



Appeal Decision

Site visit made on 24 January 2024

by **Rachel Hall BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28th February 2024

Appeal Ref: APP/C3430/W/23/3328097

Lanes Farm, Ebstree Road, Seisdon, Staffordshire WV5 7EY

- 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 Shepherd Zhou of Ubuntu Group against the decision of South Staffordshire District Council.
 - The application Ref 23/00325/COU, dated 13 April 2023, was refused by notice dated 25 May 2023.
 - The development proposed is described as 'change of use from C2 dwelling to C2 children's home'.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from C3 dwelling to C2 children's home at Lanes Farm, Ebstree Road, Staffordshire WV5 7EY in accordance with the terms of the application, Ref 23/00325/COU, dated 13 April 2023, subject to the following conditions:
 - 1) The development hereby permitted shall not be occupied by more than three children (aged 7 to 16) and three staff at any one time, in addition to the home manager.
 - 2) The development hereby permitted shall not be occupied until parking has been made available on site in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. The parking shall be retained as such thereafter.

Preliminary Matters

2. A revised National Planning Policy Framework (Framework) was published on 19 December 2023. Insofar as it is relevant to the matters at hand in determining this appeal, the Framework is consistent with the previous iteration. References to the Framework in this decision are to the new paragraph numbers.
3. The description of development in the heading above was taken from the application form. However, in the Decision above it is taken from the appeal form, which is also consistent with the Council's decision notice, and correctly refers to the existing use as a C3 dwelling.
4. The appeal site is located within the Green Belt. The main parties agree that the proposal would not be inappropriate development in the Green Belt. I concur with that position and therefore do not consider it further in this decision.

Main Issue

5. The main issue is whether the location of the proposed development is acceptable, having regard to its accessibility to goods and services and sustainable transport modes.

Reasons

6. The proposed development would accommodate three children who would each be looked after by a member of staff on a one-to-one basis. Staff would rotate every 48 hours. As such the appellant submits that there would be an increase in staff and vehicles on site at changeover time, for a period of approximately half an hour. A home manager would also be present on site during normal weekday working hours.
7. The appeal site is in a rural location where there is a lack of facilities necessary to meet day to day needs that are accessible on foot. Also, the nearest bus stop is said to be 25-30 minutes away with an unfavourable walking route. Furthermore, uncertainty is expressed over the longevity of the only local shop. Consequently, staff would likely need to access the site by car. In addition, it would be necessary for staff to use cars for travel with children to day-to-day facilities, including schools, shops, medical care and activities.
8. Nevertheless, the proposed change of use would remain as a form of residential use and is intended to operate akin to a family unit. Although there would be a peak in vehicle movements at the change over time, this would be for a short period, every other day. Furthermore, the proposed number of occupants would be similar to that which could occupy the property as a dwelling.
9. Moreover, in the event of the appeal being unsuccessful it is likely that the house would be occupied by a single household. Given the number of bedrooms it could reasonably accommodate a large family. Such occupants would be likely to generate private vehicle trips to schools, employment, shops and medical care. As such, it would result in a number of cars coming and going from the appeal site to meet their day-to-day needs. Thus, even taking into account the potential for deliveries and other visits to the appeal scheme from time to time, I find that the number of trips associated with the proposal would be broadly comparable to that of a private household here.
10. Core Policy 1 of the South Staffordshire Core Strategy Development Plan Document (December 2012) (Core Strategy) sets out the settlement hierarchy. This seeks to focus growth on the most sustainable settlements and retain the current settlement pattern. The appeal site is located outside the settlement boundary of Seisdon and therefore in open countryside. Core Policy 1 seeks to protect the Green Belt from inappropriate development and supports sustainable development that accords with the spatial strategy. The proposal would not be inappropriate development. Also, by making use of an existing building would retain the existing settlement pattern which is described as an integral part of the development strategy.
11. Therefore, whilst there is some tension in the policy aspiration for proposals to be sustainably located, I find the proposal would accord with Core Policy 1 as a whole. I nevertheless find some conflict with Policy H5 of the Core Strategy. Whilst supporting the provision of residential care homes, this requires that

they are provided in sustainable locations with suitable access to public transport, facilities and services. Furthermore, the location of the development could not be said to be accessible in respect of paragraph 135.f) of the National Planning Policy Framework.

12. Consequently, the appeal site would not ordinarily be a suitable location for the proposed development, having regard to its accessibility to goods and services and sustainable transport modes. However, in the circumstances of this case the degree of harm would be highly limited due to the residential nature of the existing and proposed uses and the lack of conflict with the settlement pattern. I return to this in the planning balance.

