
Appeal Decision

Site visit made on 16 September 2025

by J Laver BA (Hons) MSc PGDL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2025

Appeal Ref: APP/W2845/W/25/3369272

11 Cavendish Drive, Northampton NN3 3DH

- 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 Amber Zafar against the decision of West Northamptonshire Council.
 - The application reference is 2025/0163/FULL.
 - The development proposed is change of use from dwelling house (use class C3) to children's care home (use class C2).
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from dwelling house (Use Class C3) to Children's care home (use Class C2) at 11 Cavendish Drive, Northampton NN3 3DH in accordance with the terms of the application, Ref 2025/0163/FULL, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mrs Amber Zafar against the Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect of the change of use on:
 - the living conditions of neighbouring occupiers with particular regard to noise and disturbance; and
 - highway safety, with particular regard to the provision of parking.

Reasons

Living conditions

4. The application site is a detached 5 bed dwelling, situated in an established residential area of Northampton. The dwelling has a garden at the rear and provides two off-street parking spaces. The proposal seeks to convert the dwelling into a children's care home for three children between the ages of 8 and 17.
5. The property is situated within walking distance (approximately 10 minutes) of the nearest primary school, and a similar distance from the nearest park with children's play area. The nearest retail area is approximately a 15 minute walk away. The site therefore has good access to essential services and amenities to serve the needs of the proposed children's home.

6. Concern has been raised regarding the potential increased level of activity at the property over and above the use as a family dwelling and its impact on neighbouring living conditions. Given the size of the existing dwelling with 4 double bedrooms, a single bedroom and three bathrooms it is capable of being occupied by a large family, possibly a family with grown up children.
7. A degree of noise and disturbance would naturally arise from activities undertaken by different generations of a family. For example, parents going to and from work at different times of the day, and separate school, work and leisure activities undertaken by the children, particularly if the children were young adults and had their own vehicles.
8. A typical family home would also generate activity associated with visitors and deliveries as part of its normal function. Therefore, considering this and the limited scale of the proposal (three children in care), I am not persuaded that noise and disturbance generated by the proposed change of use from residents, staff and visitors coming and going from the property would be significantly greater or any more discernible than if it were used as a single family dwelling that could consist of adults, children and teenagers.
9. I acknowledge that the level of staffing at the home is unclear with the application form stating three full time but the statement of purpose suggesting thirteen overall. However, it is unlikely that all thirteen staff will be required on site, particularly noting that the children are expected to be at school during term time. I specifically note clarification in the Statement of Purpose that the children's home would not be dually registered as a school and this, along with the maximum number of children that could reside at the property, could be controlled by planning condition.
10. Whilst children in care may have a wide variety of needs, which may necessitate visitations by social workers, health and therapy workers, OFSTED Inspectors and so on, these are unlikely to be daily and are unlikely to occur all at the same time. I note that the staff changeover times would be 7.30am and 10.30pm meaning there would be a short period before those times when there would be double the amount of staff on site, which could generate noise from cars arriving and leaving the street, doors being opened and closed, and possibly conversations outside. Nevertheless, I consider that in a dense residential neighbourhood this is unlikely to result in a high level of noise and disturbance above the normal comings and goings of other residents in the street, such that it would not result in an adverse effect on neighbouring occupiers.
11. For these reasons, I conclude that the proposed change of use would not materially affect the living conditions of neighbouring occupiers, with particular regard to noise and disturbance. The proposal would therefore accord with Policies H1 and BN9 of the West Northamptonshire Joint Core Strategy Local Plan Part 1 (2014) (JCS), which seek to ensure that, amongst other matters, housing caters for different accommodation needs including vulnerable groups and has regard to the impact on the amenities of occupiers of neighbouring properties, with notable regard to noise.

Highway safety

12. Policy MO2 of the Northampton Local Plan Part 2 2011 – 2020 (2023) (NLP) requires development to not have a detrimental effect on highway safety and

movement, while NLP Policy MO4 requires development to meet the parking standards set out in the Parking Standards SPD. The Northamptonshire Parking Standards SPD (September 2016) states that a 4+ bedroom dwelling should have a minimum of three on-site parking spaces plus visitor spaces of 1 per dwelling. The appeal site has five bedrooms and space to accommodate only two cars on the driveway; as such there is already a shortfall of on-site parking.

