



Appeal Decision

Site visit made on 27 January 2026

by **B Astley-Serougi BA(Hons) LLM MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 February 2026

Appeal Ref: APP/D4635/W/25/3373321

94 Codsall Road, Wolverhampton WV6 9QP

- 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 Support and Sustain Care Limited against the decision of Wolverhampton City Council.
- The application Ref is 24/00745/FUL.
- The development proposed is described as proposed change of use from a 6-bedroom dwelling (use class C3(a) - dwellinghouse) to residential accommodation for up to 3 children and young people between 2-18 years of age with a rotation of carers and other support staff on site (use class C2 - residential institution), and garage conversion and new window.

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Support and Sustain Care Limited against the decision of Wolverhampton City Council. This application is subject to a separate decision.

Preliminary Matters

3. Given the appeal scheme is for residential accommodation for up to 3 children and young people and within the evidence before me there is reference to the vulnerabilities of any future residents of the appeal scheme, I have included a main issue regarding the benefits of the proposed development.

Main Issue

4. The main issues are:
 - whether the need for the proposal outweighs the loss of family housing; and
 - the benefits of the proposed development to the future occupants of 94 Codsall Road (No 94).

Reasons

Emerging Policy Context

5. The Council has referred to an emerging plan – the emerging Wolverhampton Local Plan (the EWLP). The Council highlight that the EWLP proposes, amongst other things, to ensure the need for a range of types and sizes of accommodation

to meet identified local needs. However, given the plan-making stage of the EWLP and the potential for it to change, it carries limited weight in relation to this appeal.

Loss of Family Housing

6. No 94 is a detached dwelling located within a predominantly residential area. It is set back from the highway and a bus stop is located nearby. The appeal scheme would result in the change of use of the dwellinghouse to a children's care home for up to three children and young people.
7. The Council has identified that there is a need for family housing. A general objective of Policy HOU1 of the Black Country Core Strategy 2011 (the BCCS) is, amongst other things, to provide sustainable housing growth given that it is an important factor in creating sustainable communities.
8. This is further supported by Policy HOU2 of the BCCS which highlights that, amongst other things, the density and type of new housing provided will be informed by the need for a range of types and sizes of accommodation to meet identified sub regional and local needs.
9. I acknowledge that the Wolverhampton Housing Market Assessment Update – August 2024 does not explicitly refer to looked after children. Additionally, whilst both Policies HOU1 and HOU2 of the BCCS may not explicitly refer to the retention of housing stock, in my planning judgement, they infer that housing type amongst other things, should be somewhat tailored to local need. Therefore, to my mind, they are both relevant to the appeal before me.
10. Moreover, I acknowledge the Council's Children's Social Care Sufficiency Strategy 2025-2028 outlines amongst other things that it should be ensured that all children and young people live in a home that is right for them which includes children's homes and supported accommodation. Additionally, I recognise the need for homes for looked after children nationally.
11. The Council's Children and Young People's Sufficiency and Commissioning Strategy 2021-2024 highlights, amongst other things, that the number and rate of children in care has been relatively stable after several years of rapid increases and that it generally expects the number of children homes placements with external providers to reduce. Consequently, whilst it is important to provide suitable care for vulnerable children within the City, the Children's Services consultation response for this appeal scheme is notable.
12. The consultation response from Children's Services outlines that there are around 30 privately registered children's homes in the city and that most of these homes do not house young people from Wolverhampton. Furthermore, it confirmed that the existing provision within Wolverhampton currently meets the need. This is notable given that the Written Ministerial Statement 2023 entitled 'Planning for accommodation for looked after children' (the WMS) emphasises that when care is the best choice for a child, it is important that the care system provides stable, loving homes close to children's communities. It further highlights, amongst other things, that it is not acceptable that some children may live far from where they would call home without a clear child protection reason for it.
13. Paragraph 63 of the National Planning Policy Framework (the Framework) outlines that establishing the need, size, type and tenure of housing needed for different

groups in the community (including looked after children) should be assessed and reflected in planning policies. Consequently, given the comments from Children's Services highlighting adequate provision in the local area, there is limited substantive evidence before me to adequately demonstrate that there is a significant local need for the proposed development.

