



Appeal Decision

Site visit made on 23 October 2025

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2025

Appeal Ref: APP/T2215/W/25/3372001

19 Darenth Park Avenue, Darenth, Kent DA2 6JN

- 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 Karemata Bah against the decision of Dartford Borough Council.
 - The application Ref is 24/01438/COU.
 - The development proposed is change of use of the site from a residential dwelling (C3 use class) to a children's care home (C2 use class).
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Decision

1. The appeal is allowed and planning permission is granted for change of use of the site from a residential dwelling (C3 use class) to a children's care home (C2 use class) at 19 Darenth Park Avenue, Darenth, Kent DA2 6JN in accordance with the terms of the application, Ref 24/01438/COU, subject to the conditions in the attached schedule.

Preliminary Matters

2. At the time of the site visit, the appeal property was in use as accommodation for looked after children. Therefore, the change of use has been implemented.
3. The appeal property is within the metropolitan Green Belt. The Council consider the proposed change of use would meet the exception to inappropriate development provided by paragraph 154(h) of the National Planning Policy Framework (the Framework), which at criterion (iv) supports the re-use of buildings provided that the buildings are of permanent and substantial construction. I have been provided no substantive evidence to dispute this finding, and therefore it is not necessary to consider further the effects of the proposal on the Green Belt.

Main Issues

4. The main issues in this appeal are the effect of the proposed development on:
 - the living conditions of neighbouring occupants, with particular regard to noise and disturbance; and
 - highway safety, with particular regard to parking provision.

Reasons

Living conditions

5. The appeal property is a two-storey, detached, house, with modest front and rear gardens. The appeal property originally comprised four upstairs bedrooms and,

following a grant of planning permission¹, an integral garage was converted to provide an additional bedroom. Therefore, prior to its change of use, the appeal property comprised a substantial family house.

6. The appeal property fronts the street and sits within a row of detached dwellings of similar form and scale, arranged in a uniform layout, with modest spacing between them. Behind the plot is an end of terrace dwelling at St Mary's Close. The appeal property is within a modern housing estate of medium density.
7. To the south of the site is a country park. The appeal property is therefore at the edge of a contiguous built area with a suburban character, comprising housing estates and other uses, such as the nearby hospital.
8. The area is generally quiet, with low traffic and activity during the day in the housing estate. In its former use as a dwellinghouse, the appeal property would generate vehicle movements. In addition, Darenth Park Avenue is a residential estate road and vehicles accessing dwellings to the east at Darenth Park Avenue, St Margarets Close, and Moore Close would result in traffic passing the appeal property. Therefore, regular vehicle movements to and past the appeal property would represent a typical feature of the area. Furthermore, the background noise environment includes ambient traffic noise from the nearby strategic road network.
9. The proposal seeks a change of use of the appeal property from a dwellinghouse to a facility to accommodate up to four children aged 10 to 17 years. Children would occupy the house as their sole or main residence.
10. Each occupant has their own bedroom. Occupants share communal areas, such as to eat together, do homework, and for leisure activities such as watching television and playing games. Food is prepared by the care staff, and the garden is used under staff supervision. The occupants attend school and participate in recreational activities outside the home. Therefore, the facility is intended to function like a conventional dwelling.
11. Staffing levels are determined by risk assessments of the occupants. For low-risk children, one staff member would work sleep-in shifts overnight with an additional staff member during the day. For high-risk or younger children, two staff members would be assigned per shift. Therefore, staffing levels would vary depending on time of day and need but would normally be low.
12. The facility operates strict visiting policies of one visitor per child at a time, and visits conclude by 8pm. Therefore, at times there would also be visitors on-site. However, the occupancy rate would not represent a significant intensification from its existing lawful use as a five-bedroom dwelling.
13. Whilst no noise assessment has been submitted, I have no reason to consider the residential nature of the proposed use would be inherently noisy. Furthermore, as a detached building, the appeal property would not share a party wall with any dwelling and would provide adequate separation from neighbours.
14. The facility's operations would require a 24-hour on-site presence, and daytime shifts would typically run from 7am to 7pm. Staff handover at the start/end of shifts would generate more frequent comings and goings than a conventional dwelling, as new staff arrive to replace those completing their shifts. I have no reason to

¹ LPA ref: 15/01631/FUL

consider staff handover would generate excessive noise. Therefore, noise and activity associated with the use would principally be a modest increase in vehicle movements, particularly in the early mornings and evenings.

