
Appeal Decision

Site visit made on 1 December 2025

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2025

Appeal Ref: APP/B0230/W/25/3372871

41 Manton Drive, Luton LU2 7DJ

- 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 Mr Simon Pleasant (Brightstarts Childcare Group Ltd) against the decision of Luton Borough Council.
 - The application Ref is 24/01452/COU.
 - The development proposed is change of use from a 6 bed dwelling (C3) to a 4 bed children's care home (C2 residential institution).
-

Decision

1. The appeal is allowed and planning permission is granted for change of use from a 6 bed dwelling (C3) to a 4 bed children's care home (C2 residential institution) at 41 Manton Drive, Luton LU2 7DJ. The permission is granted in accordance with the terms of the application Ref 24/01452/COU, dated 24 December 2024, subject to the conditions included in the Schedule at Annexe A.

Main Issues

2. The main issues are:
 - the effect of the proposal on the provision of family-sized housing;
 - whether the proposal would meet a need for childcare provision; and
 - whether the proposal would cause unsustainable transport movements.

Reasons

Family-sized housing and childcare provision

3. The appeal property is a two storey detached dwelling in a residential road of similar properties. The surrounding area is residential in character.
 4. Policy LLP15 of the Luton Local Plan 2011-2031 (2017) concerns housing provision and includes a criterion which states that the loss of existing housing to other uses will be permitted provided that replacement dwellings are provided or there is an overriding need for other uses which provides benefits to the community which outweighs the loss of housing.
 5. The National Planning Policy Framework (the Framework) requires that the size, type and tenure of housing needed for different groups in the community should be
-

- assessed and reflected in planning policies. With regard to the current and proposed uses in this case these groups include families with children and looked after children¹.
6. The appellant draws attention to three recent successful appeals in Luton involving the same change of use as proposed in this case². Given the relevance of these decisions to the current appeal I have had regard to them.
 7. The Council states that there is an identified need of 2,590 four or more bedroom dwellings within the borough, but that historic delivery of this size of dwelling between 2011 to 2019 is 333 units³. While this evidence is from 2019 and therefore is not up-to-date, it does nonetheless point to the fact that provision of this type of accommodation has not historically met the identified level of need; and that there is likely to be an outstanding need for this type of dwelling. I acknowledge in this regard the Council's comments about the lack of suitable vacant land within the borough and its current housing land supply position.
 8. The same evidence was considered in the most recent of the three appeal decisions referred to, at Millfield Road. In that case, the Inspector found that the incremental loss of family homes would have moderate harm upon the range of housing stock, but that the harm is reduced as the property would still in effect provide accommodation that would be similar to a four or more bedroom dwelling. I am mindful that where there is no material difference in appeal cases between the proposal, the policy background and evidence, findings should be consistent. For this reason, there is no reasonable basis to find differently from the earlier case on this issue.
 9. Turning to the question of whether there is a need for additional childcare provision, according to the Council's evidence there are 354 children in care, predominantly in foster care rather than a residential setting. Some of these are in placements outside the borough, largely due to safeguarding. The Council also points to a significant increase in recent years of proposals to change the use of dwellings to children's homes, 13 of which have been approved. In addition, the Council is planning to open its own childcare facility. There is an acknowledged national shortage of any form of care for young people and the Council's view is that there is no guarantee that the home will be commissioned for young people from Luton.
 10. Taking this evidence as a whole, while there has been increased provision of this type of facility in recent years, this must be viewed in the context of an on-going national shortage of such provision. As in the Millfield Road and Turnpike Drive appeals, weight should be given to the provision of the proposed facility in the light of a recognised national shortage of childcare provision. Moreover, there is no substantive evidence before me relating to projected future childcare accommodation needs within the borough, in accordance with the Framework's requirements noted above.
 11. Accordingly, for these reasons, I conclude that while there would be some harm from the loss of a family-sized dwelling, this is outweighed in this case by the need

¹ Paragraph 63, including footnote 26.

