



Appeal Decision

Site visit made on 11 September 2025

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th October 2025

Appeal Ref: APP/T5150/W/25/3362644

13 Nettleden Avenue, Wembley, Brent HA9 6DP

- 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 P Buapanga (Eliana Cares Ltd) against the decision of the Council of the London Borough of Brent.
 - The application Ref is 24/2651.
 - The development proposed is change of use of dwelling (C3) to residential care home (C2).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Plan PL - 04 contains contradictory references to both 'proposed first floor' and 'proposed ground floor'. However, when considered alongside other floor plans (PL - 02, PL - 03 and PL - 05), it is evident that PL - 04 is depicting the proposed first floor of the care home. I have determined the appeal on this basis.
3. The appellant's submissions include a suite of updated plans, appended to their appeal statement. This includes a further set of existing elevations and existing floor plans, amended renditions of the proposed elevations and floor plans, together with a proposed cycle storage plan. Furthermore, a management plan is also appended. The suite of updated plans and the management plan were not before the Council when it determined the planning application.
4. In comparison to the plans which the Council determined, the amended proposed plans propose a bedroom rather than a laundry room at first floor, a study rather than a bedroom within the loft floor whilst a detached structure is now shown to provide cycle storage within the host property's plot. With the amended proposed plans setting out changes to the layout of the proposed care home internally and externally, I consider that local residents would be likely to want the opportunity to consider the effects of these changes upon them. Although local residents have been notified of the appeal, specific consultation upon the changes to the plans has not taken place. If I were to accept the amended proposed plans, I find that it would deprive interested parties of the opportunity to consider a matter that they would reasonably expect to be afforded. This would be procedurally unfair. Therefore, in coming to my decision, I have disregarded the amended proposed plans. Since the updated versions of the existing elevations and existing floor plans seek to depict the subsisting situation, which residents will be aware of, I have taken these plans into account.
5. The submitted management plan does not seek to alter the proposed development as such. The management plan provides some more detail on the proposed

management of the care home but, importantly, the original planning application documents already referred to the likes of staff oversight via shift rotas which would involve comings and goings for local residents to consider the effects of. In this context, I am satisfied that acceptance of the submitted management plan would not be unfair to local residents, neither would it permit the proposed development to evolve in a substantial or fundamental way. Consequently, in coming to my decision, I have had regard to the management plan.

Main Issues

6. The main issues are:

- Whether the site provides a suitable location for the development proposed having particular regard to the site's accessibility to public transport as well as facilities and services;
- Whether acceptable living conditions would be provided for all the occupiers of the proposed development with particular regard to the standard of their internal accommodation and their outlook;
- Whether adequate provision would be made for cycle storage; and
- Whether the proposed development would be the subject of suitable management arrangements.

Reasons

Accessibility

7. Policy BH7 of the Brent Local Plan 2019-2041 (the BLP) concerns accommodation with shared facilities or additional support such as care homes. In order for a proposal for a new care home to comply with Policy BH7, each of its criteria a) to e) must be met. In summary, criterion a) sets out that a care home is required to be located within an area with good access to public transport and other amenities.
8. BLP Policy DMP1 is a general development management policy. It also requires proposals to meet its varied criteria including its requirements that developments are provided with the necessary infrastructure to serve them and that access arrangements are satisfactory.
9. Principal local public transport options serving the appeal site consist of the underground services accessed from Stonebridge Park Station and bus services 18, N18 and 440 which stop on Harrow Road. Whilst the appellant has referred me to the Institution of Highways and Transportation publication 'Guidelines for Providing for Journeys on Foot', in my experience, demonstrated through its degree of integration within the London Plan 2021 (the LP), within London, a site's Public Transport Access Level (PTAL) rating provides authoritative evidence for assessing how well connected a site is to the public transport network. A PTAL assessment factors in not only walking distances but also waiting times for the public transport services in the area.
10. The Council has provided a PTAL assessment for the appeal site, the outcome of it being that the site is rated at level 2. This equates to poor public transport access. I have no good reason to dispute the Council's PTAL assessment or conclude that it is inaccurate.

