



Appeal Decision

Site visit made on 6 October 2025

by **N Perrins MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 November 2025

Appeal Ref: APP/X1735/W/25/3367889

43 Prospect Lane, Havant, Hampshire PO9 5NH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mrs Stella Kahonde (Letombo Limited) against Havant Borough Council.
 - The application Ref is APP/25/00148.
 - The application sought planning permission for change of use from a residential dwelling (Use Class C3) to small children's home (Use Class C2).
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Decision

1. The appeal is allowed and planning permission is granted for change of use from a residential dwelling (Use Class C3) to small children's home (Use Class C2) at 43 Prospect Lane, Havant, Hampshire PO9 5NH, in accordance with the terms of the application and subject to the following conditions:
 - 1) The development must be begun not later than three years beginning with the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans (i) Location Plan & Site Plan Drawing Number PL PA 03 Rev A, and (ii) Proposed Floor Plans & Elevations Drawing Number PL PA 02 Rev A.
 - 3) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2015 (as amended) the premises shall be used solely for the purposes of a children's care home for up to 3 children, as defined by Class C2 of that legislation, and for no other purpose.
 - 4) Within 3 months of this decision a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This should include details of staff shift patterns, working hours and the management of staff changeovers and noise mitigation measures. Thereafter the C2 use shall be carried out in accordance with the measures set out in the approved Noise Management Plan.

Application for Costs

2. An application for costs has been made by the appellant against the Council. This forms the subject of a separate Decision.

Main Issues

3. The appeal is made against the failure of the Council to determine the application within the statutory period. The Council has confirmed through providing copy of an officer's report that, had having considered the additional information provided in the appeal process, it would have granted planning permission.
4. Consequently, and considering the position of the Council, the main issue is whether there are any planning policies, planning issues and / or matters raised in the representations that would justify refusal of the proposal. I have considered the main issues raised in the information before me under the headings below.

Reasons

Principle of development

5. The application site is a 4-bedroom semi-detached property located on a corner plot along the western side of Prospect Lane. To the front is hardstanding, which provides off-street parking for the property. The application site is situated within the urban area as defined in the Havant Borough Core Strategy 2011 (CS).
6. The proposal seeks to use the existing residential dwelling (Use Class C3) as a small children's home (Use Class C2) for up to three children aged 10–16, cared for by professional staff. Although the planning application lacked details on staff shift patterns, the appeal statement confirms that no more than two staff will be present at any one time. There would not be any physical changes to the internal layout or external appearance of the property.
7. Policy CS7 of the CS states that planning permission will be granted for development that provides services for vulnerable groups. The supporting text to Policy CS7 at paragraph 4.14 recognises that there is a need to address the specific needs of the community including those that are young. Although the CS does not contain policies that specifically prevent the loss of dwellings, paragraph 6.26, which supports Policy CS9, states that the housing requirement to provide 6,300 new homes by 2026 should not be offset by reductions in housing stock. It goes on to state that any losses would only be considered favourably where proposals achieve wider benefits. The appellant's appeal statement provides compelling up to date evidence of the need for smaller children's homes that is consistent with meeting the objectives of Policy CS7, as well as provides sufficient justification for the loss of the dwelling in this case.
8. Policy DM7 of the CS relates specifically to specialist housing provision and requires that such proposals are within the urban area and meet five criteria. Firstly, the proposal meets DM7 (1) as it provides sufficient amenity space for resident's use with suitably sized internal and external areas with access to light. There are also no external changes proposed ensuring that the property remains in keeping with the surrounding area in accordance with DM7 (2).
9. In terms of servicing space, the proposal would utilise those arrangements that already exist for the use of the property as a dwelling. There is no evidence that indicates the space for servicing the property is not adequate and as such the proposal accords with DM7 (3). DM7 (4) is aimed more at impacts of services from larger purpose-built care facilities that could include laundry rooms and kitchens that may generate noise and disturbance. As this proposal would have an

occupancy and use similar to a standard dwelling, the proposal would not give rise to any adverse impacts on noise and disturbance from its servicing arrangements and accords with DM7 (4). Finally, there is no evidence before me that indicates the proposal would result in an over-concentration of children's homes in the vicinity of the site and as such, I find the proposal in accordance with DM7 (5).

10. I also acknowledge the points raised by both parties that the dwelling could otherwise accommodate a large family or a small house in multiple occupation without needing planning permission, which would have similar levels of occupancy as the proposed use and provides a fallback to which I afford significant weight.
11. To conclude, and for the reasons stated, the proposed change of use is acceptable in principle and accords with Policies CS7 and DM7 of the CS.

