

Council/Committee:	Planning Committee
Date of Meeting	7 January 2026
Application Reference	DC/25/71112
Application Description	Proposed change of use from residential dwelling to residential care home for up to 4 No. young people.
Application Received	14 October 2025
Application Address	84 Gorsty Hill Road, Rowley Regis B65 0HA
Report Author	Carl Mercer
Lead Officer	Tammy Stokes
Ward	Blackheath
Appendices (if any)	<ol style="list-style-type: none"> 1. Location plan - 1 2. Proposed floor plans - CA-603-03 A 3. Site/parking layout – 2A

1. Application Summary

- 1.1 The application is being reported to Planning Committee because five material planning objections have been received.
- 1.2 To assist members with site context, a link to Google Maps is provided below:

[84 Gorsty Hill Road, Rowley Regis](#)

2. Recommendations

That planning permission is granted subject to the following conditions relating to:

- i) Management plan;
- ii) Front boundary wall removed, parking laid out and retained;
- iii) Vehicle crossover;
- iv) The premises shall be used only as a residential home for four children and for no other purpose (including any other use falling within Class C2 of the Order) but may revert back to C3 (dwellinghouses) on cessation of the C2 use.

3. Reasons for the recommendation and conditions

The proposed change of use would be acceptable in this location and would not harm the living conditions of neighbouring occupiers, with regard to traffic movements, highway safety, noise and disturbance. The proposal would accord with policy SAD H4 of the Site Allocations and Delivery Development Plan Document which seeks to ensure that proposals for housing for people with specific needs are compatible with adjacent uses.

4. Key Considerations

4.1 The site is not allocated in the development plan.

4.2 Material planning considerations (MPCs) are matters that can and should be taken into account when making planning decisions. By law, planning decisions should be made in accordance with the development plan unless MPCs indicate otherwise. This means that if enough MPCs weigh in favour of a development, it should be approved even if it conflicts with a local planning policy.

4.3 The material planning considerations which are relevant to this application are:

- Government policy (NPPF)
- Highways considerations - traffic generation, access, highway safety, parking and servicing
- Environmental concerns – noise and general disturbance
- Antisocial behaviour

5. The Application Site

5.1 The application property is a three storey (inclusive of basement level), four bedroom detached dwelling situated on the west side of Gorsty Hill Road. The character of the surrounding area is residential.

5.2 Planning History

None relevant.

6. Application Details

6.1 The applicant proposes to change the use of the dwelling to a residential care home for up to four children aged between seven and 17. The applicant is a care provider who provides placements for children who are unable to live safely in their current environment. The submitted Statement of Purpose states that there would be two staff members and the registered manager at the property daily. The shift handovers would be at 10am every 48 hours. Four off-street parking spaces would be provided to the drive.

6.2 An amended site plan has been provided to show a workable parking plan.

7. Publicity

The application has been publicised by 35 neighbour notification letters and by site notice. Five objections have been received and are summarised below:

- i) Insufficient parking and highway safety issues;
- ii) Concerns regarding increased noise and disturbance;
- iii) Potential for anti-social behaviour; and
- iv) Lack of information.

The impact on property values has also been raised; however, this is not a material planning consideration.

8. Consultee Responses

8.1 Highways

No objection subject to a condition requiring the provision and retention of parking and a drop kerb.

8.2 Pollution Control (noise)

No objection subject to submission of a noise management plan by condition. Noise impact can be incorporated into a general management plan required by condition. The officer also recommends an additional condition restricting the hours of internal conversion works. As the property is detached and limited internal work is proposed, I do not consider this to be a reasonable condition in this instance.

8.3 West Midlands Police

No overall objection but has noted that no management plan has been submitted. This can be ensured by condition as above.

8.4 Canal and River Trust

No objection.

9. Relevant Planning Policy Considerations

9.1 National Planning Policy Framework (NPPF)

The NPPF sets out government's planning policies for England and how these are expected to be applied.

Highway safety

The framework promotes sustainable transport options for development proposal and states that developments should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. This is not the case with this proposal as discussed below.

