



Appeal Decision

Site visit made on 19 January 2026

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Date of Decision: 09 February 2026

Appeal Ref: APP/G4240/W/25/3375517

84 Ashton Road, Denton, Manchester M34 3JF

- 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 Leanne Fishwick of Roots Alliance Ltd against the decision of Tameside Metropolitan Borough Council.
 - The application ref. is 25/00531/FUL.
 - The development proposed is: *The proposed development involves the change of use of an existing three-bedroom residential dwelling (C3 use) to a children's care home (C2 use). The property will provide care and accommodation for up to 2 children aged 7-17 years old who require support in a home-like environment.*
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of an existing 3-bedroom residential dwelling (C3 use) to a children's care home (C2 use), providing care and accommodation for up to 2 children aged 7-17 years old who require support in a home-like environment at 84 Ashton Road, Denton, Manchester M34 3JF in accordance with the terms of the application ref. 25/00531/FUL, subject to the following 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 the following approved plans: location plan and drawing nos A-01 and A-02.
 - 3) The building and site shall be used for residential accommodation and care for up to no more than 2 young persons (7-17 years of age), and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
 - 4) Prior to the first occupation of the development, a staff travel plan shall be submitted to and approved in writing by the local planning authority. The travel plan shall include details of measures to encourage sustainable travel by staff and of the provision of a minimum of 1 secure covered cycle storage space for staff within the site. The approved travel plan and secure cycle storage facility shall be implemented prior to first occupation and thereafter retained for the lifetime of the development.

Application for costs

2. An application for costs was made by Leanne Fishwick of Roots Alliance Ltd against Tameside Metropolitan Borough Council. This application is the subject of a separate Decision.

Preliminary matter

3. The description of the proposed development in the heading above is taken from the application form. In the decision above, I have made a minor change to that description so that the separate sentences are linked together to read as one.

Main issue

4. Flowing from the Council's decision notice, the single main issue is whether the living conditions for occupiers of the proposed children's care home, particularly the children to be cared for, would be adequate with particular reference to outlook and access to light in bedrooms 2 and 3 and the quality of the outdoor space.

Reasons

5. The proposed small-scale, children's care home would utilise an established 2-storey, mid-terraced, 3-bedroom dwelling. Falling within a short terrace that also contains properties in commercial use, it is on the edge of Denton town centre, directly opposite the Crownpoint Shopping Park and separated from Ashton Road, a principal highway with bus routes, by a small paved yard. No. 84 has an enclosed yard to the rear with a brick outbuilding adjoining the traditional 2-storey rear outrigger. Such outriggers are common amongst the compact terraced housing that characterizes the nearby streets of Denton, including York Road directly at the rear and to the east. A fairly wide service alley separates the rear yard of the appeal property from the opposing 2-storey gable end of 4 York Road.
6. The development plan includes the Places for Everyone Joint Development Plan Document 2024 (PfE) and The Tameside Unitary Development Plan 2004 (UDP). PfE Policy JP-P1 indicates that all development should, amongst other things, be socially inclusive, by responding to the needs of all parts of the society, enabling everyone to participate equally and independently, providing opportunities for social contact and support and promoting a sense of community. UDP Policy H10 requires the layout and design of proposed housing developments to be of high quality and to meet the needs of the potential occupiers.
7. Whilst the Council had no objections in respect of the quantity of the floor space in all the bedrooms and the property as a whole, it had specific concerns about the outlook and access to light in bedrooms 2 and 3 which the submitted plans showed would be set aside as bedrooms for the children being cared for. There is no dispute that the sole windows to bedrooms 2 and 3 (as labelled on the existing first floor plan) would be about 12m and 7.5m away respectively from the opposing 2-storey gable end of 4 York Road.
8. Notwithstanding that physical relationship, my internal site inspection on an overcast mid-morning in mid-January revealed that both bedrooms were fitted with reasonably-sized windows which allowed sufficient natural light to reach all parts of each of those bedrooms. This finding tallies with the photographs submitted by the

appellant at a similar mid-morning period on 18 October 2025 and the initial independent daylight investigation undertaken by AKT Surveyors.

9. The outlook from bedroom 2, the larger of the 2 rear bedrooms, is fairly typical of terraced properties where outriggers are in place at the host property and a neighbouring property (no. 86 in this case). The 2-storey gable wall at 4 York Road is central in the outlook from this bedroom window but I am not convinced from what I saw that the outlook would be so considerably constrained as to make the bedroom an unpleasant space to occupy. Any occupiers of bedroom 3 could experience a higher degree of enclosure resulting from the closer proximity of the opposing gable end but this would not apply to positions across a reasonable proportion of the bedroom closer to the window where they would have an appreciation of the relieving spaces beyond the gable end represented by the open back gardens of many nearby residential properties. A careful room arrangement could take full advantage of that outlook.
10. The rear yard is modest in size. Nonetheless it is typical of the rear amenity spaces found at the terraced housing in this locality. The space would remain the same size as a result of the proposed development, especially as one of the sheds in the outbuilding could be used for secure bike storage. My attention has not been drawn to any specific space standards relating to the provision of outdoor amenity space for dwellings or children's care homes. Whilst not large, the outdoor amenity space would be quite private and functional, with adequate space for the children to sit out, eat outside, relax and even play, albeit to a limited extent. The yard's southern side boundary is not obstructed by tall buildings, so the yard would receive decent amounts of sunshine in the spring and summer months when there may be a demand for its use. Moreover, I saw public amenity spaces within easy walking distance of the appeal site, including Tame Street Park and Victoria Park, which offer reasonable recreational opportunities. Thus, the children would be served by an adequate level and quality of public and private outdoor amenity space.
11. Although it was not referred to in the reason for refusal, the Council had regard to the Tameside Residential Design Supplementary Planning Document 2010 (SPD). This document's role is to ensure new residential developments and extensions are of the highest possible design quality. The SPD clearly carries weight as a material consideration in decision making and the Council were not technically wrong in identifying a new form of residential use. However, the SPD should not be applied prescriptively to the exclusion of all other factors, including the physical circumstances, history and local context of a site.
12. On the face of it, the SPD is a rather blunt tool with which assess the suitability a long established dwelling, including the bedrooms within it, for a continued residential use that simply adds on an "institutional" element. Even so, I have had full regard to it. In the section of the SPD titled "Privacy & Natural Light", Policy RD5 sets out minimum privacy distances. There should be 14m between any habitable room window and a 2-storey blank wall. The 2 rear bedrooms would fall short of this standard. However, no issues of overlooking or loss of privacy arise and I found more than adequate natural light entering those rooms.
13. It is reasonable to bear in mind the best interests of children who may have experienced emotional and behavioural difficulties but I have not been referred to any specific planning policies or guidance that point to a need for enhanced indoor or outdoor living conditions for such occupiers. Given the generous layout across

