



Appeal Decision

Site visit made on 12 February 2026

by S Bennett-Matthews

an Inspector appointed by the Secretary of State

Decision date: 6 May 2026

Appeal Ref: APP/P4605/W/25/3373426

875 Pershore Road, Selly Oak, Birmingham, B29 7LR

- 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 Risaas Ltd against the decision of Birmingham City Council.
 - The application Ref is 2025/00702/PA.
 - The development proposed is Conversion of 7 rooms HMO (Sui Generis) into children home (C2).
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Decision

1. The appeal is allowed and planning permission is granted for Conversion of 7 rooms HMO (Sui Generis) into children's home (C2) at 875 Pershore Road, Birmingham, B29 7LR in accordance with the terms of the application, Ref 2025/00702/PA subject to the following conditions:
 - (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 - (2) The development hereby permitted shall be implemented in accordance with the details submitted with the application and shown on drawings numbers: PL01, PL02, PL03 and PL04.
 - (3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), the premises shall be used only as a children's home and for no other purpose including any other purpose within Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, (or in any provision equivalent class in any statutory instrument amending, revoking or re-enacting that Order with or without modification).
 - (4) There shall be no more than four children in residence of the property at any one time.
 - (5) Prior to the first occupation of the children's home an operational management plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of staffing levels and the ratio of staff to resident children. The children's home shall thereafter be operated fully in accordance with the approved management plan.
 - (6) Details of the provision for the secure, and where appropriate, covered storage for cycles and/or motorcycles shall be submitted to and approved in writing by

the Local Planning Authority prior to first occupation of the development. Provision shall thereafter be implemented and maintained in accordance with the approved details.

Main Issues

2. The main issues in this case are:

- The effect of the proposed development on the character of the area, having particular regard to its proximity to other children's homes in the area and other non-family uses.
- Whether the proposed development would provide an appropriate living environment for future residents of the children's home.

Reasons

The effect of the proposed development on the character of the area.

3. The appeal site comprises a large, extended two-storey semi-detached dwelling set back from the main Pershore Road with a generous front driveway enclosed by a brick boundary wall with established hedging. The surrounding area comprises a mix of residential and non-residential uses. The proposal seeks a change of use from a House in Multiple Occupation (HMO) (Sui Generis) to a children's home within Use Class C2 (Residential Institutions) under the Town and Country Planning (Use Classes) Order 1987 (as amended).
4. The proposal would involve only modest alterations to the internal layout and configuration of the appeal property. The first-floor accommodation would remain unchanged, while the existing ground floor bedrooms would be reconfigured to provide staff office/sleep-over room and two lounge areas. The submitted site plan indicates off-street parking for nine vehicles at the front of the property. The Council's submissions indicate that no external changes are proposed to the property.
5. The Council submits that there are several children's homes in close proximity to the appeal site and contends that the proposed change of use would add to the high concentration of non-family residential uses amounting to approximately a quarter in the immediate area. It argues that this concentration would further harm the character of an area.
6. The Council refers to concerns raised by West Midlands Police regarding the close proximity of the proposal to several non-family residential uses, including other children's homes, HMOs and supported living accommodation for adults with drug and alcohol dependency issues. In addition, the Council highlights concerns raised by Birmingham Children's Trust that the HMO register, noting that the HMO register identifies the adjoining property at 873 Pershore Road, as a registered HMO and that there are two other children's homes within close proximity to the appeal site.
7. While I acknowledge the concerns raised by the Council and its consultees regarding the presence of the adjoining HMO at 873 Pershore Road, other HMOs, children's homes and other non-residential uses in the area, the evidence before me indicates that the use of the proposal would operate in a manner comparable to a typical residential household. The proposal would accommodate a maximum of

- four children between 11-17 years, each with their own bedroom, and would provide long term care. The children would attend full-time education off-site.
8. The appellant states the timing of most vehicle movements to and from the property would align with daily activities ordinarily associated with a family dwelling, such as school, work, shopping or leisure. External visitors would be limited, with measures in place to ensure no more than one visitor is present at any one time. Statutory social work visits would occur approximately every six weeks with all other routine visits taking place away from the site.
 9. Having considered the submitted evidence, I find the proposal represents a modest scale children's care home. In this context, its residential character and limited number of occupants would not give rise to an increase intensity of use when compared with the existing lawful use as a seven-bedroom HMO. Nor would it result in harm to the character of the area or lead to an imbalance in the local community. Further, I note that the Council contends that a quarter of the properties in the vicinity are in non – family uses. However, I have no substantive evidence before me to support the assertion that the introduction of the proposal, in the context of existing uses, would give rise to cumulative harmful effects.
 10. I therefore conclude that the use of the proposed development would not cause harm to the character of the area by undermining the balance of the community. Accordingly, the proposal would accord with Policies DM2 and DM12 of the Development Management Plan Document (DPD) which seeks to ensure specialist accommodation does not give rise to an unacceptable adverse impact on the character of the area, taking into account the cumulative effects of similar uses. It would also comply with Policy TP27 of the Birmingham Development Plan (BDP) which seeks to promote sustainable neighbourhoods characterised by balanced communities.

