
Appeal Decision

Site visit made on 19 December 2025

by **G Sylvester BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 January 2026

Appeal Ref: APP/R5510/W/25/3373721

31 Frithwood Avenue, Northwood, Hillingdon HA6 3LY

- 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 Care Assist Ltd. against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref is 8032/APP/2025/229.
 - The development proposed is the conversion of house (Class C3) into Care Home (Class C2) for 6 number of adults.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of house (Class C3) into Care Home (Class C2) for 6 number of adults at 31 Frithwood Avenue, Northwood, Hillingdon HA6 3LY in accordance with the terms of the application, Ref 8032/APP/2025/229, subject to the conditions in the attached schedule.

Procedural Matter

2. Hard surfacing to create additional parking spaces to facilitate the change of use is operational development and shown on the drawings. I have considered the appeal proposal based on those drawings.

Main Issues

3. The main issues in this appeal are whether there is a need for the proposed care home and its effect on:
 - (i) The living conditions of occupiers of nearby residential properties, with particular regard to noise and disturbance.
 - (ii) The character and appearance of the area, with particular regard to the proposed hard surfacing and its relationship with an existing tree.

Reasons

Living conditions

4. Frithwood Avenue is a wide road joined by several short cul-de-sacs along its length that is fronted mostly by large houses and the occasional flat block, usually occupying relatively generous plots. There are long sections of marked out parking bays on both sides of Frithwood Avenue and it is within a designated Controlled Parking Zone (CPZ), which the local highways authority describes as operating from Monday to Friday 1pm-2pm. The reasons for designation of the CPZ are not before me. However, given that most residential properties appear to have

sizeable areas of on-plot car parking, and the evidence suggests the underground station is a 15-minute walk away, it is reasonable to suppose that the CPZ is aimed at restricting vehicle parking by commuters.

5. At the time of my site visit I experienced the area of the appeal site as being characterised by relatively low levels of noise and disturbance, consistent with it being a residential suburb where activities are generally domestic, including vehicles travelling along the roads. A low level of continual background traffic noise was audible which I attributed to vehicles travelling on the higher order roads some distance away. Whilst my visit can only represent a snapshot in time, the evidence before me does not indicate my experiences were unrepresentative of normal conditions.
6. The appellant company seeks planning permission to change the use of the appeal property to a Care Home in Use Class C2. It is a relatively large 5 bed dwellinghouse occupying a corner plot at the junction of Frithwood Avenue and Canterbury Close, and was previously used as a bed and breakfast premises.
7. The Council is concerned that the comings and goings of staff, visitors and deliveries to the proposed care home, would generate noise and disturbance detrimental to the living conditions of occupiers of nearby residential properties, particularly during the changeover in staff shifts. A previous appeal against the unauthorised use of the appeal dwelling as a care home was dismissed¹ for reasons of noise and disturbance to nearby occupiers.
8. It is reasonable to suppose that occupation of the appeal dwelling by a large family would be expected to generate noise and disturbance in the locality from the comings and goings of its occupiers and their vehicles. This would include the manoeuvring of vehicles either within the on-site parking spaces or the spaces on the street, and the closing of car doors. Deliveries and collections would also be intrinsic to that use, such as home deliveries and waste/recycling collections. It is against that baseline position that I have considered the appeal proposal.
9. As set out in the appellant's Management Statement and Shift Change and Neighbourhood Impact Management documents, the proposed care home would be occupied by no more than 6 resident adults who would be cared for on a 24-hour basis by staff working in shifts, which would changeover at the times stated. Visitors would not be permitted except between 9am-6pm. There would normally be no more than 4 or 5 members of staff at the care home at any one time, with fewer staff being required overnight, albeit staff levels could vary from time-to-time based on the specific care needs of individual residents.
10. I have considered the effects of the proposed use based on what would be expected to happen if it was operated as the appellant intends and in accordance with the parameters set out in those documents. It is not for me to propose or assess different combinations of shift patterns, visitor hours, staff numbers and resident adults in care. The appeal proposal before me differs from the previous appeal scheme primarily insofar as it would provide 4 on-site parking spaces and would operate to a different staff shift pattern.
11. The local highways authority considers the proposal to be a low traffic generator, with infrequent visits/servicing that are typically associated with care homes. It

¹ APP/R5510/C/21/3266292

considers the proposed car parking provision to be broadly in compliance with the available parking standard and relatively generous, thus minimising the likelihood of undue parking displacement onto the immediate roads. Based on the evidence before me and my observations at my site visit, I find no reasons to disagree on those matters.

