



Appeal Decision

Site visit made on 15 April 2025

by G Sibley MPLAN MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 May 2025

Appeal Ref: APP/D4635/W/25/3359517

7 Redhouse Road, Wolverhampton WV6 8SU

- 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 Ernest Mandaza of Professional Healthcare Solutions against the decision of City of Wolverhampton Council.
- The application Ref is 24/00570/FUL.
- The development proposed is change of use of dwelling (C3) to a small-scale children's home (C2) for up to 3 children.

Decision

1. The appeal is allowed and planning permission is granted for change of use of dwelling (C3) to a small-scale children's home (C2) for up to 3 children at 7 Redhouse Road, Wolverhampton WV6 8SU in accordance with the terms of the application, Ref 24/00570/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing: Ground Floor Plan, First Floor Plan, Location Plan, Block Plan, Site Plan dated 13 May 2024.
 - 3) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that order with or without modification) the premises shall only be used as a residential care home for up to three children and for no other purpose (including any other use falling within Class C2 of the Order, but may revert back to C3 (dwellinghouse) on cessation of the use).

Main Issues

2. The main issues relevant to this appeal are: the effect of the proposal upon the living conditions of the neighbouring occupiers with regard to noise and disturbance and linked to this the character and appearance of the area; and whether the proposal would meet the housing needs of the area.

Reasons

Living Conditions and Character and Appearance

3. The appeal building is a two-storey dwelling with four bedrooms and an internal garage. To the front of the building is a driveway with space shown on the plans for two parking spaces. The dwelling is located within a predominantly residential area.

4. The building is currently a four bedroom dwellinghouse and adults would be expected to leave for work in the morning and children might leave for school or work, dependent on their age. In the evening, they would then return from work or school and may again leave for social reasons. People may also visit the dwelling and deliveries are likely made. As such, comings and goings from the property would take place but during the day it is likely that there would be little activity in the house. However, this would not necessarily be the case in all instances, with an increased number of people working from home. Additionally, children with specialists needs who need around the day care can live in C3¹ dwellinghouses, not dissimilar to the proposed use.
5. While some journeys to and from the property could be made by sustainable forms of transport, each adult living in the property could have access to a private motor vehicle. As such, there could be around 5 vehicles in use associated with this property with coming and goings in the morning and evening.
6. The proposal would seek to use the dwelling as a C2 children's care home to provide a home for three children. There would be a Registered Manager operating on site between 09:00 – 17:00 and two support carers who would stay in the property overnight.
7. The support carers would work in shifts and the appellant estimates that staff changeovers would generally take place around 07:30. This would be a relatively common time for most working age people to leave home for work or for children to leave to go to school. As such, the timing of the shift changeover would happen at a time when people would generally be awake and beginning their day or would have already left for work. Furthermore, this noise and disruption would only occur for a short period of time.
8. There would be 3 employees working on the site and thus they may travel by car, however there are two vehicular spaces towards the front of the dwelling as well as an internal garage with space for a single vehicle. The appeal property is a detached dwelling and there is a modestly sized gap between it and the neighbouring dwelling. There is also a substantially sized gap between it and the other neighbouring dwelling. As such, the separation distance between these dwellings as well as those on the opposite side of the road to the appeal property would ensure the noise and disturbances from comings and goings from the appeal property, including the opening and shutting of car and house doors, would not be harmfully disruptive to neighbouring occupiers. Particularly taking into consideration the number of people and thus activity that could take place associated with the existing dwelling.
9. When considering the size of the property and the number of people who can already live in it, there is little substantive evidence that the movements associated with the proposed use, even taking into consideration visits from social workers and other visitors, would result in a materially greater level of noise and disturbance above and beyond the existing use to such a level that would cause seriously harmful disruption to neighbouring residents. Additionally, the appeal property is located in a residential area where similar noise disturbances are likely to commonly occur.

