



Appeal Decision

Site visit made on 2 May 2019

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 July 2019

Appeal Ref: APP/A2280/W/19/3222409

20 Pattens Lane, Rochester ME1 2QT

- 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 Acorn Homes against the decision of Medway Council.
 - The application Ref MC/18/3007, dated 16 October 2018, was refused by notice dated 23 January 2019.
 - The development proposed is for the change of use from a house in multiple occupation (Class C4) to a residential children's home (Class C2).
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Decision

1. The appeal is allowed and planning permission is granted for a limited period of 2 years for the change of use from a house in multiple occupation (Class C4) to a residential children's home (Class C2) at 20 Pattens Lane, Rochester ME1 2QT in accordance with the terms of the application, Ref: MC/18/3007, dated 16 October 2018, subject to the following conditions:

1) The use hereby permitted shall be for a limited period being the period 2 years from the date of this decision. The use hereby permitted shall be discontinued and the land restored to its former condition at the end of 2 years from the date of this decision in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.

2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: location plan, proposed ground floor plan, proposed first floor plan, planning statement Rev 1.1 dated October 2018 including 'Management Plan' and 'Design for crime prevention' appendices, staff support mandatory training schedule.

3) The number of children cared for and resident on the premises shall not exceed 5 at any one time.

Main Issues

2. The main issues are:

- the effect of the proposal on the living conditions of neighbouring occupiers; and
- whether the proposed internal layout would allow for a satisfactory standard of accommodation for the future occupiers.

Reasons

Living conditions – neighbouring occupiers

3. The appeal site is a 2-storey, semi-detached property with frontage parking area for several vehicles and a rear garden. It is located on the southwest side of Pattens Lane, an urban arterial route. The immediate streetscene consists of residential houses, a primary school and a care home for the elderly.
4. The proposed change of use would allow the use of the property as a care home for up to a maximum of 5 children (aged 8 to 16), with 2 carers on site at any one time when the children are present. As the property is currently a 7 bed dwelling, the levels of occupation would be similar to that of a large family home. Given that the 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 single dwelling, possibly with five or six children. In such circumstances the use of the house and garden, and the potential for any noise and disturbance arising from them, would be likely to be the same as with the proposal for a residential home for up to six children; potentially more if the parents of the family also frequently used the house and garden for leisure and entertaining. Therefore I do not consider that the proposal would be likely to have an adverse impact on nearby residents with regard to noise and disturbance.
6. Concerns are raised about the likely behaviour of a children's home's residents. However, subject to appropriate management practices, I have seen nothing which convinces me that they are likely to be noisier or more badly behaved than any other children. I recognise that the facility would be for unruly children or ones with behavioural difficulties although such children can and do live in traditional family dwellings.
7. I therefore conclude that the proposal would not result in harm to the living conditions of the occupants of neighbouring houses, with particular regard to noise and disturbance. It would accord with Policies BNE2, H2 and H8 of the Medway Local Plan 2003, which seek to secure the amenities of the future occupants of development and to protect the amenities enjoyed by nearby and adjacent properties. The proposal is also consistent with the advice in the National Planning Policy Framework (the Framework) which seeks to ensure safe and healthy living conditions.

Living conditions – future occupiers

8. Objections are voiced in terms of the living conditions of future occupants and the layout of the rooms. In this regard, it appears that one core aim is to create a home as close to a conventional family unit as possible and provide a stable family life for the children. To this end, I note that the children and carers would live together, be able to take meals together, and share all facilities and matters of housekeeping and socialising. In more general terms, the management of the home would also be required to operate within the minimum national standards for children's homes and would be subject to Ofsted regulation and inspections. I consider that these practices and

safeguards would provide for adequate living conditions and that there would be sufficient opportunity for private one-to-one tuition or counselling either in the individual bedrooms or in the office or second lounge on the ground floor.

9. I therefore conclude that the proposal would not result in harm to the living conditions of future occupiers in respect of the layout of the internal rooms. It would accord with Policies BNE2, H2 and H8 of the Medway Local Plan 2003, which seek to secure the amenities of the future occupants of development and to protect the amenities enjoyed by nearby and adjacent properties. The proposal is also consistent with the advice in the National Planning Policy Framework (the Framework) which seeks to ensure safe and healthy living conditions.

Other Matters

10. Paragraph 91 of the Framework indicates that planning decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.
11. The courts have held that the fear of crime is only a material consideration where the use, by its very nature, would provide a reasonable basis for concern. It is not a foregone conclusion that the use of land as a children's care home in the manner proposed would inevitably result in an increase in crime, and the fear must therefore be supported by evidence. In this regard the scheme is subject to a representation from Kent Police, who are concerned that the proposed children's home is a semi-detached property and that the previous similar use of the building resulted in a high number of police interactions for a number of reasons. This concern is shared by the Council and local residents.
12. Nevertheless the comments of Kent Police are brief and appear to be based on officers having attended the property in relation to a previous use. Any parallel is therefore not comparable to the appeal proposal before me. Taking into account the appellant's management practices and staff training programme I consider that any concerns should be tempered and that activity on the site can be regulated subject to conditions. I therefore find that objections regarding the potential for an increased number of incidents at the site as a result of the proposed use are unfounded.
13. Local residents have expressed some other concerns over the impact of the proposal, including the proximity of the site to a school and increased pressure on local services. However, whilst I can understand the apprehension of local residents, their concerns are not supported by any substantive information that would justify the dismissal of the appeal on these grounds.

Conditions

14. The appellant did not seek a temporary permission and there is some dispute between the parties as to what would constitute an appropriate period of time. This is an option to me and I consider that, based on the current evidence, a permission with a time limitation condition would allow the Council to monitor the use should any adverse effects arise.

15. In addition to the limited period condition, the approved plans are listed for certainty. Also listed are the management plan, crime prevention and training schedule to ensure best practice on site. Finally to protect the living conditions of neighbouring occupiers a condition restricting the number of children cared for and resident on the premises is reasonable and necessary.

Conclusion

16. For the reasons given above I conclude that the appeal should be allowed.

C Hall

INSPECTOR