11. I am particularly mindful that criterion a) of BLP Policy BH7 requires 'good' access to public transport. The site's PTAL rating of 2 provides compelling evidence that the site's accessibility to public transport cannot be considered to be good, and I conclude that the proposed development's access to public transport options would be inadequate.
12. In coming to these views, I acknowledge that the Council may well provide the children's transportation to and from school and that car sharing by the care home's staff may be encouraged. However, travel to and from school will only account for some of the travel requirements which would arise from the proposed development whilst I fail to see how car sharing could be enforced and, even if it were taken up, it would not alter the fact that public transport accessibility is inadequate. I also acknowledge that the appeal site is already in residential occupation and its occupants are served by the same public transport options. However, since a new development is proposed, I must assess the site's accessibility credentials against the requirements of Policies BH7 and DMP1.
13. BLP Policy BH7 does not set out particular types of services or facilities which it deems it would be critical for a proposed care home use to have good access to. Neither does BLP Policy DMP1. On Harrow Road, there is a small parade of commercial premises, which includes a convenience store and a laundry, which the evidence before me indicates is well within 400 metres (m) of the appeal site. Approximately a 10-minute walk from the site there is a greater concentration of facilities and services lining Harrow Road. This includes pharmacies, more convenience stores and a dental practice. I also noted, a little closer to the appeal site, that there is a medical practice. With a small number of services and facilities within 400m of the site, and a more extensive array farther away but, nevertheless, within a reasonable walking distance, I find that the site's access to services and facilities is good.
14. However, Policy BH7 requires good access to services and facilities, and public transport. Despite my findings in relation to services and facilities, I have identified that the site's access to public transport is not good and is inadequate. Consequently, the proposal is not compliant with Policy BH7. Given these deficiencies in the site's access to public transport infrastructure and access, I also conclude that the proposal conflicts with Policy DMP1 on the grounds that it requires developments to be provided with necessary infrastructure and to have satisfactory access arrangements. Therefore, I conclude that the site does not provide a suitable location for the development proposed having overall regard to the site's accessibility to public transport as well as facilities and services.

Living conditions: internal accommodation and outlook

15. It is the Council's second reason for refusal which concerns living conditions and the standard of the internal accommodation to be provided. This reason for refusal cites conflict with Policies BH7 and DMP1 of the BLP.
16. Policy BH7 criterion b) requires relevant developments to be of an acceptable quality, meeting appropriate standards for the needs of its occupants, including appropriate communal facilities. Amongst Policy DMP1's criteria, there is a requirement for developments to provide high levels of internal amenity for its occupants. Neither of these Policies include any prescriptive requirements in terms of room dimensions, room layout or content. The Council refer to a specific

paragraph within the supporting text to Policy H12 of the LP which concerns supported and specialised accommodation (paragraph 4.12.2), but, again, that does not include any particular room layout requirements.

17. Policy D6 of the LP concerns housing quality and standards. The Council's relevant reason for refusal cites no conflict with this Policy. Moreover, the standards set out within Policy D6 apply to all new self-contained dwellings. When the content of Policy D6 is considered in conjunction with the London Plan Guidance: Housing Design Standards (the LPG) I find that the standards within Policy D6, and indeed the LPG, do not apply to specialist forms of housing such as the care home proposed.
18. Brent's Houses in Multiple Occupancy Supplementary Planning Document (the SPD) also contains standards. The principal focus of the SPD relates to houses in multiple occupancy, not care homes, albeit the SPD does set out that it may be helpful in relation to other forms of accommodation with shared facilities or additional support. However, given the SPD is guidance and does not carry the force of a development plan policy, and since it is not principally geared towards the type of development proposed in this case, it is a matter of limited weight in my decision.
19. The Council has set out that the kitchen, dining/family room and internal community space proposed would be sufficiently sized, and I have no reason to come to a different conclusion. The proposed plans do not depict the detailed layout of some rooms, including the kitchen, but given the room sizes of most of the rooms proposed, I have no firm grounds on which to conclude that the majority of rooms would not be adequately appointed and furnished.
20. However, my site visit enabled me access to the loft floor. I observed that the front-most of the rooms within the loft includes a sloping ceiling, and this slope sits above a considerable proportion of the floor area of the room. The plans show that the ceiling height ranges from as low as approximately 0.5m up to approximately 2.1m. The plans I am determining propose that this room would be utilised as a bedroom within the care home.
21. The sloping ceiling would hamper how much of the bedroom could be used effectively, its ability to comfortably contain furniture, and provide the space to relax and move around the room. Informed by my observations on site, I am not satisfied that the front-most of the loft bedrooms proposed would provide a bedroom of sufficient quality. Since this bedroom would be served by 2 rooflights, each at a low level, the room would be provided with adequate outlook, however. Nevertheless, the bedroom's compromised arrangements because of its ceiling means that the occupiers of that bedroom would not be provided with adequate living conditions. The other bedroom at loft level would not be the subject of the same compromising effects of the sloping ceiling, and it would be acceptable.
22. OFSTED may undertake a form of assessment of the quality of accommodation within care homes. However, I have very limited information before me on what this process entails, and I have not been provided with sufficient comfort that these processes would ensure that the accommodation within the care home would be of acceptable quality. Therefore, I consider that exercising my judgement on the quality of the accommodation, including against relevant development plan policies, is necessary. Furthermore, as I set out in my first main issue, even though the host