¹ The Town and Country Planning (Use Classes) Order 1987

10. Even during shift changeovers and emergencies, there is limited evidence that the proposed level of activity would be significantly more disruptive than if the building remained in C3 use.
11. The external appearance of the building is not proposed to be altered by this proposal. Additionally, there is already space for parking in front of the building and this would be reused and thus externally the day-to-day use of the building would not significantly alter how the building would be perceived within the street scene.
12. A building in C2 use is still classed as residential, and the day-to-day use of the building would be very similar to a dwelling with the care home providing a home for the children. This is not substantially different to a Use Class C3 dwelling where children with specialist needs can live. The type of noise and disturbance from this use would not be materially different from that which can occur in a dwelling.
13. Children in care can have a wide variety of needs but there is no substantive evidence before me that they would all cause significantly harmful disruption to the neighbouring occupiers. Consequently, the use would be compatible with the adjacent uses and would not appear out of character in this residential area.
14. Therefore, for the reasons given above, the proposal would not harm the living conditions of the neighbouring occupiers and would not harm the character or appearance of the area. Consequently, the proposal would comply with Policies ENV3 and CSP4 of the Black Country Core Strategy. While not referred to by the Council the proposal would also accord with Policy TNP12 Part A of the Neighbourhood Plan for the Tettenhall Wards. These policies seek, amongst other matters, for development to be of compatible use.
15. The Council has referred to Policy B5 of the Wolverhampton Unitary Development Plan (UDP) concerning this matter, but this policy relates to proposals for Class B employment purposes and appropriate Sui Generis Commercial uses which this proposal is not for. As such, this policy is not relevant to this proposal.

Housing Need

16. The Council's concern related to the loss of the family dwelling in this residential area, however, a C2 use is still a residential use, and the children would live in the property. As such, the building would continue to provide living accommodation.
17. The appellant has provided evidence that the number of children in care in England has increased significantly over the past ten years. Furthermore, whilst the Council state that there is not a demonstrable identified need for the proposed accommodation, the appellant has provided evidence that as of 31 December 2023, 88 children in care from the Wolverhampton area were housed 20 miles or more outside of Wolverhampton's administrative boundary. The submitted Still Too Far report from Become also identifies that where children in care are moved more than 20 miles from home away from friends, family and schools they can have significantly lower wellbeing than those who are placed closer to home.
18. The Council state that there is not a demonstrable need locally for this use, but I have limited substantiated evidence to support this point nor that the need for such accommodation would not increase in the near future. Whilst I note that there are several private children's care homes in the city as well as some in the nearby

area, it is not evident that these, alongside the Council's own provision is meeting its need. The evidence provided by the appellant indicates otherwise.

19. Taking into consideration the identified need for such accommodation across England as well as evidence of children in care who have been displaced from the local administrative area, on balance, it has been demonstrated that there is a need for such accommodation in the area to which the appeal scheme would contribute.
20. Furthermore, the proposal would only result in the loss of a single, family dwelling, and I do not have robust evidence that the loss of this dwelling, even in combination with other schemes, would materially undermine the Council's wider housing strategy. It is not evident that there is such an oversupply of children's care home accommodation in the area to justify withholding planning permission in the interest of preserving this single, family home. I have also not been provided with substantive evidence of a requirement to prevent the loss of general market dwellings.
21. As part of the Government's objective of significantly boosting the supply of homes, the National Planning Policy Framework states that the needs of groups with specific housing requirements should be addressed. The Government is also committed to supporting the development of accommodation for looked after children and this scheme would support this.
22. Therefore, for the reasons given above, the proposal would meet the housing needs of the area. Consequently, the development would comply with Policy H1 of the UDP insofar as it states that the Council will seek to identify sufficient land and buildings to provide for housing needs and aspirations of the whole community.