12. I have assumed that all staff would travel to and from the proposed care home by car and would park their vehicle on the appeal site or nearby roads, notwithstanding the availability of public transport, and the possibility of car sharing or staff being dropped-off by family, friends, or taxi. The proposed number of on-site car parking spaces would be expected to be sufficient to accommodate a vehicle for nearly all staff members on a single shift, depending on whether there are 4 or 5 members of staff at the care home at any one time.
13. Off-street parking provision would not accommodate all vehicles of staff on different shifts were they to coincide during the changeover of those shifts. Given the need to maintain care for residents and for information to be shared between staff on each shift, it would not be expected that all staff would have left the premises before all staff on the next shift arrive. The appellant intends to ensure that arrivals and departures of staff and their vehicles during the shift changeovers is staggered, which seems likely to occur.
14. However, it is possible that all staff on the next shift could arrive before staff on the previous shift have departed from the site. In that scenario staff may drive along nearby streets and park temporarily whilst waiting for on-site parking spaces to become available, potentially with car engines left running whilst parked. This is most likely to occur on Frithwood Avenue (outside of the CPZ operating hour) where spaces are more likely to be available as opposed to Canterbury Close which is a narrow cul-de-sac where few, if any, parking spaces would be expected to be available.
15. The manoeuvring of staff vehicles on the appeal site and on nearby roads, which would involve the running of engines and the closing of car doors, together with the bustle of staff, would be at a relatively low level and would persist for only a relatively short duration of time. Those types of activities and the sounds generated would be commonplace in a residential suburb and would not be out of character. Noise and disturbance caused by the comings and goings of staff at the intended shift changeover times would not be harmful to the living conditions of the occupiers of nearby residential properties.
16. The Inspector for the previous appeal proposal found that a changeover in staff shifts at 10pm has the potential to disturb neighbours when they would reasonably expect limited noise close to their properties as they prepare for sleep. They also stated they had no information where vehicles would be parked if the parking spaces on the appeal site were in use. However, in the case before me, the timings of the staff shift changeovers set out in the Management Statement and Shift Change and Neighbourhood Impact Management documents, would not be expected to occur at times when most residents would be preparing for sleep or sleeping. Furthermore, unlike the previous Inspector, I have information before me that parking spaces would be likely to be available on Frithwood Avenue outside of the CPZ operating hour, which accords with my observations at my site visit.

17. Therefore, in the context of the previous Inspector's decision, it would be necessary to control the use by planning conditions so that it operates in accordance with the intended staff shift changeover times set out in the Management Statement and the Shift Change and Neighbourhood Impact Management documents. I find no evidential basis that operating the use in accordance with the parameters set out in those documents would be detrimental to the care needs of the intended occupants or unreasonably problematic to operate by the appellant's business. The test of reasonableness for the imposition of planning conditions would be met.
18. That is not to say that a staff changeover (between the afternoon and night shifts) occurring later than 8pm would necessarily cause unacceptable noise and disturbance. The previous Inspector found that 10pm had not been shown to be acceptable, albeit that was with fewer on-site parking spaces. Whilst there could be a 'tipping point' whereby noise and disturbance at different changeover times causes unacceptable harm to the living conditions of occupiers of nearby properties, it is not my role to determine where it might be. That said, there is unlikely to be a sharp distinction whereby a shift changeover is acceptable at 8pm, but unacceptable shortly after. Therefore, I have built-in a degree of flexibility into the condition to allow the Council to consider whether to agree slight variations to the timings for shift changeovers.
19. The number of daily visitors to the care home would be expected to be at a low level given the number of resident adults in care. There is a reasonably high probability of visits being spread across the visitor access times. Nonetheless, it is possible that several visitor cars could converge at the same time and manoeuvre and park on nearby roads, most likely on Frithwood Avenue outside of the CPZ operating hours. If so, some noise and disturbance would be caused by the manoeuvring of vehicles, the closing of car doors, and the bustle of visitors coming and going.
20. However, provided the operation of the use was restricted to the visiting hours set out in the Management Statement and Shift Change, and Neighbourhood Impact Management documents, I am satisfied that noise and disturbance generated by visitors would not be harmful to the living conditions of occupiers of nearby properties. Those visiting hours would mean that visitors would not come and go at times when most residents would be preparing for sleep, which was a concern raised by the previous Inspector.
21. Whilst the previous Inspector considered that it would not be reasonable to impose limitations on the visiting times of friends and family, they gave no explanation to justify why. Therefore, I have reached my own judgement on that matter. The intended visiting hours would not place an unreasonable restriction on the ability of visitors and residents to see one another regularly. I see no basis on which the operator would be compelled to allow visitor access outside of those hours. As the scheme before me is materially different to that considered by the previous Inspector, their decision is a material consideration of relatively limited weight.
22. Given the residential character of the proposed use, it is reasonable to suppose that the kind of items likely to be delivered/transported to the appeal site, whether by staff or by third parties, would largely relate to items needed for normal habitation of the property by its occupants, including foods and medicines. Due to the scale of the use, which would be controlled by conditions, the potential

