

Planning application no.	23/00298/CPL	
Site	11A Keepers Lane, Wolverhampton, WV6 8UA	
Proposal	Change the use of the home from C3(b) to C2, a residential dwelling into a small Children's Home, catering for no more than two young people with social, emotional, and behavioural needs	
Ward	Tettenhall Regis	
Applicant	Children Services, City of Wolverhampton Council	
Cabinet member with lead responsibility	Deputy Leader: Inclusive City Economy	
Accountable Director	Richard Lawrence, Director of Regeneration	
Originating service	Planning	
Accountable employee	Tracey Homfray	Planning Officer
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1.0 Summary recommendation

1.1 Grant.

2.0 Application site

2.1 The proposed site is a residential dwelling, located in a street scene of varying residential properties, in an area which is predominantly residential. The property is a three bedroomed detached property, with extensive private gardens to the rear, and a deep paved parking area to the front of the property. The property has vehicular access off Keepers Lane, and pedestrian access on the opposite side of the road.

3.0 Application details

3.1 The Certificate for Proposed Use seeks to demonstrate that there is no material change between the existing usage as a residential dwelling (C3b) to a residential dwelling for the care of two children (C2) by Children Services (City of Wolverhampton Council).

- 3.2 There are no external changes proposed to the property. Internally, the ground floor sitting room would be used as an office, and upstairs the rooms will remain as bedrooms, one for each child and one for the staff.
- 3.3 The home will provide care for no more than two young people from Wolverhampton, aged 11 to 18 who will have social, emotional, and behavioural needs.
- 3.4 There would be two members of staff working, one for each child. The shift will commence at 9:30am with staff staying overnight with the children in the home until 9:30am the following morning. A shift would cover 24 hours, with only one shift change at 9.30am every morning, taking approximately 20 – 30 minutes. The care would involve school runs, trips out, taking care of the daily chores of the property and garden etc.
- 3.5 The Registered Manager would visit the home to ensure that there is good oversight of the operating of the home and in accordance with Office for Standards in Education Children's Services and Skills (Ofsted) Regulations, Quality Standard 13.
- 3.6 Visitors to the property during the week include Social Workers, which are pre-arranged appointments running every six weeks, and will not take place together. Family members would also have planned visitation; however, this would be arranged off site, away from the care home.

4.0 Planning History

- 4.1 10/00652/FUL – Two storey side extension and conversion of conservatory and garage – Granted 10/09/2010.

5.0 Relevant policy documents

- National Planning Policy (NPPF)
- Black Country Core Strategy (BCCS)
- Wolverhampton Unitary Development Plan (UDP)

6.0 Publicity

- 6.1 Seventeen letters of objection have been received, including from Councillor Khan, Councillor Udey Singh and former Councillor Yardley. Objections, and a petition with twenty-one signatures, are summarised as follows:
- Not permitted development as it is not consistent with a residential dwelling where all occupants are related.
 - Area is not suitable for the care of children, which places a risk on the children's health and development. No relevant amenities, lack of access to amenities, which poses a risk to the child's behaviour and emotional turmoil, as they would be secluded.
 - Not accessible for children with disabilities.
 - Garden too large to maintain for the proposed usage.

- Commercial Use not compatible with the character of the surrounding area which is predominantly residential.
- Highway and Pedestrian Safety, access is dangerous, as the road is very busy, and no footpath to one side of the road. Usage would add to the congestion due to staff members and visitors, and there is insufficient parking to the front of the property to support the usage, resulting in cars parking on the surrounding highway.
- Sets a precedent for other commercial uses being introduced into the area, to the detriment of owner/occupation, resulting in a less desirable area. Affecting mortgages and a gradual move towards other commercial activities.
- Out of Character with an increased activity due to the number of staff, family visitors, and professional visitors.
- External Signage not consistent with residential.
- Would lead to a further expansion, restrictions would be required to prevent this.
- Potential for anti-social behaviour from both occupants and families, and the increase in fear/crime. Fear of safety of those neighbouring properties, who would be exposed to this, which is a vulnerable area.
- Noise and disturbance associated with the usages due to increased activity associated with the use.
- Reduces the values of surrounding properties.
- Residents not informed.
- Waste of taxpayers money due to the price of the property. Similar properties in other areas cheaper.
- Insufficient detail on future occupants, who could have drug abuse, or mental illnesses.
- Police should have been advised.
- More suitable locations near to services and amenities to support the usage.

