

# Report to the Planning Committee

21 February 2024

<b>Subject:</b>	Decisions of the Planning Inspectorate
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## 1 Recommendations

- 1.1 That Planning Committee notes the decisions of the Planning Inspectorate as detailed in the attached appendices.

## 2 Reasons for Recommendations

- 2.1 This report is submitted to inform the Committee of the outcomes of appeals that have been made to the Planning Inspectorate by applicants who were unhappy with the Committee's decision on their application.

### 3 How does this deliver objectives of the Corporate Plan?

		We now have many new homes to meet a full range of housing needs in attractive neighbourhoods and close to key transport routes.
		Our distinctive towns and neighbourhoods are successful centres of community life, leisure and entertainment where people increasingly choose to bring up their families.
		Sandwell now has a national reputation for getting things done, where all local partners are focused on what really matters in people's lives and communities.

### 4 Context and Key Issues

- 4.1 Applicants who disagree with the local authority's decision on their planning application may submit an appeal to the Planning Inspectorate. An appeal may also be made where the local authority has failed to determine the application within the statutory timeframe.
- 4.2 Appeals must be submitted within 3 months (householder proposals) six months (commercial developments) of the date of the local authority's decision notice.
- 4.3 Decisions on the following appeals are reported, with further detailed set out in the attached decision notice:-

<b>Application Ref</b>	<b>Site Address</b>	<b>Inspectorate</b>
DC/23/68323	4 Huskison Close Oldbury B69 1LZ	Allowed

## 5 Alternative Options

5.1 There are no alternative options.

## 6 Implications

<b>Resources:</b>	There are no direct implications in terms of the Council's strategic resources. If the Planning Inspectorate overturns the Committee's decision and grants consent, the Council may be required to pay the costs of such an appeal, for which there is no designated budget.
<b>Legal and Governance:</b>	The Planning Committee has delegated powers to determine planning applications within current Council policy. Section 78 of the Town and Country Planning Act 1990 gives applicants a right to appeal when they disagree with the local authority's decision on their application, or where the local authority has failed to determine the application within the statutory timeframe
<b>Risk:</b>	There are no risks associated with this report.
<b>Equality:</b>	There are no equality implications associated with this report.
<b>Health and Wellbeing:</b>	There are no health and wellbeing implications associated with this report.
<b>Social Value</b>	There are no implications linked to social value with this report.
<b>Climate Change</b>	Sandwell Council supports the transition to a low carbon future, in a way that takes full account of the need to adapt to and mitigate climate change. Proposals that help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure, will be welcomed.

## 7. Appendices

APP/G4620/W/23/3328400



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# Appeal Decision

Site visit made on 9 January 2024

by **L C Hughes BA (Hons) MTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 1 February 2024**

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**Appeal Ref: APP/G4620/W/23/3328400**

**4 Huskison Close, Sandwell, Oldbury B69 1LZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Harpreet Singh of KDB Care Ltd T/A Right Steps against the decision of Sandwell Metropolitan Borough Council.
  - The application Ref DC/23/68323, dated 25 May 2023, was refused by notice dated 21 July 2023.
  - The development proposed is change of use from a C3 dwelling house to a C2 use for a children's residential home for young people aged 7-18.
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## Decision

1. The appeal is allowed and planning permission is granted for proposed change of use from a C3 dwelling house to a C2 use for a children's residential home for young people aged 7-18 at 4 Huskison Close, Sandwell, Oldbury B69 1LZ in accordance with the terms of the application, Ref DC/23/68323, dated 25 May 2023, 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 the following approved plans: Existing floor plans – Drawing ref A01500-P1; Proposed floor plans – Drawing ref A01600-P1; and Location and site layout plan – Drawing ref A0750-P2.
  - 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 be used only as a children's residential home for up to three children aged 7-18 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).
  - 4) Prior to the building's first use hereby permitted, the vehicular parking space shown on the submitted location and site layout plan drawing ref A0750- P2 shall be provided, and shall be retained as a parking space thereafter.

## Preliminary Matters

2. On the 19 December 2023 the Government published a revised National Planning Policy Framework (the Framework) later updated on 20th December 2023, together with a written ministerial statement (WMS). The revised Framework is a material consideration which should be taken into account from

the day of publication. I have familiarised myself with the content of the revised Framework and the accompanying WMS. Having considered the parties' respective cases and the nature of the revisions, in light of the principles of natural justice, I have not considered it necessary to invite any submissions from the parties on the revised Framework.

### **Main Issues**

3. The main issues are the effect of the proposed development on:
  - a) the living conditions of occupiers of neighbouring properties, with particular regard to traffic movements and disturbance; and
  - b) highway safety.