consumption of those kinds of provisions would not be expected to lead to a high frequency of deliveries. There is no substantive evidence to indicate that large and heavy medical equipment would need to be transported to and from the site. It is reasonable to suppose that deliveries to the appeal site are most likely to take place during reasonably sociable business hours. In my judgement the short duration parking of vehicles making deliveries or collections would be commonplace in a residential area and would generate relatively low levels of noise and disturbance that would not be harmful to the living conditions of occupiers of nearby properties.

23. There is no substantive evidence that visits to the care home by emergency services, which could be accompanied by noisy sirens and flashing lights, would be so frequent as to harm the living conditions of occupiers of nearby properties. Interested parties refer to previous instances of care home residents, which are likely to have complex healthcare needs, banging on windows, shouting and making loud noises during the appeal building's unauthorised occupation as a care home. However, there is little evidence to suggest that such occurrences were frequent or intrinsic to the proposed use, or that they could not be resolved by effective management and intervention by staff. The previous Inspector found no such similar concerns and on the evidence before me neither do I.
24. Drawing all these considerations together, I am satisfied that the operation of the use can be restricted and controlled by planning conditions to ensure that no harm would be caused to the living conditions of occupiers of the nearby properties, with particular regard to the comings and goings of people and vehicles. I note that the Council's Noise Specialist also advised planning officers that the proposal would not be likely to result in significant noise effects, taking account of the relatively small number of cars coming and going, and the shift changeover times proposed. The appellant's noise consultant reached a similar finding.
25. Whilst the enforcement of planning conditions is a matter for the Council in the first instance, I am satisfied that conditions restricting the use would be enforceable and there is nothing of substance in the parties' evidence that leads me to conclude otherwise. As part of its appeal statement, the Council suggested that the use be restricted to operate in accordance with Management Statement and the Shift Change and Neighbourhood Impact Management documents.
26. For the reasons given above, I conclude that the proposed development would not be harmful to the living conditions of occupiers of nearby residential properties, with particular regard to noise and disturbance. Consequently, it would be consistent with Policies DMHB11 and DMHB12 of the London Borough of Hillingdon Local Plan Part 2, Development Management Policies, Adopted January 2020 (HLPP2), and Policy D3 of the London Plan 2021 (TLP) insofar as they require development to not be detrimental to residential amenity.
27. Although not cited in the Council's refusal reason for this main issue, I consider that Policy DMH8 of the HLPP2 and Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies, Adopted November 2012 (HLPP1), to be relevant to this main issue insofar as they require development to be fully integrated into their surroundings, and not detrimental to residential amenity. In those respects, I find no conflict between the proposal and those policies.