Other Matters

23. Local residents have raised concerns that the children living at the proposed facility represents a safeguarding threat to nearby elderly residents and those with a disability. People within certain age groups and with disabilities have protected characteristics for the purposes of the Public Sector Equality Duty (PSED).
24. In my assessment of the effect of the development on the elderly and those with a disability, I have therefore had due regard to the PSED contained in Section 149 of the Equality Act 2010. This 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. In reaching my decision, I have kept these interests at the forefront of my mind. However, they are qualified rights and interference may be justified where in the public interest. The concept of proportionality is key.
25. I recognise the paramount importance of ensuring the safety of elderly residents and those with disabilities. Any adverse effects for those residents, would weigh against the proposal in these respects.
26. However, given that the development only relates to three children and taking into consideration the staff to child ratio that would be employed at the Care Home, I do not consider that there is substantive evidence before me to lead me to conclude that allowing the development would threaten the safety of local residents. Therefore, even with additional weight applied to this, the development would not

result in the increased exposure of vulnerable individuals to risk and would not result in significant harm.

27. I have found that the development would not be harmful to the living conditions of neighbouring occupiers with regard to noise and disturbance, and therefore does not result in significant harm to the vulnerable neighbouring occupants. The benefit of the development is to provide residential care for vulnerable children, the needs of which I must also consider under the PSED, which weighs significantly in favour of the development.
28. In view of this, and having regard to the legitimate and well-established planning policy aim of providing a sufficient number of homes for different groups in the community, a refusal of permission would not be proportionate and necessary. Allowing this appeal would be consistent with my PSED duty contained in Section 149 of the Equality Act 2010.
29. A neighbouring property is said to be used as a care home for adults who may have a disability. However, it has not been robustly evidenced that these two uses would not be compatible near to each other or that this would lead to safeguarding concerns. Both of these uses are typically managed with carers involved which would provide support for the occupiers of both care homes. It has not been substantiated that, if the property was occupied by people from outside of Wolverhampton, why this would not lead to a family setting.
30. However, given the size of the property and the number of bedrooms proposed if it was occupied by more than three children the noise and disturbances that could occur could harm the living conditions of the children in the care home and nearby residents. As such, a condition could be attached to require the property is only occupied by up to three children to ensure this would not occur.
31. The Council note that many of the places in private homes for young people in care placed in Wolverhampton come from other local authorities and this can affect social services locally. However, what the additional demand on social services would be, has not been substantiated nor what that effect would be or what sort of demand future residents would put on those services. As such, this is a matter I give very little weight to.
32. The scheme is limited in scale and off-street parking is available on the appeal site. In light of the onsite parking and the number of workers to be employed and possible visitors there would only be a very limited increase in the number of vehicles that may need to park on the road and those visiting the site would do so irregularly. Given that there are only limited parking restriction on Redhouse Road, it has not been robustly demonstrated that the development would have an unacceptable impact on highway safety.
33. Matters related to Children's Care and Safeguarding, including concerns regarding a nearby substation, are dealt with under separate legislation and it has not been substantiated that the proposal would fail to comply with them.
34. Concerns have been raised by interested parties that the proposed development would be an inappropriate business use. However, the building would be used as a residential care home which would be appropriate in a residential area.

35. Whilst the majority of neighbouring occupiers may be of an elderly demographic, there are no restrictions which would prevent people of different age groups from living on the road.
36. The planning system does not exist to protect private interests such as the value of land and property. Thus, I have given this negligible weight in coming to my decision.

Conditions

37. Further to the statutory commencement condition a condition requiring the development is carried out in accordance with the submitted plans is necessary in the interest of certainty.
38. A condition specifying the number of children who could live in the property is necessary in the interest of the living conditions of the occupiers of the appeal property and nearby residents. However, taking into consideration the provision of parking spaces on the appeal site and the availability of parking nearby, it has not been evidenced that it is necessary for the condition to specify the staffing levels on site in the interest of highway safety. As such, I have revised the wording of the condition to exclude this.
39. Furthermore, matters related to Ofsted and the associated regulatory standards are dealt with through different legislation and thus it would be unnecessary to control this via a planning condition.

Conclusion

40. The proposed development would be in accordance with the development plan and the material considerations do not indicate that the appeal should be determined other than in accordance with it. Therefore, for the reasons given above, I conclude that the appeal should be allowed.

G Sibley

INSPECTOR