9.2 **Development Plan Policy**

The following policies of the council's development plan are relevant:

Site Allocations and Delivery Development Plan Document – (SADDPD) SADH4 - Housing for People with Specific Needs

10. **Material Considerations**

10.1 **Highways considerations - traffic generation, access, highway safety, parking and servicing**

As four off-street parking spaces are proposed, I have no concerns regarding highway matters. I note that there is potential for increased demand during staff change-over times; however, this would be for limited periods during the day and this limited demand could be accommodated on-street at these times. With reference to previous experience of such proposals and appeals, it seems unlikely that visitors would be more frequent than could be expected at any other residential property. The intent of the end use is for the occupants to be cared for as part of a family home and the parking provision for this four-bedroom property meets the parking required by council design guidance.

10.2 **Environmental concerns – noise and general disturbance**

I note that despite the main road the area is a quiet, suburban environment; however, passing traffic noise and the manoeuvring of vehicles would not be uncommon owing to the housing density and inevitable variation in work patterns and social activities of neighbouring occupiers. Indeed, it would not be unusual for residents to hear the comings and goings of their neighbours throughout the day, including the evenings. Given the limited traffic anticipated, and the staff numbers, I find that the anticipated movements would not be disproportionately large or significantly greater than those associated with a larger family in a property of this size, carrying out their day-to-day activities. Furthermore, the detached nature of the property means that noise egress to adjacent properties would be limited.

10.3 A condition for a detailed management plan has been included in the recommendation. The management plan shall identify management of the property, including staffing, waste disposal, parking, noise control and procedures for complaints. To protect amenity, a further condition has been included to ensure the premises shall be used only as a residential home for four children and for no other purpose (including any other use falling within Class C2 of the Use Classes Order but may revert back to C3 (dwellinghouses) on cessation of the use).

10.4 **Antisocial behaviour**

The National Planning Policy Framework seeks to ensure that development is inclusive, and the fear of crime does not undermine the quality of life, community cohesion and resilience. Although the fear of crime and anti-social behaviour are material considerations, there must be some reasonable evidential basis for that fear. In this case, whilst I am mindful of the concerns raised by residents, there is no substantive evidence before me to demonstrate that the proposed use would give rise to antisocial behaviour or criminal activity. Furthermore, the premises would be subject to more stringent regulation than a typical family home.

10.5 **Other matters**

I have considered whether the proposed development would be an incompatible 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 within a residential area. I do not consider that the proposal would generate activities which 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.

- 10.6 I have also considered concerns raised over lack of information regarding the proposed residents. However, the principle for the application is clear – that it is a care home for children between seven and 17 who might be at risk in their own homes. Additional information regarding care needs is not material to the determination of the application.

11 **Conclusion**

- 11.1 All decisions on planning applications should be based on an objective balancing exercise. This is known as applying the 'planning balance'. To summarise: the proposal should be approved unless any adverse impacts of granting the permission would significantly and demonstrably outweigh the benefits when assessed against development plan policies or, where those policies are out of date, the NPPF as a whole. Where national policy takes precedence over the development plan, this has been highlighted in paragraph 9 (National Planning Policy Framework).
- 11.2 On balance the proposal accords with the provisions of relevant development plan policies and there are no significant material considerations which warrant refusal that could not be controlled by conditions.

12. Legal and Governance Implications

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.

13. Other Relevant Implications

None relevant.

14. Background Documents

None.

15. How does this deliver the objectives of the Strategic Themes?

All of our residents, including our children and young people, are active participants in influencing change – through being listened to, their opinions are heard and valued.

Relevance Check

Budget Reduction/Service Area:

Service Lead Tammy Stokes

Date: 15.12.2025

In what ways does this Budget reduction have an impact on an outward facing service? How will the service feel different to your customers or potential customers?

N/A

If not, how does it impact on staff e.g. redundancies, pay grades, working conditions? Why are you confident that these staff changes will not affect the service that you provide?

N/A

Is a Customer Impact Assessment needed? No