Whether the proposed development would provide an appropriate living environment for future residents of the care home

11. The Council refers to concerns raised by West Midlands's Police regarding the close proximity of the proposal to other children's homes, HMOs and supported living accommodation, including provision for individuals with drug and alcohol dependency. It suggested in this context, the proposal could present a risk to future residents by creating increased opportunity for vulnerable children to access drugs and alcohol.
12. In response, the appellant's states that staffing levels would not fall below a ratio of one member of staff to every two children and at least one staff member would ordinarily be present on the premises at all times, with an alternative contact number provided should this not be the case. The appellant also indicated that the residents would attend school during the day and would be supervised by staff on their return.
13. While I acknowledge and have carefully considered the concerns regarding the proximity of the appeal site to HMOs, other children's homes and the supported living accommodation, there is no substantive evidence before me to indicate that the location would be unsafe or unsuitable for a modest-scale C2 children's home. Having regard to the operational details submitted, I have no substantive evidence to suggest the proposal use would not be appropriately managed. On this basis, the level of supervision and structured management proposed would ensure that

the proposal operates in a controlled manner and future residents would experience living conditions comparable to children living in a conventional residential environment within a mixed- use community.

14. I therefore conclude that the location is appropriate for the proposed use, notwithstanding the proximity of the appeal site to HMOs, other children's homes and supported- living accommodation in the surrounding area. Any potential risks arising from the surrounding context can be adequately mitigated through the proposed management arrangements for the children's home, which could be secured by condition. Accordingly, the proposal would comply with Policy DM2 and DM12 of the DPD which seek to ensure development is appropriate to its location and does not result in unacceptable adverse impacts on the living conditions of the occupants of the children's home or neighbouring residents thereby providing a safe living environment.

Other Matters

15. Turning to representations regarding noise and disturbance. I have carefully considered the concerns raised by the occupier of the adjoining premises at 873 Pershore Road and by the Birmingham Children's Trust. The occupier of 873 Pershore Road refers specifically to the potential impact of noise and disturbance and the impact this may have on a child in their care. I note however, the Council's Regulatory Officer raised no objections to the proposed change of use on noise or disturbance grounds.
16. Having regard to the existing lawful use of the property as a seven-bedroom HMO, I consider that the proposed C2 children's home limited to a maximum of four residents and subject to defined management and supervision arrangements, would be likely to generate fewer comings and goings with a reduced potential for noise and disturbance. Accordingly, I am not persuaded that the proposal would result in significant harm to the living conditions of the neighbouring occupiers, even having taken into consideration the needs of the occupant of 873 Pershore Road. I therefore do not consider noise and disturbance to be determinative issues in this appeal.
17. I have considered the concerns raised by Birmingham Children's Trust regarding operational management of the children's home, the site's proximity to a busy main road and the potential for this to increase the vulnerabilities of some children, and the possibility of children being placed from outside of the area, including potential changes to schooling and school capacity. Whilst these matters are relevant in the context of care provision, they primarily relate to the regulation of care arrangements, management and delivery of children's services, which is overseen by separate statutory bodies. They do not, of themselves raise land-use planning considerations and therefore fall outside the remit of the planning system.
18. During my site visit, I observed that the appeal site is located in an area with adequate access to public transport and local amenities. The Council's reasons for refusal refer to policy TP27 of the Birmingham Development Plan, which relates the location requirements of new housing and the need to ensure sustainable neighbourhoods. Given the appeal site's proximity to services and public transport, I find the proposal is suitably located for the proposed use and would comply with the objectives of this policy.

19. The appeal site lies within the Selly Park Avenues Conservation Area (CA). I have therefore had special regard to the duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas Act 1990, which requires that special attention be paid to the desirability of preserving the character or appearance of the conservation area.
20. I note that the Council's Conservation Officer raised no objections to the proposal. The appeal property is not a listed building and there is no evidence to suggest there are listed buildings in its immediate vicinity. No external alterations are proposed as part of the proposed development. Given the modest scale of the proposed use as a small-scale Class C2 children's home and the absence of any physical changes to the exterior of the building, I am satisfied that the use proposal would not harm the buildings contribution to the character and appearance of the CA. I therefore find that the proposal would preserve the character and appearance of the CA.

Conditions

21. Turning to the matter of conditions, I have considered those suggested against the relevant tests in the National Planning Policy Framework. In addition to the standard time- limit condition and in the interests of certainty, a Condition 2 has been imposed requiring that the development be carried out in accordance with the approved plans. Condition 3 restricts the use of the proposed development to a children's care home only and prevents other forms of accommodation. This is to ensure that the character of the use remains as assessed and could not be altered in a way which gives rise to different or adverse impacts on the surrounding area.
22. In addition, condition 4 limits the number of children residing at the premises to a maximum of four at any one time and ensures the scale and intensity of use as a C2 children's home remains modest and does not increase beyond that which has been considered as acceptable in safeguarding the character of the area and the living conditions of the neighbouring occupiers. Condition 5 requires the submission of an approved Operational Management Plan, including staffing levels and supervision arrangements. This condition ensures that the children's home is properly managed and controlled in a way which is consistent with the evidence assessed in reaching this decision. Further, condition 6 supports sustainable travel choices in accordance with the relevant policies of the Birmingham Development Plan, the Birmingham Design Guide, and the National Policy Framework.
23. No condition has been imposed in relation to noise or disturbance. The Council's Regulatory Officer raised no objections on this issue, and I found no substantive evidence to disagree with this finding. For the reasons set out above, a planning condition controlling noise and disturbance would not be reasonable or necessary.

Conclusion

24. For these reasons, and having regard to all other matters raised, the appeal should be allowed.

S Bennett-Matthews

INSPECTOR