13. Given that the dwelling is capable of being occupied by a large family, possibly a family with grown up children, such an occupancy level could result in more than two vehicles being used in association with the dwelling daily, plus any associated visitors, delivery or servicing vehicles. Those extra vehicles would already be consuming the on-street space.
14. The Parking Standards SPD requires a C2 residential home to provide 1 space per full time equivalent staff and 1 visitor space per 3 beds. The change of use to a care home for a maximum of three children with a staffing ratio of 1:1 (except overnight, where it is expected to reduce) would result in no discernible difference to the existing situation if occupiers of the single-family dwelling were to own more than two vehicles. This even takes into account staff changeover periods.
15. Again, I acknowledge the possibility of other staff and visitors to the home, but as already stated I consider this would not all occur at the same time or frequently.
16. I note the representations received from nearby residents which suggest that the road is narrow and would not be safe to have more vehicles present, however having been to the site I must disagree. The road is a standard width road for a residential estate and whilst it is a circular estate road, it has no acute bends or poor visibility. On-drive parking is more prevalent than on-street parking, and driveways and dropped kerbs limit the places where on-street parking can take place. However, I did not observe any on-street parking stress or highway safety concerns, and the cars that passed me were driving at safe suburban speeds.
17. I appreciate that I experienced only a snapshot in time, but my site visit was undertaken between 7 - 7.30am on a Tuesday, thus at a time before most people leave for work/school. In my view this was representative of a typical day in this street. I therefore find that the level of potential demand for parking would be unlikely to exceed that of the existing dwelling and unlikely to harm the proper functioning of the highway.
18. Overall, there is no substantive evidence before me that any additional vehicles parked on the road would significantly constrain it to the point where it would have an unacceptable impact on highway safety. Consequently, it has not been demonstrated that the proposal would have an undue detrimental impact on highway safety.
19. Therefore, for the reasons above, I find that the development would not have an adverse effect on parking capacity and highway safety overall, having regard to vehicle movements and parking provision. It would therefore accord with NLP Policies MO2 and MO4 and the Parking Standards SPD.

Other Matters

20. The Council has referred to NLP Policies Q1 and Q2 and JCS Policy H5 in its reason for refusal, however, none of those policies go to the heart of the reasons

for refusal, which are impacts on neighbouring residential amenity and highway safety. NLP Policies Q1 and Q2 seek to ensure development is appropriate in terms of placemaking, design and general amenity considerations. I consider there would be no conflict with the aims of these Policies.

21. With regard to JCS Policy H5, this deals with safeguarding housing stock, and while it aims to restrict the loss of dwellings to other uses, that matter was not discussed and assessed in the officer report and is not mentioned in the planning committee meeting minutes as a matter which was debated. The matter is also not relevant to the Council's stated areas of concern relating to the effect on living conditions and highway safety. It is therefore possible that JCS Policy H5 was included within the reason for refusal in error.
22. Nonetheless, even if JCS Policy H5 was pertinent to the reason for refusal, I note that the Policy's supporting text states that the Policy seeks to ensure that existing dwellings are not lost to other uses unless there is an overriding justification. The officer report noted the Northamptonshire Children's Trust comments that there is a recognised shortage of children's homes in the area, while the planning committee minutes state that the Committee acknowledged the need for more Children's Care Homes in West Northamptonshire. Both those comments would indicate that there is an overriding justification for non-compliance with JCS Policy H5 in this instance.
23. The Council has also referred to another appeal decision for a similar care home use, which was dismissed by the Inspector due to the increase in comings and goings of people to the house (APP/V4630/X/21/3279430). However, the details of that case are not before me, and I have had greater regard to the specific circumstances of the size, parking situation and location of the existing dwelling at 11 Cavendish Drive when assessing the potential for impacts on the immediate area from a three person children's home in its place.

Conditions

24. The Council has suggested several conditions. Where necessary I have amended the wording, in the interests of precision and clarity and to comply with the advice given in the Planning Practice Guidance and the National Planning Policy Framework (the Framework).
25. For the avoidance of doubt, the development needs to be carried out in accordance with the statutory time limit and approved plans.
26. I have imposed conditions restricting the use of the site to children aged 8 -17 in need of care and the total number of children that are able to reside at the property at any one time (maximum of three). These are necessary to manage the use and intensity of the use of the site in the interests of neighbouring occupiers.
27. I have also accepted the Council's suggestion for a condition requiring retention of the on-site car parking space to be retained for the sole use of parking, to reduce the need for on-street overspill parking over the lifetime of the use.

Conclusion

28. 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.

J Laver

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 the following approved plans: Block Plan – Dwg No. S.BP, and Proposed Floor Plans – Dwg No. SAS-A132-1.
- 3) The premises shall only be used for a residential home for a maximum of three children (aged between 8 and 17) in care and their carers and for no other purpose (including a dual education use or 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) The existing driveway to the front of the property (as shown on approved plan: Block Plan – Dwg No. S.BP) shall be kept available for the parking and manoeuvring of motor vehicles at all times in association with the approved use and shall be retained for such purpose for the lifetime of the approved use.

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