



Appeal Decision

Site visit made on 6 January 2026

by **B. Johnson BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 February 2026

Appeal Ref: APP/G5750/W/25/3374212

40 Nelson Street, East Ham, Newham, London E6 2RL

- 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 A. Bansal against the decision of the London Borough of Newham.
 - The application reference is 25/01109/COU.
 - The development proposed is a Change of use to children's home for up to two children (C2 Use Class).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Additional documents - a statement of purpose (SOP) and location risk assessment (LRA), both dated October 2025 - were submitted by the appellant as part of the appeal, to provide further detail on the operation and impacts of the proposal. These documents provide further clarity on specific aspects of the proposal and do not represent a fundamental change to the original application. I have therefore accepted them as part of the appeal.

Main Issues

3. The main issues are:
 - whether the proposal would address an identified need, with regard to its specific function and location;
 - whether the proposal would provide acceptable living conditions for future occupants, with regard to the specific needs of looked after children and facilities for staff; and
 - the effect of the proposal on the supply of family sized homes in Newham.

Reasons

Identified need

4. The appeal site is a semi-detached house located on a predominantly residential road, with some civic and educational uses to the west. The area surrounding the site is characterised by terraced housing, interspersed with modern flatted blocks. The appeal site is close to several bus routes and is within walking distance of East Ham District Town Centre.

5. The proposal involves the change of use from a 3-bedroom dwelling within Use Class C3, to a Use Class C2 children's home. The proposal would provide emotional behaviour disorder and therapeutic care for up to 2 children aged between 8 and 16 years old. The care home would be staffed 24 hours a day by up to 2 carers at a time, working on a shift basis, with the potential for other staff visits between 9am and 5pm.
6. Policy H3 of the Newham Local Plan 2018 (adopted December 2018) (the Local Plan) requires new specialist Use Class C2 housing proposals to serve an assessed local need based upon relevant Council service areas and be supported by an appropriately detailed and resourced management plan.
7. The appeal is accompanied by a SOP, which provides detail of the proposed function of the children's home and how the proposed accommodation would meet the needs of children being cared for. However, the level of detail provided in the SOP is limited and does not set out clear and convincing justification of how the proposal would address an identified need.
8. The appellant has also submitted a number of Council documents which relate to the need for the accommodation, principally the Newham Sufficiency Strategy for Children Looked After and Care Leavers 2019-2022. However, this strategy has been replaced by the Newham Children in Care Sufficiency Strategy 2022-2025 which provides more up to date evidence on the needs of children in care and care leavers, and the Council's commissioning intentions to meet these needs.
9. While the 2022-2025 strategy acknowledges that there are insufficient local residential care places for children and young people with multiple and complex needs, including young people with social, emotional and mental health needs, it also sets out the aim to prevent children entering care where possible, and to prioritise foster care over residential care. The proposal involves a new residential care facility with limited justification of how it would address the sufficiency strategy. Without such justification, it is not clear whether residential care would be the most appropriate option to address any identified needs.
10. I note that the Council's Children Service Commissioners suggest the proposal is a generalised form of children's care with low level needs. Consequently, the proposal would not directly contribute to the strategy and the Council's commissioning intentions. This information has not been contested by the appellant.
11. With regard to the other Council documents referenced by the appellant, while these are of some relevance in the context of the general need for children's care in Newham, they do not provide information on specific types of needs within this general need. Therefore, as broad contextual evidence, these documents only have very limited weight in my determination.
12. Regarding the suitability of the location, the LRA provides an assessment of the appeal site and surrounding area to establish the suitability of the location for a children's home. The LRA provides details of local amenities as well as mitigation and control measures to address identified risks. While the document is brief, it identifies a range of risk factors, all of which could be mitigated through physical measures and adequate management. Therefore, the proposal does not cause concern in relation to its proposed location.