Other Matters

13. I have had regard to the statutory duty to pay special attention to the desirability of preserving the setting of the appeal buildings which are grade II listed. Lanes Farmhouse is a detached former farmhouse dating from 1746 with later additions. The former cartshed and stable immediately west of Lanes Farmhouse is oriented at 90 degrees to the farmhouse. It has arched cart entrances and is included for group value. Insofar as it is relevant to this appeal, the significance of the appeal buildings is primarily derived from their architectural interest, the physical relationship of the two buildings and their historic association with the farmland.
14. The proposal amounts to a change of use, without alteration to the fabric of either building. Furthermore, the proposal would ensure that the farmhouse, the former cartshed and the driveway remain associated with a form of residential use. Therefore, the proposal would preserve the setting and significance of the listed buildings. As such, it would comply with Policy EQ3 of the Core Strategy. This generally seeks to protect the historic environment.
15. I note that an application for a certificate of lawfulness for the change of use of the appeal building to a children's home was refused. I have had regard to the refusal reason including that the proposal would result in greater disturbance than a family home due to the number of vehicles likely on site during shift change over times. It was also considered that the intended use would alter the building's appearance which would be seen as a business premises rather than a family home.
16. However, that decision was on the lawfulness of the proposed use, whereas this appeal must be determined on the planning merits of this case. I note that disturbance to neighbours and impacts on the character and appearance of the site and surroundings did not form reasons for refusal for the appeal scheme. As the appeal building is a detached house with its own drive, the peak in vehicle movements at changeover time would not cause disturbance to nearby occupants to an extent that would be harmful to their living conditions. Also, whether or not it would appear as a business premises, it would not harm the character of its surroundings. No substantive evidence indicates otherwise.
17. I note the range of concerns expressed by the local community about a potential increase in antisocial behaviour and crime carried out by future occupants of the appeal scheme. Seisdon is said to be a quiet area with very low crime and is home mainly to people of middle age and older. Fear of crime can be a material consideration in planning decisions. Also, concerns were raised over the uncertainty of whether the children may have special needs or

severe behavioural issues. Nevertheless, future occupants of the proposal would be looked after on a one-to-one basis. In addition it is said that a home manager would be on site during weekday working hours and contactable 24 hours a day. Therefore, no substantive evidence is before me to indicate that the behaviour of future occupants would be problematic to local residents such that it would justify withholding planning permission.

18. The extent to which future occupants integrate with the local community would vary considerably depending on a range of factors including their individual circumstances and the response of the community. Given the ratio of staff to children, I see no reason to conclude that those children would be deprived of sufficient outside space, activities and facilities to provide for all their physical and emotional needs.
19. I note concerns from third parties in respect of the location of the site access on a blind bend where there are said to have been near misses and which is considered dangerous. However, the proposal makes use of the existing residential site access which could in any event be used by multiple cars. It is located close to a rural village where it would not be unusual for vehicles to need to slow down to allow cars to access driveways, including Ebstree Meadow opposite.
20. Given the ample space for parking within the site the need for vehicles to wait to enter the site would be kept to a minimum. Furthermore, a condition relating to parking provision would ensure sufficient space is retained for parking within the site for the lifetime of the development. Such a condition is necessary to reduce the risk of on-street parking that could otherwise cause disturbance to neighbours or be harmful to highway safety. Moreover, with only three staff arriving at change over times, any waiting in vehicles on the road outside while the gate is opened to allow access would be very limited.
21. Although the local primary school may be oversubscribed, the appeal site relates to an existing residential use where, if occupied by a family, it would necessitate travel further afield for schools in any event. A condition restricting the number of future occupants is necessary in the interests of providing satisfactory living conditions for future occupants of the proposal and ensuring the site can fully accommodate its parking needs. Moreover, any future desire to increase the number of children accommodated here would necessitate a further application to the local planning authority.

Planning Balance

22. Evidence of a specific local need for the proposal has not been demonstrated. However, the appellant submits that there is considerable need for such accommodation in Staffordshire County. Also, that the County Council are having to consider homes outside of the county to accommodate children's housing needs. No robust evidence is before me to indicate otherwise.
23. Moreover, no robust evidence is before me to indicate the availability of alternative housing that could be occupied as a care home in a more sustainable location to meet that need. In any event, each proposal must be considered on its own merits. I have also had regard to the benefit of providing children's accommodation in a peaceful rural location, for which some evidence of need has been demonstrated.

24. Notwithstanding the constraints to the site's access by sustainable transport modes, the Framework also requires that I take into account the variation in accessibility to sustainable transport between urban and rural areas. Therefore, in the particular circumstances of this case, the benefits of the proposal would be sufficient to outweigh the degree of conflict with Core Strategy Policy H5 and paragraph 130.f) of the Framework.

Conclusion

25. For the above reasons, and having taken account of all other matters raised I conclude that the appeal should be allowed, subject to the conditions specified.

Rachel Hall

INSPECTOR