15. However, vehicle movements would not be uncharacteristic of a residential area, and the facility would not be expected to generate vehicle movements during the night where disturbance may be felt most acutely.
16. Nonetheless, I am mindful of the experiences of residents who allege incidents of noise pollution and the advice of the Council's Principal Environmental Health Officer. Therefore, I consider it would be necessary to impose conditions to mitigate noise and disturbance, including details of a scheme for acoustic fencing between the appeal property and surrounding dwellings to prevent unreasonable sound levels within the garden, and submission of a Noise Management Plan in respect of operations of the care facility, including management of staff and visitors. In addition, a Travel Plan should be secured to encourage staff to travel on foot, by cycle, or public transport to minimise noise and disturbance associated with private motor vehicles.
17. I have also had regard to the written ministerial statement 'Planning for accommodation for looked after children' issued 23 May 2023, which sets out a commitment to support the development of accommodation for looked after children and expresses that the planning system should not be a barrier to providing homes to the most vulnerable children in society. Whilst the Council has recently approved applications for other similar developments within its area, this does not preclude further development of this type. As set out above, I have found the care facility would be compatible with the residential use of the surrounding area and do not consider the use would alter the character or cohesion of the neighbourhood.
18. For these reasons, subject to use of planning conditions and having particular regard to noise and disturbance, I consider the proposal would not harm the living conditions of neighbouring occupants.
19. The proposal would therefore comply with Policy M2 of the Dartford Local Plan 2024 which requires development demonstrate that it is designed and located to not result in unacceptable material impacts, individually or cumulatively, on neighbouring uses, paying particular consideration to noise disturbance.

Parking provision

20. The appeal property's frontage provides off-street parking spaces for up to two cars. The surrounding area is subject to parking restrictions, including double-yellow lines and resident permit parking. Therefore, opportunity for on-street parking in the immediate area is very limited.
21. The residential estate has a 20-mph speed limit, traffic calming measures, pedestrian footways, and street lighting, and is therefore conducive to safe walking and cycling. The appeal property is within a three-minute walk of a bus stop at Gore Road, and a 10-minute walk of bus stops at Darent Valley Hospital, which offer public transport services to a range of locations. Therefore, the appeal property would be accessible by walking, cycling, and public transport.

22. The Parking Standards Supplementary Planning Document 2012 (SPD) provides standards for the provision of parking for different development types including “Nursing/Residential Care Homes”. The SPD requires provision of car parking for employees of one space per resident staff, plus one space per two other staff. Based on the SPD’s standards, the appeal property’s two parking spaces would accommodate up to two resident staff or up to four non-resident staff.
23. As discussed above, staffing levels reflect the occupants’ needs, ranging from one to two staff per shift. Therefore, the appeal property’s existing off-street car parking spaces would be adequate to accommodate the proposed staffing levels.
24. However, there is uncertainty regarding the effect of staff handover at the beginning and end of shifts. The appellant is willing to accept a planning condition to secure submission of a Travel Plan to set out how parking conflict would be avoided and encourage staff to walk, cycle or use public transport.
25. The SPD requires guest/visitor parking at a rate of one space per six beds or residents. The appeal property accommodates up to four children and therefore the minimum threshold of six beds/residents is not met. Therefore, the SPD does not require provision of a guest/visitor parking space.
26. The SPD requires a minimum of one space for an ambulance. However, as confirmed by the Council’s delegated report, the proposed care facility does not relate to the medical needs of occupants and as such the need for ambulance parking is not essential.
27. I have also had regard to paragraph 116 of the Framework which advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network following mitigation would be severe, taking into account all reasonable future scenarios. No substantive evidence of unacceptable or severe impacts has been provided.
28. For the reasons set out above, I am satisfied the appeal property’s two off-street car parking spaces would meet the needs of the proposed use. Since there would be no shortfall in parking provision and parking control measures are in effect in the area, I have no reason to consider the proposal would result in inappropriate parking, such as parking on grass verges or blocking of driveways. Therefore, the proposal would not harm highway safety.
29. The proposal would comply with the Policies M15 and M16 of the Dartford Local Plan 2024 which together require development be appropriately located and make suitable provision to minimise and manage transport impacts, provide an appropriate level and form of vehicle parking provision in accordance with the Parking Standards SPD, and avoid severe impacts on congestion, safety of road users, and excessive on-street parking pressure.