### **Reasons**

#### *Living conditions*

4. No 4 Huskison Close is a detached four-bedroom dwelling house on a pleasant modern housing estate within the residential area of Oldbury. The proposed use is for a residential home for three young people aged 7-18 years old, which would provide a bedroom for each child and a staff bedroom with an integrated office. There would be 24 hour care provision by staff with a shift pattern of 13.00pm and 22.30pm and 07.00am and 13.30pm during weekdays and term time and 10.00am -22.30pm and 08.00am -11pm.
5. The home would be managed by 5 therapeutic residential workers, 3 senior therapeutic residential workers, one manager and a deputy manager. During the day there would be one carer allocated to each child, and during the evenings there would be a maximum of two. All staff members would attend a meeting on Monday for two hours.
6. There would be comings and goings to and from school and at staff handover times, plus social, recreational and other outings. It is therefore likely that there would be some limited additional noise and disturbance, over and above that associated with a four bedroomed house, particularly connected to the changeover of staff. However, such movements would not be disproportionately large or significantly above what could reasonably be expected for a family with three children in a four-bedroom dwelling carrying out their day to day activities.
7. The area is relatively well-served by public transport and fairly close to local facilities. As a result, a number of the comings and goings in relation to the proposed development could be by foot, which would limit the amount of vehicular movements to and from the site. However, as the shift patterns would result in staff leaving work late in the evening, I anticipate it likely that some staff members would use a car to travel to and from work. However, I do not consider it particularly unusual to hear comings and goings and vehicular movements during the evenings in residential areas, due to peoples' work patterns and social activities.
8. The property is located within a cul-de-sac where residents are less likely to experience passing traffic noise. However, the appeal property is located near the start of the cul-de-sac, and so any vehicular movements resulting from the

development would be unlikely to generate passing traffic noise for properties further along the cul-de-sac.

9. Given the limited change in traffic movements anticipated, I consider that the situation would not be materially different to that expected if the property was retained as a four-bedroomed family dwelling. I conclude that the proposed development would not harm the living conditions of neighbouring occupiers, with particular regard to traffic movements and disturbance. The proposal would therefore accord with Policy SAD H4 of Sandwell's Site Allocations and Delivery Development Plan Document 2012 which seeks to ensure that proposals for housing for people with specific needs are compatible with adjacent uses.

#### *Highway safety*

10. The Council's highways department have recommended that care homes provide one off-street parking space per four bedrooms for visitor provision, one off-street parking space for a manager, and one additional off-street parking space per three full time equivalent other staff members. The proposed development would therefore require three off-street parking spaces.
11. The proposed development has two off-street parking spaces, and the appellant has indicated that part of the grassed frontage at the property could be removed to provide a further parking space. I have imposed a condition to ensure that this parking space is provided prior to the building's first use as a children's residential home.
12. The highways department have expressed concern that the two existing off-street parking spaces are not sufficiently deep to accommodate larger vehicles due to the position of a porch at the property, and would cause vehicles to overhang the footpath so as not to block the property entrance.
13. However, the appellant has submitted photographs showing that two vehicles can be safely parked in front of the porch without encroaching on to the pavement. Indeed, on my site visit there was a reasonably large car comfortably parked in front of the porch which was not overhanging the pavement. I therefore consider that with the addition of a further parking space, which I have conditioned, three vehicles could safely be parked off-street at the appeal property.
14. Additionally, I noted from my site visit that there were opportunities for on-street parking without blocking residents' drives should there be occasions when more than three spaces may be required. For example, there is a long blank fence and pavement at nearby Mallen Drive which would allow for on-street parking for vehicles at its side without impacting residents.
15. I conclude that the proposal would not have a detrimental impact on highway safety and that sufficient parking can be provided within the curtilage of the development. The proposal would accord with the Framework which requires development to function well and add to the overall quality of the area.

#### **Other Matters**

16. I have carefully considered the many concerns raised by interested parties, including those relating to noise and disturbance, and parking issues, which I have dealt with in the main issues. I have also noted concerns regarding

privacy. However, this matter was considered at the planning application stage and found to be acceptable and I have no substantive evidence that would lead me to conclude differently.

17. I have noted concerns that the proposed development would be an inappropriate business use and out of character with the residential area. However, the proposed use falls into a residential use in the Use Classes Order 1987 (as amended). It does not fall into a commercial, business or service use. As such, the proposed use would be compatible with a residential area. I do not consider that the proposal would generate activities that would be significantly different to a family home, nor would the visual appearance of the property be altered to such a degree that would harm the character of the area.
18. Concerns have been raised regarding the potential for anti-social behaviour and criminal activity. Whilst these concerns can be viewed as a material consideration, in this case there is no substantiated evidence that the proposal would give rise to anti-social behaviour or criminal activity. I have also noted that West Midlands Police have not objected to the proposal.
19. I have noted concerns regarding the impact on house prices, insurance premiums, breach of covenants and the fact that the appellant is a new care provider. However, these are not matters that affect my consideration of the main issues.
20. Whilst I recognise concerns regarding the possibility that this proposal may set a precedent for similar developments, a generalised concern of this nature does not justify withholding permission in this case. Furthermore it is necessary for me to consider the appeal on its own merits and I have found it to be acceptable and in accordance with policy.

### **Conditions**

21. I have considered the conditions suggested by the Council, having regard to the Planning Practice Guidance on conditions. I have slightly amended and amalgamated the conditions in the interest of clarity. In addition to the standard time limit on the commencement of development (condition 1), it is necessary to list the relevant plans (condition 2) to provide certainty. Given that use Class C2 includes other uses, a condition to restrict the use to a children's home within Use Class C2 for up to three children is necessary in the interests of residents' living conditions and to adequately control the use of the site to protect the amenity of the area given the potential of other uses within the class to give rise to other planning harms (condition 3). It is necessary to attach a condition requiring the provision of a further parking space, in the interests of highway safety (condition 4).

### **Conclusion**

22. For the reasons given above, I conclude that the development would comply with the development plan as a whole and there are no other material considerations to lead me to find otherwise than in accordance with it. As a result, the appeal is allowed.

*L C Hughes*

INSPECTOR