property is already occupied, since a new development is proposed, I am required to assess the proposal's accommodation against the requirements of relevant development plan policies.

23. In conclusion on this main issue, although I have identified that much of the internal accommodation proposed would be acceptable, and future occupiers would have adequate outlook, owing to the effects of its sloping ceiling, the front-most of the proposed bedrooms at loft level would be unacceptably compromised. Consequently, I find that the occupants of this bedroom would not be provided with adequate living conditions and, overall, the proposal conflicts with Policies BH7 and DMP1 of the BLP as a result.

Cycle storage

24. Policy BT2 of the BLP and T5 of the LP together establish cycle parking standards. Set against the provisions of Policy T5, the proposed development is required to provide 2 long-stay cycle parking spaces and 1 short-stay space. Since the proposal comprises of a form of residential development of less than 5 units, Policy T5's supporting text table 10.2 sets out that the second short-stay cycle parking space, normally required because of criterion a 2) of the Policy, is not needed in this case.
25. Policy T5's emphasis that cycle parking should be fit for purpose, secure and well located whilst BLP Policy DMP1 requires development proposals to be satisfactory in terms of parking and be provided with the physical infrastructure necessary to serve them. This means that the development plan is concerned with the quality of the cycle parking arrangements as well as the quantum of storage.
26. On site, I found no evidence of any dedicated external cycle storage, and the proposed plans I am determining propose no dedicated cycle storage. Therefore, the proposal does not show how the required storage for 3 cycles would be achieved.
27. Furthermore, I noted during my visit that a fence, set upon a raised concrete base, runs between the side elevation of the host property and the garage at the neighbouring property. This would prevent any cycle being taken between the property's patio/back garden and its drive without having to come through the care home. This undermines the confidence I have that satisfactory cycle storage could be provided on the patio or in the back garden. Furthermore, I also have no evidence before me which provides me with the reasons to be confident that the quantum of cycle storage required to serve the proposed development could be accommodated alongside parking at the care home's front in a satisfactory manner.
28. Therefore, the proposal has not demonstrated to me that the development plan's cycle parking standards would be achieved and no alternative solutions which meet the objectives of the development plan's cycle parking standards are before me. Moreover, given the factors I have outlined, had I been minded to allow the appeal, I am also not satisfied that it would have been appropriate to defer the matter and to seek to resolve cycle storage via the imposition of a condition.
29. For the above reasons, I conclude that the proposal has failed to demonstrate that adequate cycle storage would be provided. As a result, the proposal conflicts with the aforementioned Policies DMP1 and BT2 of the BLP, and Policy T5 of the LP. Altogether, these Policies set out that cycle parking should be satisfactory and

appropriately designed, provided in accordance with the applicable standards, or, where this is not possible, developments should propose appropriate alternatives.

