
Appeal Decision

Site visit made on 2 December 2025

by **C Livingstone MA(SocSci) (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 December 2025

Appeal Ref: APP/M4510/W/25/3373018

7 Saint Oswalds Green, Walker, Newcastle Upon Tyne NE6 4AF

- 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 Henna Hakim, Kidscape Living Limited, against the decision of Newcastle Upon Tyne City Council.
- The application Ref is 2025/0681/01/DET.
- The development proposed is change of use of a house (Class C3a) to a children's home, for up to three children, with a manager and two carers, who will sleep overnight, working on a rota basis (Class C2).

Decision

1. The appeal is allowed and planning permission is granted for change of use of residential dwelling (Class C3a) to a children's home, to accommodate up to 3 children (aged 5-18 years) (Class C2) at 7 Saint Oswalds Green, Walker, Newcastle Upon Tyne NE6 4AF in accordance with the terms of the application, Ref 2025/0681/01/DET, subject to the following 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 nos D61 A4/001, D61 A4/002, D61 A3/002, D61 A3/003, D61 A3/004.

Applications for costs

2. An application for costs in relation to this appeal was made by Kidscape Living Limited against Newcastle Upon Tyne Council. An application for costs was also made by Newcastle Upon Tyne Council against Kidscape Living Limited. These applications are the subject of separate decisions.

Preliminary Matters

3. On 16 December 2025, the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework). Whilst broad changes to the structure of the Framework are proposed as part of this consultation, these proposals could be subject to further change and can only be given very limited weight at this stage. It has therefore not been necessary to consult the parties on the changes, and in reaching my decision I have had regard to the Framework published in December 2024.
4. The description of the development in the banner heading above was taken from the planning application form. The description of the development in the decision section was taken from the decision notice as it is clearer and more succinct.

5. It is noted that the information submitted in support of the planning application suggested that two carers would be present at the building 24 hours a day, as well as a third carer and a manager during the day. However, the information submitted in support of the appeal suggests that only two carers would be present, and a manager would visit. My assessment is made on the basis of the information before the Council when it made its decision, which details a higher staffing level of up to three carers present at the building as well as the manager. Although it is accepted that this may vary slightly depending on the number of children and their needs.

Main Issue

6. The main issue is the effect of the proposal upon the living conditions of the occupiers of neighbouring properties in respect of noise and disturbance from occupants and visitors.

Reasons

7. The appeal property is semi-detached and is within an established residential area. The host dwelling and its neighbour are accessed via a path that runs between the rear gardens of neighbouring properties from a shared public parking area. The dwelling has a small area of hardstanding to the front, with a larger private garden to the rear. It is proposed to use the property as a children's home for the care of up to three children between the ages of five and eighteen. The children would have up to three carers at a time, working on a rota basis, and would be overseen by a manager who would visit during standard working hours. Each child would have his/her own bedroom. Sleep-in and staff office accommodation is proposed to be created within the first floor of the property.
8. I note that the proposal would result in two carers, working on a rota basis, with one change of staff each day at around 9.30am and a third carer and manager would attend during typical office hours. There would be a regular shift pattern in place, but given the number of carers involved, coupled with attendance of a manager it is likely that people would be moving to and from the property throughout the day.
9. The Council raises concerns about activity associated with the number of movements to and from the building and that this would give rise to cumulative harm in regard to noise and disturbance. However, it is not uncommon for a family with three children to occupy a single dwellinghouse and for the occupants, as well as friends and visitors, to move to and from the property several times a day. While the proposal may result in slightly more visitors than would be the case if the property were used as a single dwellinghouse (for example the proposal may necessitate occasional visits by a social worker(s) and/or other practitioners), I do not find the number of visits, movements and activity would be likely to result in any materially harmful effect upon the living conditions of the occupiers of neighbouring properties.
10. The building would not be extended, and the number of bedrooms would remain unchanged. I do not find that there would be a significant difference in the level of activity and comings and goings of a children's home of the scale proposed and that of a single family. Therefore, in this regard, I do not find the concerns of the Council to be persuasive. I consider that the proposal would not lead to harm to the living conditions of neighbours from noise and disturbance from the coming and goings of staff and visitors.

11. There is space for several vehicles to park in a shared public parking area on St Oswald's Green. Given the likely transient nature of the use of the parking area, I do not find that the use of these spaces would differ significantly from that of a single family. Further, as the closest public parking area at St Oswald's green is already established, I do not find that there is any evidence to support the view that it would result in any material disturbance to neighbouring residents arising from vehicular movements, over what is existing. In reaching this finding, it is noteworthy that the Highway Authority does not object to the proposal, in regard to parking provision.
12. For the reasons detailed above, I conclude that the proposal would not have a harmful effect upon the living conditions of the occupiers of neighbouring properties in respect of noise and disturbance from occupants and visitors. Therefore, the proposal does not conflict with Policy CS14 of the Planning for the Future Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne 2010-2035 and Policy DM23 of the Newcastle upon Tyne Development and Allocations Plan 2015-2030, these policies are consistent with the National Planning Policy Framework in requiring that developments prevent negative impacts on residential amenity and seek to ensure that noise and disturbance from surrounding land uses will not have an unacceptable adverse impact.

Other Matters

13. I have considered the representations made by several interested parties, some of which have been addressed in my reasoning above.
14. I am aware of the perceived fears of some residents about the potential for anti-social behaviour, or the presence of distressed children, arising from the use of the property as a children's home. It is of course possible that some of the children living in the property may need some support, but there is no reason to doubt that they would be properly cared for and assisted. Furthermore, and as outlined by the Council, the proposal is acceptable in land-use principle terms when considered against its development plan for the area.
15. In this case, I do not find that it would be reasonable to refuse planning permission, based upon the perceived fears of some, about possible anti-social behaviour or distress. This is particularly the case as there is no persuasive evidence to suggest that the children living in the property have or would engage in anti-social behaviour or would be distressed or unpredictable.
16. The Council did not include the impact of the development on the privacy of neighbouring occupants as a reason for refusal. No extensions to the host property are proposed and in light of this I see no reason to disagree with the Council in this regard.
17. Representations raised concerns regarding the suitability of the information provided in regard to staffing and supervision. However, the evidence submitted in support of the application gives sufficient detail to understand how the proposed use would operate, including staff working patterns and the level of care the children will require. Concerns were also raised that, in the event that the development was allowed, a precedent would be set for other children's homes in the area. Still, 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.

18. Concerns have also been raised in regard to the time limit for the submission of representations. However, this is a procedural matter and out with the remit of my assessment. It was also noted that the current property was incorrectly referred to as an HMO. My assessment of the development is based on the description of the development as taken from the planning application form.
19. My attention has been drawn to caselaw¹ and two examples of appeals relating to the change of use of residential dwellings to children's care homes². These examples all relate to examples of appeals against a refusal for a certificate of lawful use. The Judge and Inspectors identified that the change of use represents a material change and requires planning permission. Notwithstanding this, while each example identifies that the use of a dwelling as a children's home is materially different, they do not identify that the change would result in a material degree of harm to the living conditions of occupants of neighbouring dwellings. In any case I have determined the appeal on its own merits.

Conclusion

20. For the reasons given above the appeal should be allowed.

C Livingstone

INSPECTOR

¹ North Devon District Council v First Secretary of State and Southern Childcare Ltd [2003] EWHC 157 (Admin); [2003] JPL 1191,

² APP/M4320/X/22/3301638 and APP/G4240/X/23/3327733.