



Appeal Decision

Site visit made on 4 March 2025

by **C Walker BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 March 2025

Appeal Ref: APP/G4620/W/24/3354903

42 Pool Lane, Oldbury, Sandwell B69 4QX

- 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 Ms Madiha Ali (Abbey Residential Care Ltd) against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref is DC/24/69520.
The development proposed is described as 'Application to change the use of a (C3a) dwelling to a children's home for a maximum of three children, with three carers, two of whom will sleep overnight, working on a rota basis (C2)'.
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Decision

1. The appeal is allowed, and planning permission is granted for the change of use of a (C3a) dwelling to a children's home for a maximum of three children, with three carers, two of whom will sleep overnight, working on a rota basis (C2) in accordance with the terms of application Ref DC/24/69520, and the plans submitted with it, subject to the conditions in the schedule at the end of this decision.

Preliminary Matters

2. The description of development was amended by the Council from that given on the planning application form. The evidence does not show that the appellant agreed to this amendment. Therefore, I have utilised the appellants description as it adequately reflects the development.
3. As part of the appeal, the appellant has provided a drawing (ref: POOLLN-BA-1000 Rev P4) that shows vehicle tracking associated with the parking. I cannot be certain this was before the Council at the time of their decision. However, it does not amend the proposal and therefore, I have had regard to this for illustrative purposes only.
4. The Council has not cited policies from the Development Plan in their reason for refusal. However, the Planning and Compulsory Purchase Act 2004, S38(6) makes clear that decisions should be made in accordance with the development plan unless other material considerations indicate otherwise. I must therefore have regard to it. The Council have submitted Policy SAD H4 of the Site Allocations and Delivery Development Plan Document (2012) (DPD) in evidence which was referenced in the officer report to the planning committee. The appellant has therefore had the opportunity to respond to this.

Main Issue

5. The main issue is the effect of the proposal on highway safety, with particular regard to the provision of parking.

Reasons

6. The appeal site lies within a cul-de-sac section of Pool Lane and comprises the appeal dwelling and a broadly triangular parcel of land opposite, within a predominantly residential area. This part of Pool Lane is narrow, has no pavements nor a turning head. All properties within the cul-de-sac have hard surfaced frontages. I observed on site that many are capable of accommodating a parked vehicle. The hardstanding immediate fronting No. 42 Pool Lane is laid in a bound material whilst the area opposite, that also forms the appeal site, comprises a combination of bound hardstanding and loose chippings. Other than where it abuts the highway, this area is enclosed by low fencing and a hedgerow. Both parts of the appeal site have dropped kerbs to the highway.
7. The Council contend that the proposed parking for the care home would be inadequate. No evidence is provided as to what the expected quantum of parking should be. The appellant's evidence states that three carers would operate on a shift system. This indicates that three parking spaces would be ample to serve each member of staff. Evidence also points to infrequent visitors of driving age. Therefore, visitors would not need regular access to parking spaces. The appeal scheme proposes four car parking spaces available off road, which, based on the evidence before me, would be sufficient for the development, given the intended scale and staffing levels.
8. It is asserted that the parking spaces are not as large as required by the Council's residential design guidance. However, this guidance is not before me in evidence, nor is any deficiency clearly articulated. Moreover, the Council's officer report to the planning committee recognises that the spaces are existing and useable for the occupants of the appeal property. The highway officer raises no objection, advising that day-to-day activity and traffic to and from the site would be no different than a family household, and that the parking spaces are of an appropriate size. This was consistent with my own observations, that there is adequate space to allow 4 cars to be parked off the highway without causing an obstruction to the free flow of traffic. Given the expertise and local knowledge of the highway officer, their opinion carries considerable weight.
9. Inconvenience arising from the lack of parking provision is further alleged by the Council. Local residents also raise concerns that the cul-de-sac is narrow and that parking could obstruct the highway. However, I have found that there would be ample off-street parking to meet the needs of the development. It therefore follows that the development would be unlikely to cause undue harm to highway safety from displaced parking, encroachment or as an obstacle to emergency vehicle access.
10. The Council cite conflict with the National Planning Policy Framework (the Framework) at paragraph 135 which seeks to achieve well-designed places and, amongst other things, create places that are safe. However, they do not clearly explain how the proposal would conflict with this. Having regard to the Framework as a whole, paragraph 116 sets out that developments should only be refused on

highway grounds if there would be an unacceptable impact on highway safety, which has not been demonstrated.

11. The Council has provided Policy SAD H4 of the DPD as being relevant to this appeal. This policy relates to housing for people with specific needs and, amongst other things, requires that proposals for specific forms of housing be considered against a list of criteria including compatibility with adjacent uses. I find no conflict with this policy as the effect of the development on highway safety is acceptable.

Other Matters

12. In addition to the main issues, local residents have raised concerns regarding a number of other matters. These include the effects of the proposal upon living conditions from anti-social behaviour and noise. However, these matters are not raised by the Council, and I have seen little substantive evidence to show that there would be unacceptable harm in these respects arising from the proposed use. Based on the available evidence, these matters attract a minor degree of weight and so, would not lead me to find differently overall. It is a basis tenet that the planning system operates in the public interest, and therefore, the potential impact of the development on private property values is not a matter to which I have afforded weight.

Conditions

13. In addition to the standard time condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans for the avoidance of doubt and in the interests of certainty.
14. The Council request a condition requiring that before the use is commenced, a management scheme is submitted for approval, detailing staffing, waste disposal, parking, noise control and procedures for complaints. However, given the modest scale of the development, I consider this is too onerous and unnecessary. I therefore impose a modified condition requiring that the off-street parking is made available prior to first use and thereafter retained for parking, which is necessary in the interests of highway safety.
15. A condition is also suggested to limit the use of the appeal site to a care home and restrict the number of children and staff to three each. The evidence presented is predicated on the use providing accommodation and care for a maximum number of 3 children. I accept that even small increases to the number of children living on site could have implications for staffing levels. In turn, this would be likely to effect the quantum of parking required and the availability of suitable on-street parking is limited. Therefore, I consider it would be reasonable and necessary to control this element by condition in the interests of highway safety. As there would be a close correlation between staffing levels and the number of children, it would be sufficient to simply limit the overall numbers of children resident at the property. The wording of the suggested condition has been modified accordingly.

Conclusion

16. For the above reasons, having had regard to the development plan as a whole, the Framework and all other matters raised, I conclude that the appeal should be allowed.

C Walker

INSPECTOR

Schedule of 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 drawings: Site Location Plan, 42PL-DRA-02 (Proposed Layout Plans) and 42PL-DRA-03 Rev A (Block Plan).
- 3) Prior to first occupation of the development hereby approved, the four parking spaces shown on drawing no. 42PL-DRA-03 Rev A (Block Plan) shall be made available and shall thereafter be kept available for parking at all times that the premises is in use as a residential care home.
- 4) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) (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 that order, but may revert back to Class C3 (dwellinghouse) on cessation of the use).

End of conditions