Character and appearance

28. The area of the appeal site has a spacious and verdant suburban character and appearance. There are rows of mainly large residential buildings that are set back from the road in generous plots and on a broadly consistent building line. Most front gardens contain a mixture of planting and trees, together with sizeable areas of hardstanding for vehicle parking and access. Front boundaries tend to be defined by a mixture of walls, fences and hedgerows. The appeal property is consistent with the character and appearance of the area.
29. The proposal would extend the existing hard surfacing closer to the road to accommodate more parked cars, and it would reduce the area of frontage covered by grass lawn. However, seen in the context of the sizeable frontage car parking facilities at the nearby properties the proposed hard surfacing and the number of cars parked on it would not be visually incongruous. They would be adequately softened by the greenery of the retained lawn and the proposed hedgerow.
30. The Council states that the evergreen tree on the site frontage is covered by a Tree Preservation Order (TPO) from the 1970s. Although the Council does not specify the species of the tree, the TPO contains a list of several protected trees at 31 Frithwood Avenue, including an evergreen *Cupressus lawsoniana* 'Lutea' (Tree T.38), which is the only evergreen at that address, and those trees are plotted onto a plan with the TPO.
31. The appellant argues that the tree is unlikely to have existed at the time the TPO was made and suggests it was planted more recently. However, neither party has submitted an arboricultural assessment to establish the age of the tree. The tree is roughly the same height as the appeal building which indicates it could be of some age, and it correlates with the position of tree T.38 on the TPO plan. Consequently, in my judgement the evergreen tree growing on the appeal site frontage is more likely than not to be tree T.38.
32. Due to the condition of the tree the Council's Design and Conservation Manager considers that its replacement with two trees would be a benefit. However, neither of the main parties has provided a technical assessment by an arboricultural expert of the tree's health and condition, or its contribution to the character and appearance of the area. Policy DMHB14 of the HLPP2 requires proposals affecting existing trees to provide a tree survey. Accordingly, I have used my judgement to reach a decision on this matter.
33. By comparison to other trees in the area, I saw that the tree has a modest stature and the foliage within its canopy is sparse and thin. Therefore, its contribution to the character and appearance of the area and thus its amenity value is relatively modest. The proposed hard surfacing would be set a similar distance away from the tree than the existing one. There is nothing before me to indicate that the existing hard surfacing, which appears to be of some age, is harmful to the tree. Neither the proposed hard surfacing nor the cars parked upon it would be likely to directly impact the trunk of the tree or its canopy.
34. However, despite the separation distance between the proposed hard surfacing and the tree, I cannot be satisfied on the evidence before me that it would not encroach into part of the tree's root area. That said, it is my judgement that damage to the roots of the tree could likely be avoided through the use of appropriate surfacing materials and construction techniques. The appellant

suggests that an arboricultural method statement for its construction could be secured by condition and the hard surfacing could be constructed with permeable paving or a grasscrete type product. In my judgement it could utilise no-dig construction methods.

35. Consequently, I consider that it would be proportionate, given the benefits of the appeal proposal and the tree's modest amenity value to impose a condition securing an arboricultural method statement and tree protection plan. As a safeguard against the low probability of the tree being fatally harmed as a result of the appeal development, and its amenity value being lost, it would be reasonable and necessary to require compensation in the form of a replacement tree being planted on the site frontage. There appears to be adequate land available to do so.
36. Overall, the appeal proposal would retain the appearance of a large residential dwellinghouse. For the reasons given above, I conclude on this main issue that the appeal proposal would not be harmful to the character and appearance of the area. Therefore, it would be consistent with Policies DMHB11 and DMHB12 of the HLPP2, Policy BE1 of the HLPP1 and Policies D3 and D4 of TLP insofar as they seek high quality design that responds positively to the existing character of a place and local distinctiveness, and is appropriate to Hillingdon's townscape. Although not cited in the Council's refusal reason for this main issue, I find no conflict with Policy DMH8 of the HLPP2 insofar as it requires development to not be detrimental to residential character.
37. For the same reasons, the proposal would be broadly consistent with Chapter 12 of the National Planning Policy Framework ("the Framework") particularly insofar as paragraph 135 requires planning decisions to ensure that developments are sympathetic to local character including the surrounding built environment and landscape setting.

Need

38. The appellant draws upon a number of publicly available documents, including the Hillingdon Adult Social Care Market Position Statement 2024–2027 and Hillingdon's Joint Strategic Needs Assessment, which contain data and statistics relating to the need for C2 care accommodation in Hillingdon. The Council considers that the appellant's evidence identifies a general need for C2 care home provision in West London and Hillingdon. No substantive evidence has been advanced to the contrary and I see no basis to reach a different conclusion. I therefore find that a need for the proposed care home has been shown.
39. However, the Council considers that the appellant should have carried out an audit of existing accommodation options available within the Borough to determine whether the need could be met through extra capacity within existing schemes or care home accommodation in need of refurbishment. It refers to the supporting text to Policy H12 of TLP, in paragraph 4.12.1, as justification for that approach.
40. In my judgement neither Policy H12 of the TLP nor its supporting text require the appellant to carry out such an assessment for their proposal. Policy H12 states that *"Boroughs should undertake assessments of the need for short-term, medium-term and permanent supported and specialised accommodation within their borough"*. Based on the Policy's wording, I consider that the supporting text, which states that those assessments should include an audit of existing accommodation options available within the Borough, to determine any shortages in capacity or

potential extra capacity within schemes, as well as accommodation in need of refurbishment, is guidance for the London Boroughs undertaking those needs assessments.

