



Appeal Decision

Site visit made on 7 January 2026

by N Armstrong BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 February 2026

Appeal Ref: APP/T5150/W/25/3375894

20 Sudbury Avenue, Wembley, Brent HA0 3AP

- 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 Ebenezer Pupilampu of Zempt Homes Limited against the decision of the Council of the London Borough of Brent.
 - The application Ref is 25/2180.
 - The development is proposed change of use from dwellinghouse (C3) to a children's home (C2) for a maximum of 3 resident children receiving care aged 7-17 with non-resident care staff support; addition of cycle storage and extension of dropped kerb.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the proposed development provided in the application form differs from that in the Council's decision notice. I have taken the description used in the decision notice for the banner heading above as the appellant has relied on this in the appeal form, confirming that is what planning permission is sought for.
3. The Council noted on the questionnaire that it considers that a care facility use may have commenced and suggested that it was necessary for me to enter the site during my site visit. However, it was unnecessary for me to do so in order to determine the appeal. Notwithstanding any material change of use which may have taken place, I have assessed the appeal on the basis that planning permission is sought for the development as proposed in the application and as shown on the submitted plans.

Main Issues

4. The main issues are:
 - whether or not the property would be suitable for the proposed development, with particular regard to its accessibility to public transport and local amenities, and the effect on the provision of family housing;
 - the effect of the development on parking provision, sustainable travel, and highway safety; and
 - whether or not the proposed development would make adequate provision for cycle parking.

Reasons

Suitability

5. The appeal property is a detached, two-storey dwellinghouse with at least four bedrooms, located in a residential area featuring a mix of house types. The proposal seeks a change of use of the dwelling to a Use Class C2 residential institution. This would provide long-term accommodation for up to three children aged 7 to 17 years old with learning, emotional and behavioural difficulties. They would live at the property with a manager and three carers, two of whom would work on a rota basis and sleep overnight, working on a shift pattern.
6. Policy BH7 of the Brent Local Plan 2019-2041 (the BLP) relates to accommodation with shared facilities or additional support, such as care homes. To comply with Policy BH7, a development must meet each of its criteria a) to e). Criterion a) states that a proposal is required to be located in an area with good access to public transport and other amenities, including shops (normally within 400m). The supporting text to the policy notes that such developments are likely to be aimed at people with limited accessibility to personal transport. Consequently, there is a need for them to be located close to public transport and other amenities. Policy DMP1 of the BLP sets out that development will be acceptable provided, amongst other matters, that it is satisfactory in terms of means of access for all and is provided with the necessary physical and social infrastructure.
7. There is no dispute that the appeal site is within an area with a Public Transport Access Level (PTAL) of 1, which represents poor accessibility. I have limited information regarding the proximity of the site to local amenities. However, from the evidence before me and my observations on site, I note that the site is a considerable distance from shops and other services. Consequently, the appeal site would not satisfy the BLP Policy BH7 criterion to be located in an area with good access to public transport and other amenities.
8. Children occupying the property would be reliant on a high level of support and care, whilst staff and other visitors would need to travel to and from the site. The evidence indicates there would not be significant levels of comings and goings from the proposal. However, given the nature of the proposed use with individual staff and other visitor trips, these are likely to be materially different to those associated with occupants living together as a single family household, with greater reliance on private car use given the low PTAL.
9. The appellant suggests that care staff are required to use public transport and to not park on the street, although I have limited evidence how this would be adequately monitored and enforced given the location and unrestricted parking available in the area. This would also not alter the fact that public transport accessibility is inadequate in this location. The provision of cycle parking at the site would contribute to sustainable travel options but would not be sufficient to overcome the overall limitations on access to public transport and other amenities. The appellant also suggests a travel plan could be enforced by a condition or legal agreement, although I have no further detail of what this would aim to achieve and the mechanism to secure that.
10. The appeal site is already in residential use, and the occupants of a single dwelling have the same options for public transport and local amenities. I also note the suggested similarities with use and trips associated with care for an elderly person

living in a dwelling. However, as the proposal relates to a new development and change of use, the suitability of the site's location and accessibility must be assessed against BLP Policies BH7 and DMP1.

