



Appeal Decision

Site visit made on 21 October 2025

by **P D Sedgwick BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 November 2025

Appeal Ref: APP/P4605/W/25/3368698

509 City Road, Harborne, Birmingham B17 8LL

- 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 Vanessa Kelly against the decision of Birmingham City Council.
 - The application Ref is 2024/07839/PA.
 - The development proposed is Change of use from existing dwelling house - Use Class C3 to residential care home - Use Class C2.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the site is a suitable location for children in care having regard to the levels of crime and anti-social behaviour in the surrounding area, and the effect of the proposed development on crime and a fear of crime;
 - the effect of the proposed development upon the character of the area, with particular regard to the balance and mix of housing; and
 - the effect of the proposed development upon the living conditions of occupiers of the property, with particular regard to outlook and light.

Reasons

Suitability of location

3. The appeal site is a semi-detached 3 storey house set back from the road in a residential street with a mix of flats and houses. The proposed development would provide 24 hour supported living accommodation for up to four children aged between 11 and 16 years old. They would be supported by up to 3 members of staff during the day and 2 members of staff during the night.
4. West Midlands Police (WMP) have objected to the proposal because the area has a high level of recorded crime involving violence, burglary, shop theft and anti-social behaviour. They also raised concerns over the amount of sex workers and drug dealers operating in the area and confirmed that children's homes nearby had experienced issues relating to child criminal exploitation. They expressed concern that vulnerable young and displaced residents of the proposed home could be

similarly targeted and potentially be at risk of child sexual exploitation leading to an increase in crime within the area. I accord these concerns significant weight.

5. The appellant has provided a 'Statement of Purpose' (SOP) which sets out the care provider's core principles followed by general assertions relating to safety and security and child protection, amongst other things. I note that it refers to the proposed care home location being within an area with low to medium crime rates and a strong sense of community. This does not correspond with the WMP comments on the high crime levels in the area, or the council's evidence of a high concentration of supported accommodation and houses in multiple occupation (HMOs) within the area, which can be associated with a less settled and socially cohesive community than areas with predominantly family housing.
6. I note that the SOP includes a commitment to safe transport to school and security measures at the home, including CCTV cameras in communal areas and preventing unauthorised access to the home. Also, the care home would be regulated by OFSTED and the appellant has committed to engaging with the police and council to ensure the safe operation of the home and that staff are suitably qualified and trained. I also understand that the appellant provided additional information on safeguarding children and relating to missing children, in response to WMPs initial concerns.
7. Nonetheless, WMP has not withdrawn its objection. Furthermore, a representation noted that Birmingham Children's Trust were involved in the closure of supported accommodation in the area because the location was assessed as not being conducive to supporting and caring for children in care.
8. Therefore, I conclude on this main issue that, based on the evidence before me, there is an unnecessary risk of harm to vulnerable children from exposure to crime, or the fear of crime, when outside of the proposed home due to the high level of crime within the area. The appeal site is not therefore a suitable location for a care home, and the proposal would conflict with Policies DM2 and DM12 of the Development Management in Birmingham Development Plan Document (2021) (DPD) and paragraphs 96 and 135 of the National Planning Policy Framework (2024) (the Framework) which require development to be appropriate to its location and create safe places where crime and the fear of crime do not undermine the quality of life.

Character of the area

9. Both parties agree that there is a need for care homes in Birmingham, although according to the council there is also a need for family homes. I acknowledge the appellant's intention to create a family like atmosphere within the home, and that there would be no physical changes to the property. Nonetheless, it would operate as supported accommodation with associated activities, such as staff shifts and visits from other support workers and family members, such that its character and function would differ from that of a family home.
10. Policy DM12 of the DPD and the Framework require that development should provide an appropriate mix of housing and not adversely affect the character of an area. The supporting text to Policy DM12 advises that proposals that would lead to an overconcentration of residential conversions and specialist accommodation that would harm the character and function of an area should be resisted.

11. According to the council's data, there are 37 residential properties within 100m of the appeal site of which 7 (18.9%) are HMOs, representing an existing overconcentration of this type of development. A further 7 provide supported accommodation, resulting in 37.8% of properties in the immediate area being for non-family residential use. Despite the lack of a definition for overconcentration in relation to specialist housing, in my judgement that is not a well-balanced mix of housing, and the proposal would add to that imbalance and thus further harm the residential character of the area.
12. Therefore, I conclude on this main issue that the proposed development would conflict with Policy DM12 and the Framework, insofar as they seek to protect the residential character of an area by ensuring that there is an appropriate mix of housing.

Living conditions

13. According to the council, bedrooms 2 and 3 would each have one window facing the side wall of the neighbouring house, providing a poor level of outlook and natural light. However, from my observations during my visit, the plans do not appear to accurately reflect the building. It appeared from the outside that the bedrooms have 2 windows each, one facing directly towards the side wall of the neighbouring house and another angled forwards towards the gap between the houses where the side wall cuts in at an angle.
14. Photographs submitted with the appellant's statement of case indicate a good level of daylight for both rooms and clearly shows the additional window in bedroom 2, and the plans indicate a second window in bedroom 3. Whilst I doubt the outlook from the angled windows would be as good as from other bedrooms, I accept the appellant's argument that these are existing bedrooms in an old house within which modern expectations of outlook are not realistic. I also note windows in the communal areas such as the downstairs front living room and rear dining room provide a decent level of outlook into the rear garden, which residents would have access to. I do not therefore consider the living conditions of occupiers of the proposed development would be harmed.
15. The proposal would not therefore conflict with Policies DM2 and DM12 of the DPD, City note LW-12 of the Birmingham Design Guide (2022) and the Framework which seek to ensure that development does not result in unacceptable adverse impacts on the amenity of occupiers.

Conclusion

16. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

P D Sedgwick

INSPECTOR