41. That the penultimate sentence in paragraph 4.12.1 is prefixed with the words *“Boroughs should then use this information to plan to meet identified need,.....”*, is a strong indicator that Policy H12 of TLP, places the responsibility on Boroughs to assess the need for supported and specialised accommodation. Therefore, providing there is an identified need for the proposal in Hillingdon, I am satisfied on the evidence before me that Policy H12 does not require the appellant to undertake a detailed audit of existing accommodation and assess the suitability of all other potential alternative sites. In this instance the Council considers that the appellant’s evidence identifies a general need for care home provision in Hillingdon, and therefore I consider that a need for it has been shown.
42. The Council considers that the appellant should have assessed whether there is an unmet need for a care home in the specific area of Northwood. However, Policy DMH8 of the HLPP2, would appear to apply to the entire Borough. There is nothing of substance in the Policy, its supporting text, or the Council’s evidence to justify assessing the need for a care home on a more localised basis. Consequently, I find no evidential basis to require the appellant to assess whether there is a need for the proposal within Northwood as distinct from the wider Borough of Hillingdon.
43. The Council also considers that the appellant should have undertaken a detailed audit of existing accommodation options in the area, including their condition and capacity, or an assessment of the suitability of alternative sites for a care home. However, there is nothing in Policy DMH8 of the HLPP2 that requires the appellant to undertake such an assessment and therefore it would not be justified.
44. The principal decision-making test in Policy DMH8 of the HLPP2 is whether there is a need for care home in Hillingdon and on the evidence before me I am satisfied there is. Policy DMH8 is clear that where a need for a care home exists it will be supported if it meets the policy’s criteria. The criteria includes where a care home does not lead to an over concentration of similar uses detrimental to residential character or amenity. For the reasons given above, I have found that the proposed care home would not be detrimental to the character and appearance of the area, or the living conditions of occupiers of nearby properties.
45. The Council’s evidence contains contradictory statements in respect of whether the proposal would result in an overconcentration of similar uses. The penultimate paragraph under the section of the Delegated Report headed “Proposed Residential Care Home”, states that *“Nonetheless, from a review of the surrounding context, it is not considered that the proposal would result in an overconcentration of similar uses, satisfying the locational criteria under Policy DMH 8(i).”* Elsewhere in the same report, and on the decision notice, the Council states that the appellant has failed to demonstrate that the proposed care home would not result in an overconcentration of similar uses in the immediate area.
46. The appellant refers to Frithwood Nursing Home, Poplars Care Home, Eastbury Nursing Home and the Erskine Hall & Northwood Nursing Home as being nearby. I observed a number of those premises at my site visit. In my experience it is not unusual to find premises of those types set within a residential area, particularly

where there are large buildings. Whilst those premises appear to be in similar uses to the proposed care home, they are relatively dispersed across different roads in the local area and intermingled amongst the large proportion of dwellinghouses. As a matter of judgement, the proposed development would not result in the number of care homes being sufficiently numerous as to amount to an overconcentration of uses in the area. Even if I were to conclude otherwise, no harm to residential character or amenity would arise for the reasons given above.

47. For those reasons I am satisfied that there is a demonstrable need for the proposed care home and that it would not result in an overconcentration of similar uses. The proposal's contribution to meeting the need for care homes in Hillingdon attracts very significant weight in its favour and I share the Council's conclusion that it would justify the loss of a conventional self-contained house and any conflict with Policy DMH1 of the HLPP2, in that regard.
48. Accordingly, I conclude that the appeal proposal would be consistent with Policy H12 of TLP and Policy DMH8 of the HLPP2, insofar as they provide for care homes where there is an identified need. The proposal would also be consistent with Framework paragraphs 61 and 63 insofar as they seek to ensure that housing meets the needs of different groups.