11. While OFSTED may assess such accommodation for registration purposes, I have limited information on the scope of that process, and it is unclear whether factors such as access to public transport and local amenities would be considered. This, and the implications of the other legislation which is highlighted, would be separate to a planning judgement based on the development plan and other material considerations.
12. The development would also result in the loss of a family sized dwelling. BLP Policy BH10 makes clear that the provision of family accommodation (3 bed or more dwellings) to meet Brent's needs is a priority and the predominant needs are for larger sized family dwellings (3 bed or more). It also states that development resulting in the net loss of residential dwellings will only be supported in exceptional circumstances. Whilst the proposal would remain in a form of residential use, allowing the appeal would result in the loss of a family sized dwelling that the evidence indicates is clearly needed.
13. In balancing the proposal against its inadequate location and the loss of a family sized dwelling, I have considered the need for a children's home in this location. Demonstrating that there is a specific Brent need is also a requirement of criterion d) of BLP Policy BH7.
14. Paragraph 63 of the National Planning Policy Framework states that the need for housing for 'looked after children' should be assessed by reference to the local authority's Children's Social Care Sufficiency Strategy. The appellant has submitted the Brent Children and Young People's Department, Looked After Children and Care Leavers Placement Sufficiency Strategy 2020-24. This highlights that in some cases, children are placed out of borough for safeguarding reasons, but also because it is difficult to source suitable specialist provision locally, in particular residential provision that offers a therapeutic setting. I have also had regard to the Written Ministerial Statement of 23 May 2023, which amongst other things, sets out that such homes need to be the right homes, in the right places with access to good schools and community support.
15. The Council acknowledges there is a borough wide need for accommodation of this type and states a condition securing nominations agreement with the Council would be required. The appellant's Freedom of Information request gives an indication of some collaboration with the Council, as well as the potential for the Council to house children at the appeal property. Notwithstanding this, I have no further detail of any agreement between the parties that this would be achieved, or a suitable mechanism that would adequately secure the accommodation to meet a specific Brent need. I also note the appellant's reference to discussion on the Council's acquisition of a property in Wembley for the Brent Children's Care Home project. However, I have limited further detail of that scheme to determine if it is directly comparable to weigh in favour of the appeal proposal, including its location and the overall planning circumstances.
16. The appellant goes some way to demonstrating need for the proposal, although I have limited evidence to indicate the need is urgent as they suggest. I am mindful of the national and local aims of delivering provision for children and the clear

benefits of the appeal scheme in that respect, including for teenagers, which I give significant weight to overall. However, I have not been provided with sufficient or detailed evidence to demonstrate the extent of the current need for such accommodation in this location, that this would meet a specific Brent need, or that the proposal would outweigh the identified harm regarding its location and the loss of a family home. Furthermore, I am not satisfied that the proposal would meet the exceptional circumstances set out in Policy BH10 of the BLP, including providing social or physical infrastructure to meet an identified local need which could otherwise not exist.

17. For the above reasons, and in the absence of compelling evidence to demonstrate otherwise, I conclude that the appeal site is not suitable for the proposed development, with particular reference to its accessibility to public transport and local amenities, and the effect on the provision of family housing. It therefore conflicts with Policies DMP1, BH7 and BH10 of the BLP, the aims of which are set out above.

Car parking provision

18. The site features a hard surfaced frontage with no boundary treatment facing the pavement and highway on Preston Hill. A dropped kerb is located to part of the pavement, which provides a crossover access to the existing garage and hardstanding in front of it. The majority of properties in the immediate area feature off-street parking areas of varying size. There are some marked bays with parking restrictions on Sudbury Avenue and surrounding streets, as well as areas without controls, including close to the appeal site. There was a relatively high amount of on-street parking at the time of my visit on a weekday afternoon.
19. BLP Policy BT1 aims to prioritise active and sustainable travel over private motor vehicles. Policy BT2 relates to parking and car free development, with aims to promote sustainable travel by applying maximum car parking standards consistent with those set out in The London Plan (2021) (the LP). Policy BT2 also sets out that car free development should be the starting point for all development proposals in places that are well connected by public transport. However, due to its low PTAL, the appeal site is not well connected to public transport options or located within convenient walking distance of local amenities.
20. The submitted plans indicate that the existing dwelling and proposed use would provide three parking spaces, including within the garage and to the site frontage. However, space number 3 to the front elevation of the dwelling is constrained in terms of depth. A car would therefore need to be parked at an angle to fit in this area without overhanging and obstructing the pavement, whilst this currently does not have a direct crossover from the highway. Consequently, even with a new crossover, the proposed arrangement for parking space 3, alongside any vehicle parked in space 2, would result in an unsatisfactory arrangement, making access and manoeuvring difficult and inconvenient for drivers, to the detriment of highway and pedestrian safety.
21. The Council raises no objection in principle to retaining the existing arrangement of two parking spaces, and the appellant indicates a willingness to reduce the amount of proposed vehicle parking at the site. Were I minded to allow the appeal, a planning condition securing an alternative layout and provision of front boundary