Other Matters

30. A large number of residents raised concerns regarding a fear of crime and anti-social behaviour associated with the proposed use, alleging incidents of loitering, intimidating behaviour, trespass, drug use, noise, and littering, with increased police visits to the property. The courts have held that the fear of crime is only a material consideration where the use, by its very nature, would provide a

reasonable basis for concern. It is not a foregone conclusion that the proposed use of the land would inevitably result in an increase in crime, and the fear and concern must therefore be supported by evidence.

31. The Environmental Health Officer and Kent Police were consulted and indicate no recent complaints or reports had been received in respect of the appeal property. Whilst I acknowledge there may be uncertainty regarding the information that may be available to be disclosed, I cannot be certain that alleged incidents of crime and anti-social behaviour are connected to the appeal property. Furthermore, security measures such as a CCTV system have been installed at the appeal property, and the occupants are supervised by staff throughout the day and night.
32. Some residents were concerned the accommodation may be occupied by adult residents. The maximum age of occupants can be controlled through a condition.
33. I have been provided no substantive evidence to support the view that local infrastructure would be of insufficient capacity to accommodate the use. The proposal maintains its appearance as a dwelling, and the small front garden is a maintenance issue outside the scope of my decision.
34. Concerns were raised regarding the extent of engagement with the community. However, the information before me suggests both the planning application and appeal process met the statutory requirements for consultation.
35. Representations were made to the effect that the rights of neighbouring occupiers under Article 8 as set out in the Human Rights Act 1998 would be violated if the appeal were allowed. I have found that the proposed development would not result in unacceptable harm to the living conditions of occupiers of surrounding dwellings. The development would not conflict with the development plan. I am satisfied that a grant of planning permission would not unacceptably interfere with neighbouring occupier's right to a private and family life and home. It is proportionate in the circumstances to allow the appeal.

Conditions

36. The Council has provided a list of suggested conditions which I have considered against the Framework's tests. Since the proposal has been implemented, I have not imposed a condition specifying the time limit for commencement. However, in the interests of certainty I have included a condition identifying the approved plans.
37. To ensure the appeal property is used only in accordance with the permitted use as a care home for children, I have included a condition to limit the age and maximum number of occupants.
38. I have included a condition requiring the car parking spaces and access be retained in perpetuity to ensure compliance with the parking standards and avoid harm to highway safety.
39. To protect the living conditions of neighbouring occupants in accordance with Dartford Local Plan 2024 Policy M2 and reflecting the advice of the Council's Environmental Health officer, I have included conditions requiring submission of a noise management plan, details of acoustic fencing, and a travel plan. In addition, in the interests of health and the environment I have included a condition require submission of details of bin storage.

Conclusion

40. For the reasons given above, having regard to the development plan taken as a whole and all other relevant material considerations, I conclude the appeal should be allowed.

E Dade

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with drawing nos: Existing Floor Plans 2708 01; Proposed Floor Plans and Block Plans 2708 02; Proposed Site Plan 2708 03.
- 2) The use hereby permitted shall be only for a care home for a maximum of four children no older than 17 and for no other uses, including any other falling within Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, (or for any order amending, revoking and re-enacting that Order) and any other use whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not.
- 3) The two car parking spaces, turning areas and means of access shown on the approved plans shall be kept available for such use at all times and no development, whether permitted by the Town and Country Planning (General Permitted Development) Order 2015 or not, shall be carried out on that area of land or to preclude vehicular access thereto.
- 4) Within four months of the date of this permission, a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of measures to control noise arising from the use of the premises and any necessary mitigation measures, including but not limited to: operational activities, outdoor play, staff and visitor movements. The approved Plan and associated mitigation measures shall be implemented in full upon approval and shall be maintained thereafter for the lifetime of the use.
- 5) Within four months of the date of this permission, details of a scheme for installation of a two-metre tongue and groove acoustic fence of minimum mass 12Kg/m² (Jacksons 12K Envirofence Fencing System or similar) between the appeal property and surrounding properties should be submitted to the Council for approval. The works shall be implemented in accordance with an agreed timetable and maintained thereafter for the lifetime of the use.
- 6) Within four months of the date of this permission, details of refuse and recycling storage and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. Such approved details shall be maintained thereafter for the lifetime of the use.
- 7) Within four months of the date of this permission, a Travel Plan is to be submitted to and approved by the Local Planning Authority and should cover the following issues: travel plan co-ordinator; travel surveys; measures to be taken to encourage walking, cycling, use of public transport and reduce car travel by staff; monitoring and review; and programme for implementation.

The approved Travel Plan shall be implemented in accordance with the approved implementation programme.

END OF SCHEDULE