



Appeal Decision

Site visit made on 27 October 2025

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th November 2025

Appeal Ref: APP/W2465/W/25/3371753

118 Ashton Green Road, Leicester LE4 2AE

- 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 Pavendip Kaur against the decision of Leicester City Council.
 - The application Ref is 20250666.
 - The development proposed is change of use from dwellinghouse (Class C3) to residential childrens care home for up to 2 persons (Class C2).
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Decision

1. The appeal is allowed and planning permission is granted for change of use from dwellinghouse (Class C3) to residential childrens care home for up to 2 persons (Class C2) at 118 Ashton Green Road, Leicester LE4 2AE in accordance with the terms of the application, Ref 20250666, subject to the conditions in the attached schedule.

Preliminary Matters

2. I have taken the description of development from the Council's decision notice as this was the description agreed upon by the main parties.

Main Issue

3. The main issue is the effect of the proposed development on the provision of family housing in the area with particular regard to the need for care accommodation.

Reasons

4. The appeal scheme relates to a detached four-bedroom dwelling accessed via a shared private drive from Ashton Green Road. There is no dispute between the main parties that the appeal property should not be considered a larger family home for the purposes of the development plan. Leicester City Local Development Framework Core Strategy (CS) Policy 6 sets out the City's housing strategy. Amongst other matters, Policy 6 states that conversion of existing large houses will be resisted where it would still be appropriate for family use and meet an identified demand. Policy 6 also states the City Council will seek to meet the needs of specific groups through the provision of supported housing to meet other identified special needs.
5. CS Policy 8 relates to existing neighbourhoods and seeks them to be sustainable places that people choose to live and work in and where everyday facilities are available to local people. It also aims to retain larger houses appropriate for family

use in inner city areas. However, there is no evidence before me that the appeal site is considered an inner-city area for the purposes of the development plan.

6. The Council is concerned that the proposal will result in the loss of a large family-sized dwelling to the Council's housing stock in light of the evidenced need for this type of accommodation. In support of this concern, the Council has drawn my attention to the Housing Needs Assessment¹ and update addendum² which formed part of the evidence base for the Council's draft Local Plan.
7. It is recognised that there is an identified need for family-sized dwellings, and the appeal property can be considered such a family-sized dwelling. It is also acknowledged that demand for Class 2 housing appears to have lessened when taking into account the findings of the Housing Needs Assessment and updated addendum report.
8. However, the Council's appeal statement acknowledges that the need for C2 housing accommodation still exists. The loss of a single-family dwelling would have a limited effect on the supply of this type of housing. In the absence of evidence that the housing needs of looked-after children have been fully met, the proposal would contribute to meeting the need for residential care accommodation for looked-after children, thereby delivering associated community benefits in an existing neighbourhood.
9. For the above reasons, the proposed development would have an acceptable effect on housing in the area, having regard to the need for care accommodation in this instance. In this regard, the proposed development would comply with CS Policies 6 and 8.

Other Matters

10. I have been presented with numerous appeal decisions³ from both the main parties. Whilst I do not have the full details of these appeal decisions, I note that some are for lawful development certificates and also in different parts of the country. Therefore, whilst they may relate to children in care, they are materially different to the appeal scheme. In any event, I have determined the appeal on the evidence before me and its site-specific circumstances.
11. It is understandable that local residents are concerned about the introduction of a new use in a residential area, as evidenced by the number of objections. The appeal proposal would accommodate up to two children, and carers present would be working on a shift basis. There is also the potential for visitations by other professionals, including social workers, health and therapy workers, OFSTED Inspectors and so on.
12. The proposed use could lead to more comings and goings than an average family house, but the likelihood is that this would not be markedly greater. As a detached house, there would be reasonable separation to nearby residencies, and as such, the level of activity associated with the proposed use would be broadly comparable to that of a typical family dwelling, especially if older children with their own cars lived at the property.

¹ Leicester City Local Housing Needs Assessment 2019 Report of Findings September 2020

² Leicester City Local Housing Needs Assessment: Update Addendum 2022 Report of Findings September 2022

³ APP/G5750/W/25/3364580, APP/B0230/W25/3366487, APP/M4320/X/22/3300634 and APP/E2530/X/24/3354568

13. Whilst interested parties have raised concerns regarding noise, disturbance, privacy and impacts on health and well-being, the limitation to two children would ensure that the proposal would not result in a materially greater impact on the living conditions of neighbouring occupiers. For the same reason, the proposal is unlikely to cause a discernible change to the residential character of the area or place undue pressure on local infrastructure, traffic or parking. I also note that the Council has not raised any concerns regarding these specific matters.
14. Various concerns have been raised about safeguarding. However, there is no substantive evidence to suggest that future occupiers would give rise to any safeguarding issues.
15. Concerns have been expressed that granting planning permission could set a precedent for other similar developments. However, no directly comparable sites to which this might apply have been put forward. Each application and appeal must be determined on its individual merits, and a generalised concern of this nature does not justify withholding permission in this case. Similarly, in view of the need for this type of accommodation, whilst other similar types of homes may exist in the wider vicinity, this does not justify withholding permission.
16. An interested party has suggested that consultation by the appellant with the local community has not been satisfactory. Nonetheless, I have no substantive evidence before me indicating that the statutory publicity requirements have not been complied with. Matters related to covenants fall outside the scope of the appeal.
17. Concerns have been raised regarding the potential effect of the proposal on property values. However, it is a well-established principle that the planning system does not exist to protect private interests such as land or property values.

Conditions

18. I have had regard to the tests for planning conditions set out in the National Planning Policy Framework and Planning Practice Guidance. Standards conditions requiring a time limit for the commencement of development (1) and requiring the development to be carried out in accordance with the approved plans (2) are necessary in the interests of planning certainty. A condition (3), limiting the use of the building to the care of no more than two children, is considered both reasonable and necessary to prevent more intensive uses within Use Class C2 that could result in greater impacts.

Conclusion

19. For the reasons given above, the appeal should be allowed.

A Hickey

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 drawing no's: 0141.SA 04 and 0141.SA 03.
- 3) The building shall be used for residential accommodation and care for no more than two children, and for no other purpose (including any other in Class C2 of Schedule 1 to the Town and Country Planning (Use Classes) Order 1987 (as amended) or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

End