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## Appeal Decision

Site visit made on 10 July 2017

**by Alison Partington BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 28<sup>th</sup> July 2017**

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**Appeal Ref: APP/C4235/W/17/3173975**

**604 Didsbury Road, Heaton Mersey, Stockport SK4 3AG**

- 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 Paul O'Reilly (Klearwater Properties Ltd) against the decision of Stockport Metropolitan Borough Council.
  - The application Ref DC/061216, dated 29 February 2016, was refused by notice dated 19 October 2016.
  - The development proposed is the change of use of dwelling to children's care home and construction of 1.8m high gate/fence.
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### Decision

1. The appeal is allowed and planning permission is granted for the change of use of dwelling to children's care home and construction of 1.8m high gate/fence at 604 Didsbury Road, Heaton Mersey, Stockport SK4 3AG in accordance with the terms of the application, Ref DC/061216, dated 29 February 2016, 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: Site Location Plan; Block Plan Scale 1:200; and Figure 1 Existing Floor Plans and Elevations.
  - 3) The premises shall be used as a Children's Home for up to four children, up to the age of 17 years, and for no other purpose (including any other purpose within Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

### Main Issues

2. The main issues in the appeal are the effect of the proposal on:
  - The living conditions of nearby residents with particular regard to noise and disturbance, crime and the fear of crime, and the general character of the area; and
  - Housing supply in the borough.

## Reasons

3. The appeal property is a detached dwelling occupying a corner plot, with a detached garage and 2 parking spaces to the rear. It is located on a busy main road, and whilst the surrounding area is predominantly residential in nature, there are also a number of commercial uses in the vicinity. The proposed change of use would not result in any external changes to the building other than the erection of a short stretch of fencing and a gate between the side elevation of the house and the existing boundary wall/fence around the side and rear garden.

### *Living Conditions*

4. The proposed change of use would allow the use of the property as a care home for up to a maximum of 4 children (aged 6 to 17), with 2 carers present at any one time. Given the property is a 5 bed dwelling the levels of occupation would be similar to that of a large family home. Given that the majority of children would not be of an age where they can own a car, and the limited number of staff, the proposal would be unlikely to generate significantly more traffic movements than would be the case if the property was being used as a dwelling.
5. Similarly, noise generated within the house and garden from the occupiers would be unlikely to be significantly different from that created by its use as a family dwelling. Therefore I am not persuaded that the proposal would be likely to have an adverse impact on nearby residents with regard to noise and disturbance, especially given the level of general traffic noise that already exists in the area.
6. Whilst I note the concerns regarding the potential for crime and anti-social behaviour, the Police and Community Safety Unit have no objection to the proposal, and have stated that there are no anti-social behaviour hot-spots in the vicinity. The Council have referred to the fact that Police figures show significant 'missing from home' incidents from other children's care homes in the borough, and that certain "high risk" children, have a 'magnet' effect in attracting other children and young people to an area. However, I have not been provided with these figures, or any other evidence, to show that crime levels in the area around these other homes is significantly greater than elsewhere. Therefore, on the basis of the evidence before me, there is nothing to indicate that the proposal would have an adverse impact on the local area in terms of crime, or anti-social behaviour.
7. The explanation to Policy CDH1.3 of the *Stockport Unitary Development Plan Review (adopted May 2006)* (UDP) indicates that care homes are appropriately located in residential areas. However, in this case the Council have suggested that the proposal would lead to a proliferation of similar uses in the area. To this end they have provided a map which shows that of the 39 children's homes in the borough, 13 are located in the "Heatons" (the locality in which the appeal site is located). However, as the "Heatons" appeared to be one of three areas into which the borough is divided, this does not show a disproportionate number of such uses in this area. Moreover, the response from the Community Safety Unit specifically states that although there are a number of residential care homes in the "Heatons", they are not in close proximity to this proposed development.

8. In the light of this I am not persuaded that the proposal would result in a fundamental change in character to this residential area, especially as the lack of external changes to the building means that it would still look like a domestic property.
9. Consequently, I consider that the proposal would not have an unacceptable effect on the living conditions of nearby residents, with particular regard to noise and disturbance, crime and the fear of crime, and the general character of the area. Accordingly there would be no conflict with Policies SIE-1 and SIE-3 of *Stockport Core Strategy Development Plan Document (adopted March 2011)* (SCS) which seek to ensure that new development does not have an unacceptable impact on the amenity of nearby residents.