treatment to restrict access could therefore be secured by condition to mitigate the harm from space 3.

22. Subject to such a condition and the retention of two parking spaces, even if not strictly in accordance with the parking standards of the BLP, from the evidence before me I am not persuaded that this aspect of the proposal would fail to meet the objectives of sustainable travel and result in harm. Future staff and visitors to the site could also park nearby on the highway in any event, therefore there would be some modest benefit in retaining parking space within the site to avoid adding to on-street parking in the area. I also have no compelling evidence that a suitable alternative arrangement retaining two spaces would be detrimental to highway safety.
23. For the above reasons, the proposal would not have an adverse effect on parking provision, sustainable travel, or highway safety. It would therefore comply with Policies BT1 and BT2 of the BLP, the aims of which are set out above. It would also comply with Policies T1 and T2 of the LP. Amongst other things, these aim for development to facilitate the target for sustainable travel, make the most effective use of land, reflecting its connectivity and accessibility by public transport, and ensure that any impacts on the transport network are mitigated.

Cycle parking

24. The appeal property features a gated access to the side of the property leading to the rear garden where cycle parking provision is proposed. Despite the narrower access route to the side of the property, I have no compelling evidence to demonstrate that siting the cycle parking within that area would be unsuitable to meet that requirement, or that it would be inconvenient and less accessible for occupants and visitors, thereby limiting its effective use. I therefore find this arrangement to be acceptable.
25. Accordingly, the proposed development would make adequate provision for cycle parking, therefore it would not conflict with Policy T5 of the LP or Policy DMP1 of the BLP. Amongst other things, these policies aim to secure the provision of appropriate levels of cycle parking which should be fit for purpose, secure and well-located, ensure development is satisfactory in terms of access for all, and it is provided with the necessary physical infrastructure.

Other Matters

26. The submitted evidence refers to the proposed children's home providing care for children with learning and/or emotional behavioural difficulties. I have had due regard to Article 8 of the Human Rights Act 1998, Article 3 of the United Nations Convention on the Rights of the Child, Article 19 of the United Nations Convention on the Rights of Persons with Disabilities, and the Public Sector Equality Duty (PSED) under the Equality Act 2010. Age and disability are protected characteristics to which the PSED applies. These rights are engaged in reaching my decision. However, they are qualified rights and interference may be justified where in the public interest. The concept of proportionality is key.
27. There is no evidence before me to suggest that people with protected characteristics would lose their home were the appeal to be dismissed. There is some evidence to show that there is a need for an additional children's care home in Brent. However, the evidence does not establish that this site is the only option

available, and it has not been demonstrated that there is no alternative site which would have a less harmful impact on the supply of family housing and in a more accessible location to meet the needs in the borough. In this case, the harms which I have identified outweigh the benefits in terms of eliminating discrimination against persons with the protected characteristics of age and/or disability, advancing equality of opportunity for those persons and fostering good relations between them and others. I conclude that it is proportionate and necessary to dismiss the appeal.

28. Where the proposal has been found to be acceptable by the Council in other respects, these are neutral matters that do not weigh in favour of the development. It has also not been explained how other legislation is relevant to my assessment of the appeal scheme such that it should outweigh the identified harm.

Conclusion

29. Notwithstanding my findings on car parking provision and cycle parking, the proposal conflicts with the development plan as a whole and material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

N Armstrong

INSPECTOR