their day-to-day activities, or than those already undertaken at No 141.
15. As No 141 is already in use as a children's residential home, this use already contributes to the character of the area. The proposed use would be compatible with a residential area and would not generate activities that would be significantly

different to a traditional family home. The visual appearance of the property would not be altered to any degree that would affect how it would be perceived in the street scene.

16. The proposal would therefore not harm the living conditions of neighbouring occupiers with regard to noise and disturbance and would not harm the character of the area. As such it would not conflict with Policies H6, AM12 and AM15 of the UDP and Policies ENV3 and CSP4 of the CS which together seek to ensure that development provides adequate parking provision, is compatible with adjacent uses, protects local character and protects the amenity of neighbouring residents.

Other Matters

17. No 143 has traditionally been in use as a typical family dwelling with no requirement for additional higher security fencing. No substantive evidence has been submitted to demonstrate that future residents at the appeal property would be likely to trespass into neighbouring gardens when playing.
18. Concerns have been raised regarding the security between the proposed development and No 145. However, there is no substantiated evidence that the proposal would give rise to criminal activity.
19. The proposal would not extend the property, and the joint driveway and access to the garages to the rear, which belong to No 143 and No 145, would be retained. The appeal property would provide sufficient parking spaces for staff. The street does not have off-street parking restrictions, and the majority of properties allow for parking within their curtilages. Given these factors, I am satisfied that the parking associated with the proposal would not cause danger to other road users or pedestrians.
20. Elements of a recent appeal decision² for a children's home in the city, such as its effect on the Council's housing supply, are common with this appeal, and my view is consistent with that decision. However, there are material differences between the appeals with regards to their location and site characteristics. Whilst I have likewise allowed this appeal, I have determined it on the evidence before me and its site-specific circumstances.

Conditions

21. I have considered the conditions suggested by the Council, having regard to the Planning Practice Guidance on conditions. For the sake of clarity, I have amended the conditions as necessary.
22. In addition to the standard timeframe condition, it is necessary to impose a condition requiring the development to be carried out in accordance with the submitted plans in the interest of certainty. Given that use Class C2 includes other uses, a condition to restrict the use to a children's home within Use Class C2 for a maximum of three children is necessary to adequately control the use of the site and to protect the living conditions of neighbouring residents. It is necessary to attach a condition requiring the provision of parking spaces in the interests of highway safety.

² APP/D4635/W/25/3359517

23. Given the availability of parking spaces at the appeal site and nearby, it is not necessary to condition staffing levels or staffing rotas and patterns in the interest of highway safety. Matters relating to Ofsted and associated regulatory standards are dealt with through different legislation. It is not therefore necessary to include a condition in this regard.

Conclusion

24. For the reasons given above, the proposal would comply with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
25. As a result, the appeal should be allowed.

L C Hughes

INSPECTOR