Management arrangements

30. Criterion c) of BLP Policy BH7 requires relevant development proposals to include management arrangements agreed with the Council, which would be suitable for the proposal, to prevent unacceptable effects upon the living conditions of neighbouring occupiers. It is therefore clear that the principal purpose behind Policy BH7's management arrangement requirements is to ensure that developments assimilate into their surroundings without harm being caused to neighbouring occupiers.
31. The host property is in residential use, and it is situated within an established residential area. As such, there is clear potential for the host property, and other properties nearby, to generate comings and goings and levels of activity. This could arise from the likes of family members utilising cars as they go about their typical activities, such as going to work, from using gardens and from visits made to the properties from friends, family or because of deliveries.
32. Amongst other matters, the submitted management plan states that the care home would maintain a continuous staff presence whilst the site would also have a registered manager. This provides confirmation and assurance that the children to be cared for would be supervised. The management plan confirms that the day-shift staff changeovers would be proposed between 7am and 8am. Therefore, these changeovers would not take place unduly early and would occur at a similar time as many residents in the area are likely to be going to work themselves. The management plan highlights that the appeal site benefits from dedicated parking. This would assist in reducing the potential for inconsiderate on-street parking taking place and reduce the risk of any parked vehicles associated with the proposal hindering the passage of other vehicles.
33. The management plan could be more detailed. For example, it is not clear when night-shift staff change overs are proposed to take place. However, had I been minded to allow the appeal, I could have imposed a condition which would enable the submitted management plan to be revised, refined and improved so that it included a robust set of enforceable management measures. This would assist in ensuring the proposal's successful assimilation into the area and limiting the effects of noise arising from it. Furthermore, it is proposed that the care home would cater for 4 children. Although, in addition, there would be the staff present, and other visitors could be expected at times, overall, I find such day-to-day occupancy levels to be reasonable and that the likely comings and goings associated with the development would be in keeping with the character of the area.
34. For the above reasons, and with the additional control which a condition would permit, had I been minded to allow the appeal, the proposed development would be the subject of suitable management arrangements. In these specific regards only, the proposal complies with BLP Policy BH7.

Other Matters

35. The change of use of the existing Use Class C3 dwellinghouse for the purposes of a care home has been accepted in sheer principle terms by the Council, and I have no reason to disagree. I am mindful of the support provided by the development

plan, and the National Planning Policy Framework (the Framework), for specialised residential accommodation meeting identified needs, and the overall aim of boosting the supply of homes, including with an appropriate mix of housing types for the local community.

36. In providing care for children, the proposal would contribute to addressing this specialist accommodation need and boost this type of housing supply in London. Children's care homes provide a vital and specialist service for children and seek to provide them with a safe environment in which to grow and lead healthy lives. In utilising an existing property, the proposal would make efficient use of land and redevelop brownfield land, a matter strongly advocated by the Framework. The proposal would also result in some modest economic benefits through its employment and support for local services and facilities.
37. Although these factors are clearly benefits of the proposed development, altogether, the benefits of the scheme are not sufficient to outweigh the substantial harm which would result given the conclusions I have reached in 3 of my main issues.
38. The appellant asserts that bird feeders would be provided. However, the plans do not show this. Even if they were provided, any resulting biodiversity enhancement would be very modest, and it would not add to the aforementioned benefits to a meaningful extent.
39. It may be, in respect of a range of other planning considerations, that the development would not result in harmful effects. This may include that the proposal would not harm the character or appearance of the area and that it would be adequately drained. In certain regards, the occupiers' living conditions would be satisfactorily provided for, including in respect of their access to external amenity space and natural light. Even so, an absence of harm in respect of these matters is a neutral factor in my decision, and it does not outweigh the harm that I have identified in some of my main issues.

Conclusion

40. In my final main issue, which relates to the proposal's management arrangements, I have identified that the proposal would not result in harm. However, in my remaining 3 main issues I have identified harm and conflict with development plan policies. The harms I have identified and the resulting conflict with these development plan policies leads me to conclude that, even though there is compliance with certain development plan policies, the development conflicts with the development plan when it is taken as a whole. There are no material considerations of sufficient weight to indicate that a decision other than one in accordance with the development plan should be made. Therefore, I conclude that the appeal should be dismissed.
41. In coming to this conclusion, I have had due regard to Article 8 of the Human Rights Act 1998 (HRA) which affords the right to respect for private and family life and home and, where those rights apply to a child, their best interests are a primary consideration. I have also had due regard to the Public Sector Equality Duty (PSED) under the Equality Act 2010 and the relevant protected characteristics set out therein which include age and disability. In dismissing the appeal, a care home for children, potentially those with particular physical or mental needs, will not be provided at the site. However, it does not follow from the HRA or the PSED that the

appeal should succeed. In dismissing the appeal, I am satisfied that any interferences with the aforementioned rights and protected characteristics would be for legitimate and well-established planning policy reasons given the harms and development plan conflict I have identified. Consequently, it is appropriate and proportionate to dismiss the appeal.

H Jones

INSPECTOR