



Appeal Decision

Site visit made on 12 March 2025

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 April 2025

Appeal Ref: APP/P4605/W/24/3355736

14 Mackenzie Road, Birmingham B11 4EL

- 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 K Dhar against the decision of Birmingham City Council.
 - The application Ref is 2024/02452/PA.
 - The development proposed is a change of use from C3 to C2 for a children's care home for up to 4 children.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use from C3 to C2 for a children's care home for up to 4 children at 14 Mackenzie Road, Birmingham B11 4EL in accordance with the terms of the application, Ref 2024/02452/PA, 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 23472/001(-), Proposed Site Plan 23472/002(-), Existing Plans 23472/003(-) and Proposed Plans 23472/004(-).
 - 3) An electric vehicle charging point shall be installed at the property within 2 months of its first occupation as hereby permitted, and this facility shall be retained thereafter.
 - 4) A sheltered and secure bicycle storage facility shall be installed at the property within 2 months of its first occupation as hereby permitted, in accordance with details first submitted to and approved in writing by the Local Planning Authority. The approved facility shall be retained thereafter.

Preliminary matters

2. The appellant's description of the proposed development, as set out above, indicates a change of use from 'C3 to C2'. This refers to Use Classes C3 (Dwellinghouses) and C2 (Residential Institutions) in the Town and Country Planning (Use Classes) Order 1987 (as amended). The proposal is for a material change of use from a single family dwellinghouse to a children's care home for up to 4 children, plus up to 3 staff members at any one time.
3. A revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024, with minor updates on 7 February 2025, all

during the course of this appeal. The appellant commented on the main changes and the Council also had a chance to do so. Neither side has had an opportunity to comment on the 7 February updates, but I see no need for this as these changes do not affect the main issue of this appeal.

Main Issue

4. The main issue is the effect of the proposal on the supply of residential accommodation in general and family housing in particular.

Reasons

5. 14 Mackenzie Road is a substantial detached house with a large garden, located within a leafy residential area. It has 4 bedrooms and a box room upstairs and an ensuite guest room downstairs, so can be considered to be at least a 5 bedroom house. The Council's concern is that the proposal would result in the loss of the type of family dwellinghouse for which there is an evidenced need and demand in the City. It considers that there is insufficient justification and evidence to demonstrate an overriding need for a children's home in this location.
6. Policy DM12 of the Birmingham Plan 2031 Development Management in Birmingham Development Plan Document (DMB) encourages the development of specialist accommodation, including care homes and supported accommodation for people with mental health issues, learning disabilities and other issues. The policy is worded to promote such development, effectively acknowledging a general need for such accommodation. This need is confirmed by the Birmingham Children's Trust Children in Care Sufficiency Strategy 2021 – 2023, which states that independent residential children's homes are one of the priority placement types needed to meet gaps in the city's needs.
7. The Council's objection is based on a single criterion of DMB policy DM12 – that a proposal should not result in the loss of an existing use that makes an important contribution to the Council's objectives, strategies and policies. Paragraph 4.35 of policy DM12 refers to a 2013 Strategic Market Housing Assessment that stated a city-wide need for 3+ bedroom homes. The Council also refers to its 2022 Birmingham Housing and Economic Development Needs Assessment (HEDNA) which records that the proportion of households with dependent children in Birmingham is a few percent higher than the regional and national averages. The conclusions to Section 8 of the HEDNA do not particularly emphasise the need for large family houses though, indicating that an appropriate mix of houses includes around 20% of the market sector being 4+ bedrooms.
8. The Council also refers to its Housing Strategy 2023-2028 and to its Supplementary Planning Document *Homes in Multiple Occupation*. It has not provided copies of these documents but they evidently also confirm a general need for family size housing of 3 or more bedrooms.
9. In the context of DMB policy DM12's general support for care accommodation, DMB paragraph 4.35 says that where there are particular shortages of large family accommodation, the City Council will be sensitive to any such need when considering proposals for specialist accommodation. The HEDNA does include some data for individual areas of the city, but these more localised figures are not referenced by the Council. Clearly there is a need for more family accommodation in the city. None of the evidence, however, appears to support a view that this site

is in an area where there is a particular shortage of large family accommodation, with reference to DMB paragraph 4.35.

10. Policy TP35 of the Birmingham Plan 2031 Birmingham Development Plan (BDP) aims to make best use of the existing dwelling stock, in part by restricting changes to other uses. The term 'other uses' is not defined. Care homes like this are a type of residential accommodation so do not appear to readily fall into that category. Framework paragraph 63 says that housing needed for different groups in the community, including looked after children, should be assessed and reflected in planning policies. This appears to be what DMB policy DM12 does, in supporting the development of specialist accommodation.
11. The HEDNA reports that a relatively high percentage of 3+ bedroom houses in the city have spare bedrooms, indicating a degree of under-occupation. The proposal would make efficient use of an existing dwelling to provide a home for up to 4 children. Policy TP35 also allows for the loss of residential accommodation where there is an identified social need for the proposed use. I consider that such a social need has been established in regard to children's homes.
12. I have no doubt that there is a strong need for more housing in the city. I nevertheless conclude that, in the absence of compelling evidence to show that there are particular and overriding shortages of large family accommodation in this particular area, the change of this one house to a care home would not significantly affect the supply of residential accommodation in general or family housing in particular. The proposal accords with the support for specialist accommodation in BMD policy BM12 and the Framework, and also with BDP policy TP35's aim to make best use of the housing stock.
13. I have considered the various objections raised by a number of local people. These largely relate to another criterion of DMB policy DM12, which says that changes of use like this should not lead to an unacceptable adverse impact on the amenity, character, appearance, parking, public safety and highway safety of the area, taking into account the cumulative effects of similar uses in the area. The Council raises no objection regarding these issues.
14. In particular I acknowledge the local concerns about potential noise, disturbance and anti-social behaviour. I note the comments about problems from a similar facility nearby, but have seen no evidence to suggest that the use of this house for a children's home would cause significant problems. Full occupation by a large family could have similar effects. This appears to be a lightly trafficked residential street and I saw no evidence of pressure for on-street parking in the area. No 14 has a parking area on its front drive and reasonable access to the road. I therefore see no highway safety objection either.
15. I impose a condition specifying the relevant plans to provide certainty. As recommended by the Council's Transportation consultee, conditions requiring the provision of an electric vehicle charging point and bicycle storage are necessary in the interest of sustainable transport. These are not set out as pre-commencement conditions because there is no clear reason why their provision could not follow on from the start of the new use, within reasonable time.
16. The Council has not suggested any other conditions and I see the need for none. A Management Plan was submitted with the application, but this includes matters that

go beyond normal planning considerations. I would expect many of these more detailed issues to be addressed through other legislation and processes, including the allocation of places for and the ongoing supervision of the care home.

17. I find that the proposal accords with the development plan, taken as a whole. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.

Les Greenwood

INSPECTOR