7.0 Consultees

7.1 None required.

8.0 Legal implications

8.1 There are no legal implications arising from this report. (SE/11052023/C)

9.0 Appraisal

- 9.1 The application seeks to demonstrate that the proposed care operation (C2) would be more akin to a family home and not an institution, therefore not being materially different to the current (C3) residential usage.
- 9.2 An assessment of a certificate of proposed use, is linked to the significance of a change and the resulting impact on the use of land and buildings. Case Law holds that a C2 use (residential institution) would not necessarily be materially different from C3 (residential). The question is whether there is some significant difference in the character of activities undertaken from what has gone on previously as a matter of fact and degree, and this is determined on the merits of a case.
- 9.3 The onus is firmly on the applicant to demonstrate on the balance of probabilities that the proposed development would be lawful. For the avoidance of doubt, the planning merits of the matters applied for do not fall to be considered. For example, Planning Policy is not under consideration, for an example whether the usage would be out of character (BCCS ENV3 or UDP Policy D4) but whether the use is a lawfully different.
- 9.4 The existing use is a house which has been used as a family home for a number of years; with the current owners having raised their own two children in the home before they became adults. Currently, the house is occupied by a couple who reside at the property together.
- 9.5 According to the building plans, the detached property has three bedrooms (one with ensuite) and a bathroom on the first floor. On the ground floor, lounge, sitting room, a kitchen/diner, dining room, garden room, and storeroom. Internally/Externally the house would remain physically unchanged to accommodate two children with care, with just the usage of the sitting room being changed to an office. Parking would remain to the frontage as existing, and the extensive garden areas to the rear would also remain as private amenity area.
- 9.6 The children to reside at the property are described as being usually unable to live with their natural parents or other guardians due to social, emotional, and behavioural needs. It is proposed that the care provider acts as corporate parents for the residents, and in the way that conventional parents would, the staff who support and look after the residents of the home, provide them with guidance and devoted attention, nurturing them and helping them develop their skills in developing successful relationships and social interactions.
- 9.7 The care to be provided would be for two children only, who would receive 24hr care, with only one change over of staff in the morning, at an appropriate social time outside the morning rush. The carer would reside and sleep at the property for the 24hr period, resulting in more contact with the child in care. The unique staffing requirements of the home would not impact on the wider area or have a material effect on the character of the use.

- 9.8 The applicant also states that the care home operates in a similar manner to a domestic home with the children interacting with the care staff through a variety of activities. The children each have their own bedroom and are encouraged, wherever possible, to live independently and to undertake daily household tasks. They wash and dress themselves and have a role in the day-to-day life within the household, including cooking and other chores. Carers and children eat together and, outside of their bedrooms, they share the other facilities within the property, including the lounge and other sitting rooms, bathroom facilities, and the rear garden. The children would attend school or college, and be introduced to activities with transport provided by a member of the care staff allocated to them.
- 9.9 The use would include external agencies visiting the property (i.e. social workers, health professionals), but this would also be kept to a minimum, with appointments taking place every six weeks, and not on the same day for each child, keeping the numbers of visits low. Family visitors would also be arranged off site at a convenient location and would not take place at the care home. Therefore, there will be no more comings and goings than a normal family in a house of the same size.
- 9.10 Therefore, the activity associated with the use, would not be that dissimilar to a normal family residence. The noise and traffic associated with these movements, would not be excessive, or to the extent to cause disturbance to neighbouring amenities, or to impede on the free flow of traffic or pedestrian safety.
- 9.11 While, it is acknowledged, that there may be emotional or behavioural problems on the part of a resident child, which may call for additional planned, ad-hoc or emergency visits, due to the low number of children to be cared for at the property, this again would not be considered substantial enough to cause a significant change in usage.
- 9.12 Neighbour objections received are mainly based around the inclusion of a care facility in an area which is considered unsuitable for children, as it is isolated, with poor vehicular and pedestrian access. There is also a fear of, or the potential for, anti-social behaviour from both the occupants or their families, and concern to the impact on neighbouring amenities due to the increased activity associated with the usage, and the lack of parking provisions, which could impact on the surrounding highway network. As noted above, the planning merits of the proposal are not for consideration as part of the lawful development certificate procedure.
- 9.13 In this case, significantly, the low frequency of shift changes and other visits, the manner of day-to-day operation, does not in the Local Planning Authority's (LPAs) consideration alter the character balance of the use and the way its occupants interact with one and another, and therefore it has been demonstrated it would be more akin to a single household.

10.0 Conclusion

10.1 On the balance of probabilities, the evidence submitted with this application demonstrates that the proposed use of the property with care for two children or young persons would not result in a material change in the use of the property. It would not be development and no planning permission is therefore required for this use. The decision is based on the information provided, and should this change at anytime in the future, then permission for a change of use may need to be sought.

11.0 Detail recommendation

11.1 Grant