² APP/B0230/W/25/3366487, dated 20 August 2025; APP/B0230/W/24/3336478, dated 2 September 2024; and APP/B0230/W/24/3338531, dated 22 August 2024

³ *Strategic Housing Land Availability Assessment*, November 2019.

for the proposed use and the wider community benefits associated with it. As such, there is no conflict with Policy LLP1 of the Luton Local Plan concerning sustainable development principles or with Policy LLP15, as described.

12. I acknowledge the Council's concern that allowing this proposal could set a precedent for further similar changes of use. However, I have considered the current proposal on its merits. Any future proposals would need to be similarly considered on their merits against policies and evidence pertaining at the time. However, current concerns about such proposals coming forward are not of sufficient weight to lead to a different conclusion.

Transport movements

13. The Council contends that as it is likely that users of the appeal property will be from neighbouring authorities, this will result in unsustainable journeys.
14. From the evidence provided, the level of occupation would be similar to the existing use of the property as it could be occupied by a large family. The daily movements associated with young people and their carers are unlikely to be significantly different from the existing use, with children and parents commuting to school, work and for other daily purposes. Moreover, there is no evidence to suggest that visits by services and other organisations associated with the proposed use will be so frequent or over such long distances that this would result in material harm compared to other forms of visits to residential properties.
15. Therefore, on this basis, I conclude that the proposed use would not cause material harm through unsustainable transport movements. Consequently, it is not contrary in this regard to Policy LLP1 of the Luton Local Plan concerning sustainable development principles and Policy LLP31, which seeks to ensure sustainable transport movements.

Other Matters

16. I have had regard to the representations made by interested parties, which raise a number of additional matters to those considered under the main issues. There are no external alterations proposed to the property and the proposed use involves a similar type and level of occupation to its use as a family home, with children cared for by responsible adults. Consequently, there is no reasonable basis to find that any harm would arise with regard to the residential character of the area, from noise and disturbance or that the outdoor space is inadequate and will not include secure boundaries.
17. I have no evidence before me that appropriate use of CCTV or external lighting will be harmful to neighbours' living conditions or that the proposed use will result in any changes that will adversely affect local drainage or sewerage. The proposal includes the requisite number of parking spaces and the highway authority has not raised any concerns regarding parking or other highway issues. Matters relating to property deeds and concerns about effects on property values are outside the scope of this appeal, which is concerned with the planning merits of the proposal.

Conclusion and Conditions

18. For the reasons given above it is concluded that the appeal should succeed.

19. Of the Council's suggested conditions I have imposed the standard time condition and, to ensure the proper implementation of the proposal, one requiring development to be carried out in accordance with the relevant submitted documents and approved plans. It is necessary to limit the use and occupation of the property by condition, to ensure the appropriate type and level of use is observed.
20. Conditions requiring a management plan and details of parking, cycle and bin storage are necessary to ensure an appropriate standard of development and to protect local amenity.

J Bell-Williamson

INSPECTOR

Annexe A

Schedule – 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 the following approved documents and plans: DC01, DC02, DC03, DC04, DC05, DC06, DC07, 097SP, 097SP-01, 097SP-02 and 097SP-03.
- 3) The building and/or site shall be used for residential accommodation and care for up to a maximum of four persons who are aged between 8-17 years old and shall be used for no other purpose, including any other purpose falling within Class C2 as specified in the schedule to the Town and Country Planning (Use Classes) Order 1987 (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 4) Notwithstanding the submitted details, prior to the commencement of the development hereby approved, a Management Plan, including management responsibilities, maintenance schedule for all residents and external and internal areas, the management of site parking and visitation, refuse storage details and details of the complaints and compliance procedure shall be submitted in writing to the Local Planning Authority for approval. The approved details shall be retained and adhered to so long as the development exists thereafter.
- 5) Prior to the occupation of the development hereby permitted, details of parking arrangements, cycle store and bin storage shall be submitted in writing to the Local Planning Authority for approval. The approved details shall be retained and adhered to so long as the development exists thereafter.

[End of Schedule]