14. The Still Too Far report 2024 by Become also outlines, amongst other things, that children who are moved without a significant reason more than 20 miles from their home are more likely to have a significantly lower wellbeing than those who are placed closer to home.
15. Whilst I acknowledge that there is a wider national need for homes for looked after children, it remains that the local need for the appeal scheme has not been adequately demonstrated in the evidence before me nor has it been adequately demonstrated that it would not lead to children living an unacceptable distance from their communities.
16. Within the evidence before me are Freedom of Information requests regarding the number of looked after children within Wolverhampton and outside of Wolverhampton. However, a looked after child can have multiple placements per year for a variety of reasons and consequently, the child may be outside of the Local Authority boundary for a short period of time and cross back into the Local Authority boundary for the majority of the year. Consequently, this would be included in the statistics.
17. Moreover, the statistics do not provide the context for why some children are placed outside of the Local Authority boundary which may be for reasons such as conflicts within the area, provision of education specialities within certain schools or families moving out of the area amongst other things. Therefore, given all of the above and based on the evidence before me, in my planning judgement, there remains limited substantive evidence to adequately demonstrate that there is a local need for the appeal scheme.
18. Furthermore, the Wolverhampton Strategic Housing Land Availability Assessment 2024 (the SHLAA) identifies a shortfall in homes to meet an identified local need. The appeal scheme would result in the appeal dwelling changing from a C3 use to a C2 use as outlined in the Town and Country Planning (Use Classes) Order 1987 (as amended) the latter of which refers to 'Residential Institutions'. Residential Institutions for the purpose of Class C2 includes the provision of residential accommodation and care to people in need of care (other than a use within class C3) and uses as hospitals, nursing homes, residential schools, colleges or training centres. Consequently, for planning purposes they are distinctly different to family housing under a C3 use and would not contribute to the supply of housing.
19. Therefore, whilst I acknowledge that the appeal dwelling could accommodate a large family and the appeal scheme would stagger shift changes to reduce any intensification of vehicle movements, this does not prevent the appeal scheme resulting in the loss of a family house for planning purposes.
20. The appeal scheme would result in the loss of a single family house and based on the specific evidence before me in this appeal, including the comments from Children's Services, the need for the appeal scheme has not been adequately demonstrated. Thus, given the absence of local need for the proposal, the appeal scheme would result in the loss of family housing. Whilst I acknowledge it would

be a loss of a single dwelling house it remains a loss nonetheless in an area which is unable to provide an adequate number of family houses for local need.

21. Appeals at 7 Redhouse Road, 9 Rowbury Drive, 15 Millfield Road, 93 Dingle Street, 4 Huskison Close, 61 Ashby Road and 141 And 143 Victoria Road, and a permission relating to 138 Codsall Road have been referenced in the evidence before me. However, I do not have the full circumstances of these before me and therefore cannot be certain that they are wholly comparable to the appeal scheme before me. Nevertheless, each application is determined on its own merits. Notwithstanding this, I have identified that, in my planning judgement a C2 use and C3 use are markedly different. Additionally, that the need for the appeal scheme has not been adequately demonstrated and thus the proposal would still result in the loss of family housing. Consequently, they do not lead me to a different conclusion.
22. I am cognisant of Planning Practice Guidance which states amongst other things that planning and health should identify and secure the facilities needed for primary, secondary and tertiary care, and the wider health and care system¹. Additionally, that a healthy place meets the needs of children and young people to grow and develop amongst other things².
23. Nevertheless, given all of the above, including the absence of substantive evidence to adequately demonstrate a local need for the proposal, the appeal scheme would result in the loss of family housing and thus conflict with Policies HOU1 and HOU2 of the BCCS insofar as they seek to ensure that the density and type of new housing provided should be informed by the need for a range of types and sizes of accommodation to meet identified sub regional and local needs.

The Benefits of the Proposed Development to the Future Occupants of 94 Codsall Road

24. In determining this appeal, I have had due regard to the First Protocol of the Convention on Human Rights and the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010. The PSED sets out the need to eliminate unlawful discrimination, harassment, and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. From the evidence, my decision has the potential to affect persons with a protected characteristic for the purposes of the PSED.
25. The appeal scheme would provide accommodation for vulnerable children and therefore the appeal scheme would provide the opportunity to advance the aims of the PSED.

Other Matters

26. A lack of harm to character and appearance as well as the living conditions of neighbouring occupants regarding noise and disturbance are neutral factors in my determination of this appeal.
27. Parking provision and whether the appeal site is a sustainable location for the proposal have not been cited as putative reasons for refusal by the Council. Based

¹ Paragraph: 001 Reference ID:53-001-20190722

² Paragraph: 003 reference ID:53-003-20191101

on the evidence before me, I find no reason to disagree with its conclusions on these matters.

28. Whilst I acknowledge the comments and letters in support of the appeal scheme and the care provided by the appellant, the appeal scheme has not been refused on the basis of the level of care provided. Consequently, it does not alter my overall conclusions regarding the loss of family housing and the lack of substantive evidence to adequately demonstrate a local need for the appeal scheme.
29. Reference the lawfulness of a previous decision regarding a lawful development certificate is not within the scope of this appeal. Additionally, an interested party has referred to the possibility of the appeal scheme becoming a house in multiple occupancy. This has not been raised within the evidence before me and is not within the scope of this appeal.

Planning Balance

30. In this case, having had due regard for the PSED and given that the appeal scheme would provide residential accommodation for vulnerable children, I find that the development would provide the opportunity to advance its aims in terms of eliminating discrimination against persons with the protected characteristics, advancing equality of opportunity for those persons and fostering good relations between them and others. However, set against the harm that would result from the appeal scheme regarding the loss of family housing, I conclude that it is proportionate and necessary to dismiss the appeal in this case.

Conclusion

31. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

B Astley-Serougi

INSPECTOR