### *Housing Supply*

10. Policy CS2 of the SCS seeks to ensure that a wide choice of high quality homes are provided to meet the requirements of existing and future Stockport households. To support this aim Policy HP1.3 of the UDP states that in determining planning applications which would involve the loss of existing dwellings, the Council will have regard to the balance of the following factors: the restricted housing land supply in Stockport; whether the change of use or re-development is for some form of community use; whether the development is small scale and is a source of employment or service for the local residential community; the extent to which dwellings suffer from adverse environmental conditions; and whether the loss would be justified to facilitate regeneration or the environmental improvement of an area.
11. The *National Planning Policy Framework* sets out in paragraph 47 that to significantly boost the supply of housing, local planning authorities should be able to demonstrate a 5 year supply of deliverable housing sites. The Council have indicated that they currently cannot do this with the latest figures indicating they only have a 3.8 year supply. However, the explanation to the policy indicates that where the new use is also residential in nature this will limit the extent of the deficiency. In my mind the use of the property to provide a home for up to 4 children and their carers would be residential in nature. A conclusion supported by the fact that the change of use requires minimal internal and external alterations to the building.
12. Whether the proposed use constitutes a community facility is disputed by the main parties. Policy HP1.3 does not provide any definition of what constitutes a 'community facility' nor have I been made aware that it is defined elsewhere in either the UDP or the SCS. As such, what constitutes a community facility is a matter of judgement.
13. In my experience, irrespective of whether they are run by the private or public sector, Care Homes, particularly for the elderly, are often considered to be community facilities as they provide an important service for specific groups within the community. However, the Council's evidence is that the existing children's care homes within the borough have a capacity of between 180 and 200 beds, which is significantly greater than the need the Council had for care home placements for Stockport children. Given this, I am not persuaded that in this case, the proposal could be considered to be a community facility.

14. As the proposal would only provide care for 4 children, it would be a small scale facility, and it would create a limited number of employment opportunities too. Whilst these may not specifically be for Stockport residents, the same is true for most employment creating proposals, especially in a large conurbation, and I see no reason why at least some of the jobs would not benefit local residents.
15. Although located on a main road, the dwelling is within an established residential area, and it does not suffer from adverse environmental conditions. Nor is the loss of the dwelling required to facilitate regeneration or environmental improvement of the area.
16. Bringing these points together: whilst the proposal would result in the loss of a dwelling, and would not be for a community use, the use would still be residential in nature, would be small scale, and would create some employment opportunities. On balance, and given that the building could easily be returned to residential use if the proposal use should cease, I consider that the proposed development would not have an adverse impact on the housing supply. It therefore follows that it would not conflict with Policy CS2 of the SCS or Policy HP1.3 of the UDP.

#### *Other Matters*

17. At present there is free access between the front and rear garden via the side garden. It is proposed to secure the rear garden by the addition of a small section of fence between the existing high boundary wall/fence and the side elevation of the house. This would be a similar height to the existing boundary treatment, and therefore I am satisfied that it would not have a detrimental impact on the character and appearance of the area.
18. A number of concerns have been raised regarding highway safety issues. The property has a garage and off-street parking for 2 cars. Even though the use may attract visits from a variety of professional staff, its occupancy by a maximum of 6 children and carers, would not generate significantly more traffic or demand for parking than if the property was to be utilised as a family dwelling. As such the Highways Authority has no objection to the scheme. Given this, and my own observations on site, I am satisfied that the proposed scheme would not have an unacceptable impact on highway safety in the area.
19. It has been suggested that the internal and external space would not be sufficient for the number of proposed occupiers, and also that the location on main road, and near commercial uses would put the occupants at risk. However, as a 5 bed house, its use as a dwelling could easily result in a similar level of occupation, and the locational characteristics would be the same for any family who lived in the house. It has been stated that in the future extensions to the property may be sought and that the proposal may set a precedent for other similar uses in the area. However, the acceptability of either of these would have to be considered by the Council at the time, and so does not constitute a reason for refusing this current application.
20. It has been put to me that there are not enough school places in the locality. However, I have not been given any detailed evidence which quantifies the

extent of any local shortage, or the need for new facilities. In any case occupation of the house by a family would also generate demand for school places. In addition, there is no firm evidence to show that the proposal would lead to a loss of property prices, and whilst I note the concerns regarding the company making the application, that is not a matter that is before me at this appeal.

21. Whilst I note the concerns regarding the notification of local residents of the planning application, this is a matter that would need to be taken up with the Council in the first instance.

### **Conclusion and Conditions**

22. For the reasons set out above, I conclude that the appeal should be allowed.

23. In addition to the standard implementation condition I have imposed a condition specifying the relevant plans as this provides certainty. In the interests of clarity and to protect the living conditions of nearby residents a condition specifying the specific nature of the use is necessary.

*Alison Partington*

INSPECTOR