Character and appearance

12. No external changes are proposed to facilitate the change of use. Accordingly, there would not be any perceptible impact on the character and appearance of the property when viewed in the street scene. Internally, it would be used broadly like a family residence with a suitable layout, including sizes of rooms, for residents and staff to live and work. For these reasons, I find that the proposal accords with the requirements of Policy CS16 of the CS, which requires development to be designed to a high standard.

Living conditions

13. I note objections were raised regarding potential noise and disturbances from occupants of the proposed children's home. However, similar concerns could also occur from a large family occupying the property, or its use as a C4 house in multiple occupation, neither of which would require planning permission.
14. Notwithstanding, the Council has suggested a condition for a Noise Management Plan to be submitted within 3 months of the decision, which the appellant has agreed to in their appeal submissions. As the property would be occupied by unrelated individuals including staff, I find it possible there could be patterns of movement and associated noise that differ to that of a single house. I, therefore, agree that a Noise Management Plan is a sensible way forward to ensure any issues with noise can be appropriately managed at the property to protect neighbouring amenity.
15. Moreover, staff would be present on-site at all times to manage the property and help guard against anti-social behaviour. Additionally, I understand that children's homes are required to be registered and approved by OFSTED, ensuring that there are other legislative controls in place to oversee the site's management.
16. Regarding any general disturbance from comings and goings at the property, the three children at the property would likely attend school as well as various groups and social activities similar to traditional family life. The arrival and departure of two daytime staff members would be comparable to the schedule of two working parents, though there may be some extra staff movements and more visitors than in an ordinary residence. The proposed occupancy would, therefore, be acceptable and not give rise to unacceptable impacts to neighbouring amenity. Limiting occupancy, as suggested by the Council and agreed by the appellant is also a reasonable approach to ensure there is a control over any future intensification of

the property that would allow for any changes to be assessed for their relative amenity impacts in a future planning application.

17. In conclusion, the proposed change of use with conditions to secure a noise management plan and restricting occupancy to a maximum of three children would ensure the proposal would have an acceptable impact on the amenity of adjacent residents. Accordingly, the proposal with conditions accords with Policy CS16 of the CS, which requires that development does not cause unacceptable harm to the amenity of neighbours.

Highways and parking

18. There is parking at the front of the property, which the submitted site location plan states can accommodate 3 vehicles. The Council has questioned this albeit I note the appellant's statement of case has since confirmed the frontage area is large enough for two vehicles.
19. The appellant also confirms in its appeal statement that it is likely that two staff will be present per shift, which can be accommodated on the parking area to the front if both were travelling by private car and on site at the same time. The Council's Parking Supplementary Planning Document (SPD) 2016 requires a parking space for each staff member, which due to the shift patterns provided, I am satisfied would be met in this case.
20. I also acknowledge that the site is in the urban area with bus stops within a reasonable walking distance nearby on Prospect Lane and Wakeford Way. The site's urban area location also provides for walking and cycling access opportunities that with the bus services would provide for sustainable transport options for residents and staff to use.
21. For these reasons, I find that the proposal accords with Policies DM12 and DM14, which states that development will only be permitted where development mitigates its environmental impacts and provides parking in accordance with the relevant standards.

Biodiversity

22. The proposal is for a change of use of the existing property and does not include any physical changes to the house or garden. I am satisfied from the information before me that the development would not impact any onsite priority habitat. It would also affect less than 25 square metres of habitat with biodiversity value, and less than five metres of linear habitat. Accordingly, I agree with the Council's conclusion that the proposal falls under the De-Minimis exemption in the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Other matters

23. The appellant has provided evidence seeking to demonstrate that the proposal would not be a material change of use as it would operate almost the same as a standard house. While I note the points made, I am not wholly persuaded from the information before me that there would not be a material difference in all respects between a standard dwelling and operation of the property as a small children's care home. This is supported by my conclusion that the proposal requires permanent staffing and imposition of conditions to secure a noise management plan and restrict occupancy to ensure amenity impacts would be maintained to an

acceptable level. However, as I have found the proposal to be acceptable when assessed against the development plan in any event, I do not need to consider this matter any further in this decision.

Conditions

24. I have considered the need for conditions having regard to paragraph 57 of the Framework and Planning Practice Guidance. Having reviewed those suggested by the Council, I consider it is necessary to include the standard time limit for implementation and a condition listing the plans for reasons of clarity over what has been approved.
25. For the reasons set out earlier in this decision I also consider it necessary to include conditions restricting occupancy to three children and to require a noise management plan to be submitted for approval within three months of this decision. I have made minor amendments to the Council's wording where necessary for accuracy. I am satisfied that all these conditions are both necessary and enforceable.

Conclusion

26. For the reasons given and considering all matters raised, I conclude that the proposed development with conditions accords with the development plan and the appeal is allowed.

N Perrins

INSPECTOR