



Appeal Decision

Site visit made on 7 January 2026

by J Heppell BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 January 2026

Appeal Ref: APP/C5690/W/25/3374563

83 Colfe Road, Forest Hill, Lewisham, London SE23 2EX

- 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 Ms Esther Mingle against the decision of the Council of the London Borough of Lewisham.
 - The application Ref is DC/25/140383.
 - The development proposed is change of use from residential dwelling (Class C3) to children's home (Class C2).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has confirmed that the property is already being used as a children's home. Section 73A of the 1990 Act allows for the submission of retrospective applications, which are subject to the same considerations as those made prior to development commencing.
3. The appellant's floor plan is incorrect as regards the internal layout of the building and the existence of a conservatory. As the proposal is for a change of use and no alterations are proposed to the building, these discrepancies have not had a bearing on my assessment of the development.

Main Issue

4. The main issue in this appeal is whether the development meets an identified need for supported and specialised accommodation.

Reasons

5. The appeal site comprises a terraced property located in a residential area. The development is a change of use of the building to a children's home.
6. The policy context for supported and specialised accommodation is set by Policy H12 of the London Plan March 2021 (LP) and Policy HO6 of the Lewisham Local Plan Adopted July 2025 (LLP), which together offer support for such housing provided a number of criteria are satisfied. Specifically, Policy H12 requires boroughs to assess the need for supported and specialised accommodation within their area, while criterion A.a of Policy HO6 requires proposals to contribute towards meeting the identified need for approximately 500 units of supported accommodation in Lewisham until 2040. The supporting text to Policy HO6 breaks this figure down into a need for 453 residential care units and an ongoing need for

a smaller number of specialist housing units for people with additional needs, the latter to be met through the delivery of conventional housing stock that is appropriately adapted.

7. While the policy does not prohibit the use of existing dwellings to provide specialist accommodation, the supporting text to Policy HO6 requires applications to clearly set out how the development will assist in meeting an identified need. It is unclear how children would be referred to the home, what their needs would be, and how they would be rehabilitated. Whilst the appellant suggests that Lewisham has a shortage of children's home placements and that Children's Services Placement commissioners have identified a significant need in the borough for children's homes, these organisations have not provided submissions in support of the appeal, and documentation has not been supplied from relevant authorities such as children's services and/or relevant charities. As such, the evidence before me is anecdotal in nature and not sufficient to meet the expectations of the Plan. Accordingly, there is no clear evidence of an identified local need for this facility, and the specific requirements of Policy H12 and criterion A.a of Policy HO6 have not been met.
8. Turning to the remaining criteria of Policy HO6, criterion A.b relating to affordable housing is not relevant as the proposal is not for an additional unit of accommodation. Criteria A.c and A.e relate to mixed, inclusive communities and high quality design respectively, and together highlight the need to protect local amenity from anti-social behaviour and noise. Specifically, criterion A.e requires suitable arrangements for managed care and community safety.
9. The appellant has confirmed that the provider is Ethos Care Family Services, which has been rated and inspected by the Care Quality Commission, and that children in the home are professionally managed, with round-the-clock staffing and safeguarding. However, interested parties have attested to noise at antisocial hours, damage to property and emergency service call-outs. Unless appropriately mitigated, such impacts have the potential to be detrimental to the living conditions of neighbouring residents. As I have not been supplied with a management plan for the facility, I cannot be certain that the potential impacts of the development can be satisfactorily controlled, and consequently the development does not satisfy criterion A.e of Policy HO6.
10. Although the appeal site has a low public transport accessibility level (PTAL) rating of 2, the centre of Forest Hill and its railway station are reasonably accessible from the appeal site. Moreover, the site is located in close proximity to a number of schools, which given the likely needs of occupiers provides a good indicator of accessibility. The development therefore satisfies criterion A.d of Policy HO6, which requires such uses to be appropriately located in areas that are well-connected to the services and facilities that are likely to be required by occupiers.
11. In conclusion, whilst acknowledging the requirement for 500 units of supported accommodation in Lewisham established by Policy HO6, there is insufficient evidence that the development meets an identified need for a children's home in this area. In the absence of a detailed, evidenced case, and notwithstanding that the building is already in use as a children's home, the need for supported specialised accommodation has not been clearly established. The development is therefore contrary to Policy H12 of the LP and the relevant parts of Policy HO6 of the LLP, the aims of which I have outlined above.

12. The Council's reason for refusal refers to Policy H8 of the LP, which resists the loss of houses unless replaced with new housing at a similar or higher density. In this case, the development replaces a dwellinghouse with supported accommodation, itself a form of housing as recognised by Policy H8. Whilst I have not found in favour of the scheme, I afford weight to the fact that residential accommodation is reprovided, and I therefore do not find conflict with Policy H8.

Planning Balance

13. While there is an overall need for supported accommodation in Lewisham, no clear evidence of a requirement for a children's home in this area has been provided. Although there are some likely benefits associated with the provision of a children's home more generally, it is difficult to quantify these here without more detailed information on the need for, or management of, the facility. The conflict with the development plan therefore outweighs these benefits.
14. In coming to this conclusion, I have had due regard to the Public Sector Equality Duty set out under the Equality Act 2020. Age is a protected characteristic under the Act, and positive discrimination on the basis of age can be appropriate and legitimate in respect of children. The Local Plan requires there to be a clear need for facilities and that there are suitable arrangements for managed care or supervision, security and community safety. The evidence before me provides insufficient comfort that these requirements have been met. Accordingly, it is proportionate and necessary to dismiss the appeal.

Conclusion

15. For the above reasons, the development conflicts with the development plan, when read as a whole. Material considerations do not indicate that a decision should be taken other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

J Heppell

INSPECTOR