13. In conclusion, while the proposal would accord with Local Plan Policies H3 and SP1, specifically the aim to achieve mixed-use places and mixed and balanced communities in terms of its location, it has not been demonstrated that it would meet an identified need with regard to its specific function. Therefore, it would not be in accordance with Local Plan Policy H3, which seeks, amongst other things, that proposals meet a specifically assessed need; and London Plan Policy H12, which also seeks the delivery of supported and specialised housing which meets an identified need.
14. It would also be inconsistent with paragraphs 61 and 63 of the National Planning Policy Framework (December 2024) (the Framework) and the Written Ministerial Statement made on 23 May 2023, 'Planning for accommodation for looked after children' (WMS). The Framework and the WMS both emphasise the importance of establishing and meeting the needs of looked after children, with specific reference to the local authority's Children's Social Care Sufficiency Strategy.

Living conditions

15. The plans show internal alterations to facilitate the proposed use, including changing a first-floor bedroom to a study and removing a wall at ground floor level to create an enlarged living area.
16. Private bedrooms that meet minimum national space standards would be provided for each looked after child. However, the proposal would not provide sufficient separate staff facilities and therapy/visitation rooms which would be expected for this type of provision. These issues bring into question the deliverability of the measures set out in the SOP and therefore cause concern about the effective functioning of the proposed children's home.
17. The appellant's statement of case suggests that further amendments will be made to address operational concerns raised by the Council during the application, including first floor reconfiguration to create a staff/admin room and first-floor WC, and the creation of a ground floor space to provide a multi-use meeting/therapy room. However, no such amendments are evident from the plans submitted with the appeal, and consequently they have not formed part of my determination.
18. In conclusion, the proposal would not provide acceptable living conditions for future occupants, with regard to the specific needs of looked after children and facilities for staff. Therefore, it would not be in accordance with Local Plan Policies H1, H3, SP1 and SP3, and London Plan Policy H12, which together seek the provision of high-quality accommodation that has the ability to meet the needs of its occupants and adheres to relevant quality standards.
19. The proposal would also be inconsistent with paragraph 63 of the Framework and the WMS, which state that the size, type and tenure of housing provided should address assessed need.

Supply of family sized homes

20. The proposal involves the change of use of an existing 3-bedroom dwelling, which is defined as a family sized home. Therefore, while the proposal would deliver an alternative type of housing, it would lead to a reduction in the supply of family sized homes within Newham.

21. The Council's delegated report refers to the Annual Monitoring Report (AMR) (December 2024), which identifies that the level of family home provision in Newham is not meeting demand. This increases the importance of protecting existing family homes to meet demand for this type of provision. While the proposal does not involve any external alterations and would outwardly retain the appearance of a family home, it would not function as such.
22. In conclusion, the proposal would broadly accord with Local Plan Policies H1 and S1, and London Plan Policy H8, as it would not lead to a reduction in residential floorspace and the policies do not set out prescriptive requirements relating to the loss of family housing. However, the proposal would not be in accordance with Local Plan Policy H4 as it does not satisfy any of the policy criteria regarding the loss of 3+ bed housing; in particular, the proposal is not within a relevant location such as a town or local centre, is not located above an existing, occupied commercial unit, has access to external private amenity, and does not have a poorly defined entrance.
23. The proposal would also be inconsistent with paragraphs 61 and 63 of the Framework as it would reduce the supply of housing for families.

Other Matters

24. The appellant has drawn my attention to 2 allowed appeal decisions from elsewhere in Newham that concern proposals for the change of use from Use Class C3 housing to a Use Class C2 children's home. While these decisions share similarities to the appeal proposal, I have not been provided with any specific details of these cases. I note that both decisions gave weight to the Newham Sufficiency Strategy 2019-2022, which has been superseded by a later version. This is a significant point of difference between the 2 previous decisions and the current appeal proposal and consequently, the 2 previous decisions only have limited weight in my determination.
25. The appeal site is within the 6.2km Zone of Influence for the Epping Forest Special Area for Conservation (SAC). However, as the appeal is being dismissed for other reasons, I have not had to examine this matter in detail.

Conclusion

26. I have found that the proposal would not be in accordance with the Development Plan read as a whole. Material considerations do not indicate a decision should be taken other than in accordance with the Development Plan. I therefore conclude the appeal should be dismissed.

B. Johnson

INSPECTOR