

Planning Committee

10th January 2024

Information Report

Appeal Decision Received

22/01493/COU Mr Kamara 34a Dukeries Crescent, Worksop

DECISION: Appeal ALLOWED by the Inspector.

An application to change of use of a (C3a) dwelling to a children's home (Use Class C2) for a maximum of four children, with two carers sleeping overnight, working on a rota basis was refused contrary to Officer recommendation on 29th March 2023 for the following reason;

It is the opinion of the Local Planning Authority that the proposal is inconsistent with Policy DM5 of the Bassetlaw Core Strategy 2011 which states that proposals for new housing development will be expected to deliver housing of a size, type and tenure appropriate to the site and locality, having regard to the local demographic context. It is the opinion of the Local Planning Authority that the application site is not located within an appropriate area to accommodate new housing for vulnerable children due to the fact that the area is within the 79th percentile for all crime and anti-social behaviour in the UK. The proposal if permitted would put vulnerable children at further risk through exposure to crime and disorder. The proposal is therefore inconsistent with the aims and objectives of Policy DM5 of the Bassetlaw Core Strategy 2011.

The inspector considered that the main issue was:

i) The main issue is whether the proposal would be suitably located to accommodate vulnerable children with particular regard to levels of crime and anti-social behaviour in the locality.

The Inspector concluded the following:

In considering the planning balance, it is clear that there is a defined need for care homes that resemble typical family homes in the County. Furthermore, the OFSTED regime provides the appropriate regulation to consider the suitability of the use of the appeal property as a care home and the welfare of each individual child who may occupy it. The exposure to crime in the locality would be the same for any children who may occupy the appeal property, or other dwellings in the locality, as a family home. In addition, my attention has not been drawn to any specific policies to suggest that the appeal property is sited in a location that is defined in the development plan as being unsuitable for use as a care home.

I recognise that the Council may have a perception that children who may occupy the appeal property would be exposed to crime and anti-social behaviour of an extent that

would be demonstrably unsupportive of the use of the appeal property as a care home. However, such perception needs to be soundly based on evidence and relevant to the provisions of the development plan if I am to attach any significant weight in the planning balance.

In this case, I do not consider that there is any material evidence to suggest that the proposal would demonstrably conflict with the provisions of the development plan, when taken as a whole. In my view, the appeal property is of a suitable size and type to be used as a care home. It would resemble a typical family home to enable the children who may occupy it to lead subsequent independent lives, particularly as another more appropriate regulatory regime would specifically consider in detail the Council's concerns. As such, the planning balance weighs in favour of allowing this appeal.

Taking the above matters into account, I find that there is no compelling evidence before me to suggest that the appeal property would be an unsuitable location for use as a children's home in land use planning terms.

A copy of the Inspector's decision letter follow this report.

OFFICER RECOMMENDATION: Grant planning permission
FINALISED DECISION LEVEL: Planning Committee