Other Matters

49. All matters raised by interested parties that relate to the Council's refusal reasons are addressed under my main issues above. Where they do not, they are largely identified and addressed by the Council in its Delegated Report, and it has not indicated that they are reasons for refusing planning permission.
50. Concerns over crime and anti-social behaviour feature consistently in the representations of interested parties, including from the Residents Association and the Governors of Frithwood Primary School. They have concerns that the care home's residents pose a threat to public safety due to their health conditions. They refer to the proximity of the appeal site to the nearby school and houses, and that the walking route to and from the school for staff, children and their parents/carers, would pass by the proposed care home.
51. The appellant's intention is for the proposed care home to be occupied by residents described as needing care due to dual diagnosis of health conditions, along with potential secondary health related issues. Consequently, they would be placed under Deprivation of Liberty Safeguards (DoLS), preventing them from freely leaving the property.
52. Planning permission runs with the land. Land-use planning is normally operator neutral, such that different operators could run the proposed care home, and it could be occupied by persons with different care needs to those described by the appellant. Whilst I am not convinced that the specific care needs of the occupiers of the proposed care home is a material planning consideration, I have nonetheless treated it as one in this instance. Therefore, I have considered the effects that the specific health conditions of the intended occupiers would have on the fear of crime and anti-social behaviour in the area.
53. Several interested parties refer to reports of historic antisocial behaviour and public decency concerns arising from the previous unauthorised care home use of the property. However, the evidence regarding them is largely anecdotal in nature,

with nothing of substance to indicate that they were persistent or were not adequately resolved by on-site staff and management. The evidence before me does not include any crime numbers or police reports that relate to those instances.

54. There is no substantive evidence to suggest that crime and anti-social behaviour is intrinsic to the proposed use. The evidence before me indicates that residents of the proposed care home would be under the continual care and supervision by staff, particularly due to the DoLS safeguard. This would be expected to minimise any probability of the intended occupants engaging in crime and anti-social behaviour at the appeal site and in the locality. Furthermore, it is reasonable to suppose that the facility would be well-run by the operator and regulated by others.
55. On the evidence before me it has not been shown that the proposal would result in an unacceptable risk of incidences of crime or anti-social behaviour. Concerns raised by interested parties over the fear of crime or anti-social behaviour have limited weight and do not outweigh the benefits of the appeal proposal or its compliance with the policies referred to above. For those reasons the proposal would not be at odds with Framework paragraph 135 insofar as it seeks to promote healthy and safe communities.
56. Crime and anti-social behaviour were a main issue in respect of the previous appeal scheme and were considered by the Inspector. However, they did not amount to a reason for dismissing the appeal. The previous unauthorised use of the property as a care home was dealt with through that previous appeal and the Council confirms that the lawful use of the property is as a dwellinghouse. It has been suggested that the Council should have declined to determine the appeal planning application as it is like the dismissed appeal scheme. However, I have identified clear material differences between them and have dealt with the appeal scheme on its own merits.
57. Occupants of the care home would appear to share a protected characteristic for the purposes of the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010. The need for care homes may indicate inequality of housing opportunities for persons in need of care due to their health conditions and disability. Age is also a protected characteristic and interested parties contend that children and the elderly are amongst those who fear the proposal would increase the risk of crime and anti-social behaviour. Whilst it does not follow from the PSED that the appeal should be allowed, the equality implications in respect of delivering accommodation for persons in need of care attracts a degree of weight in its favour.

Conditions

58. The Council has suggested a number of planning conditions in the event of the appeal being allowed. I have considered them in accordance with the tests for imposing conditions set out in the Framework and the Planning Practice Guidance. Where necessary, I have amended the wording of the suggested conditions to ensure compliance with the tests.
59. In the interests of certainty of the planning permission granted, it is necessary to specify the approved plans. To control the scale and intensity of the use it is necessary to impose a condition limiting the number of adults in care at the property at any one time. Limiting the number of on-site staff would not be

reasonable given the need for some flexibility to meet the specific care needs of individual residents. However, given that staff are a business cost, the probability of significantly over-staffing the care of 6 residents would appear remote, and there would be a direct relationship between the number of staff and residents. For the reasons given above I have imposed conditions requiring the development to be operated in accordance with the appellant's Management Statement document and the Shift Change and Neighbourhood Impact Management document.