the ground floor and that the ethos of the home would be grounded in the principles of normalisation and inclusion such that the children would be supported by trained staff to live as closely as possible to a traditional family experience, there is no compelling evidence that the children would be over reliant on their individual bedrooms for day to day living. I consider that the scheme would satisfactorily meet the needs of the potential occupiers in planning terms. Moreover, the care home will need to follow national care standards which are operated under a separate regulatory regime.

14. The appellant draws attention to other children's care homes permitted within this area, as well as one allowed in an appeal decision at 22 Boundary Street, Burnley on 28 April 2025. I have given due consideration to the details presented of these other schemes and to avoid repetition, I expand on them in the costs decision. I have determined this appeal based on the individual merits of the case.
15. I find on the main issue that the living conditions for occupiers of the proposed children's care home, particularly the children to be cared for, would be adequate with particular reference to outlook and access to light in bedrooms 2 and 3 and the quality of the outdoor space. In this regard, the appeal scheme would comply with PpE Policy JP-P1 and UDP Policy H10 which are consistent with the National Planning Policy Framework (the Framework), which seeks to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and to meet the housing needs of different groups in the community, including the needs of looked after children.

Other matters

16. The Council found that the principle of converting the existing dwelling into a children's care home for 2 children was acceptable, so the Council's decision notice did not raise concerns in general planning terms about the effect of the proposal on the provision of family-sized housing or whether the scheme would meet a need for childcare provision. I see no reason to differ on those points.
17. Similarly, like the Council, I am satisfied that the proposal would be compatible with its surroundings, would have little or no effect on the character and appearance of the site or the street scene, would not have an adverse impact on the amenities of adjacent residential properties or businesses for any reason and following the submission of the on-street parking survey, would not lead to material harm in terms of parking stress, highway safety or unsustainable transport movements.

Conditions

18. Various conditions have been suggested by the Council and the appellant in the event the appeal is allowed. I have considered these against the tests set out in the Framework and Planning Practice Guidance. Where necessary, I have amended the wording in the interests of conciseness and precision.
19. In addition to the standard condition (1) setting a time limit for the commencement of development, in the interests of certainty I have attached a condition (2) specifying the approved plans. It would be insufficiently precise, difficult to enforce and generally unreasonable to include a requirement, in the same condition, that the development be carried out in accordance with the wide-ranging content of the various statements, policies and surveys that supported the application.

20. A condition (3) limiting the use of the building to the care of no more than 2 young persons is considered both reasonable and necessary to prevent more intensive uses within Use Class C2 that could result in greater impacts upon the local area. I have combined the restrictions on occupancy and use into a single condition. To promote sustainable travel choices, a condition (4) requiring a staff travel plan and secure cycle storage is necessary.
21. Given that the Council's Public Protection team raised no objections and that only quite minimal works would be needed to facilitate the conversion of the property, I consider that limiting the hours of demolition, construction and conversion work would not be necessary.
22. Turning to other conditions as suggested by the appellant (highlighted in bold in what follows), controlling **staffing levels** is not considered necessary as staffing ratios would be governed by other regulatory bodies and there may be occasions when only one young person resides at the property, reducing the minimum number of staff required. A condition (**staff sleep/office room**) allocating rooms would be overly prescriptive and would not be reasonable or necessary given my reasoning above. Once the plans are and the change of use is implemented, the future use of the rooms in the building would be at the discretion of the responsible individual in the first instance. There is no reason to suspect that the rear **outdoor space and boundary treatment** would not be retained or kept in good order. Should **external lighting and CCTV** be required, there is no evidence before me to suggest that appropriate and responsible use of such facilities would be obviously harmful to neighbours. Given the constant presence of appropriately trained staff, the involvement of other regulatory bodies, the limited number of children to be cared for and the consultation response from the Council's Public Protection team, I see no necessity for conditions covering **good neighbour and management policy** or **record keeping and transparency**.
23. So, the conditions numbered 2, 3, 4, 6, 7 and 8 in the appellant's statement of case are not imposed.

Conclusion

24. For the reasons given above and having had regard to all other matters raised, I conclude that this appeal should succeed.

Andrew Dale

INSPECTOR