60. In the interests of residential amenity, a condition securing provision of the parking spaces prior to the use commencing is necessary. However, given the scale of the physical works to construct those spaces, securing implementation of the Construction Management Plan is not necessary.
61. In the interests of the character and appearance of the area conditions requiring agreement of a landscaping scheme, and proportionate measures that seek to safeguard the evergreen tree and secure a replacement tree as compensation in the event it is harmed, are necessary.
62. The main parties agree that electric vehicle charging points and cycle parking are necessary to encourage travel by sustainable modes and low/zero emissions vehicles. I have simplified the suggested condition to give flexibility as to what needs to be addressed at the time the condition is discharged, particularly given advancements in technology.
63. Other uses within Use Class C2, which includes hospitals, might have different effects on the locality that could potentially render them unsuitable by comparison to the proposed care home use. Therefore, it is necessary to remove permitted development rights to require planning applications for other uses in Class C2.
64. Several of the measures in the Noise Assessment (NA) duplicate operational matters in the Management Statement and Shift Change and the Neighbourhood Impact Management documents. Other measures in the NA state that windows will only be opened for ventilation and no mechanical plant would be installed. There is no evidence to suggest that the opening of windows would cause harm or that mechanical plant would be needed. As such, it is unnecessary to require the development to be operated in accordance with the NA.
65. There is no substantive evidence before me to suggest there is anything in the appellant's Method Statement document that must be secured by a condition as a matter of necessity. That document mainly explains the business model of the appellant company.

Conclusion

66. For the reasons given above, I conclude that the appeal proposal is consistent with the development plan when read as a whole. There are no other material considerations, including the provisions of the Framework, to indicate that a decision should be made other than in accordance with the development plan. Consequently, the appeal is allowed.

G Sylvester

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with approved drawings nos PL01, PL02 Rev A and PL04.
- 3) No development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. Those details shall include hard surfacing materials and a full planting specification for the hedgerow shown on the approved drawings and details of how it will be planted and protected. The approved hard landscape works shall be carried out in accordance with the approved details before the development is brought into use. The approved soft landscaping shall be planted in the first planting season following first use of the development. Any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives its written consent to any variation.
- 4) No development, including site clearance or preparatory work, shall take place until a scheme for the protection of the retained evergreen tree on the site frontage (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) has been submitted to and approved in writing by the local planning authority.

The arboricultural method statement shall outline the sequence of development including construction works and tree protection measures, and details of the foundation design of the hardsurfacing hereby permitted to take account of the retained tree. The tree protection plan shall include details of the position, height and type of fencing to protect the retained tree.

The development shall be carried out in accordance with the approved arboricultural method statement and tree protection plan. The tree protection fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be retained in position until the hardsurfaced car park hereby permitted has been constructed and all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area.

- 5) If within 5 years of bringing the development into use the retained tree is removed, uprooted, destroyed, dies or becomes seriously damaged or defective, another tree shall be planted within the first planting season following the removal, uprooting, destruction or death of the original tree, in accordance with a specification for tree planting that has been submitted to and approved in writing by the local planning authority. The specification shall include the size,

species and position of the tree to be planted and how it will be planted and protected. The tree planting shall be carried out in accordance with the approved specification.

- 6) The use shall not commence until a scheme for the provision of electric vehicle charging points, including a timetable for their installation, has been submitted to and approved in writing by the local planning authority. The electric vehicle charging points shall be installed in accordance with the approved scheme and timetable, and thereafter retained, maintained, and kept available for the charging of vehicles.
- 7) The use shall not commence until details of at least two secure, covered, and accessible cycle parking spaces have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be installed and made available prior to first use of the development and thereafter retained and maintained for the lifetime of the development.
- 8) The use shall not commence until the car parking spaces shown on the approved drawings have been provided in accordance with the details approved under conditions 3 and 4. Thereafter the car parking spaces shall be retained and kept available for the parking of vehicles and used for no other purpose.
- 9) No more than 6 adults in care shall occupy the care home at any one time.
- 10) The use hereby permitted shall not be operated except in accordance with the Management Statement document and the Shift Change and Neighbourhood Impact Management document, unless the local planning authority gives its written consent to any variation. An up-to-date register of all visitors and their dates and times of arrival and departure from the care home shall be kept and made available for inspection by the local planning authority upon request.
- 11) Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any orders revoking and re-enacting either of these orders with or without modification), the building shall be used only for the purpose of a Care Home and for no other purpose including any other purpose within Use Class C2 of the Town and Country Planning Use Classes Order 1987 (as amended).

End of schedule