



Appeal Decision

Site visit made on 23 March 2021

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 April 2021

Appeal Ref: APP/H4315/W/20/3265183

48 Knowsley Road, St Helens WA10 4PU

- 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 Christopher Chester against the decision of St. Helens Metropolitan Borough Council.
 - The application Ref P/2020/0695/FUL, dated 28 August 2020, was refused by notice dated 20 November 2020.
 - The development proposed is described as follows: We would like to apply for change of use from 'C3 Dwellinghouses' to 'C2 Residential Institutions' to enable us to open a residential care home for children. The house is currently vacant and improvement works are due to begin to bring the property up to a higher standard i.e. painting, decorating, furnishing and minor repair works in line with OFSTED regulations. There is street parking adjacent to the property. There is no structural or building work required to complete this change of use.
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Decision

1. The appeal is allowed, and planning permission is granted for change of use from class C3, dwellinghouse, to class C2, residential children's care home, at 48 Knowsley Road, St Helens WA10 4PU, subject to the attached Schedule of Conditions.

Procedural Matter

2. The description of proposed development given on the planning application form includes references to several aspects that do not describe development, ie the house being vacant, the proposed internal works and the fact that no structural or building works are required. I have therefore changed the description in my decision to: change of use from class C3, dwellinghouse, to class C2, residential children's care home.

Main Issue

3. The main issue is whether the proposal would have an unacceptable impact on highway safety.

Reasons

4. The appeal property is currently a 5-bedroom semi-detached dwellinghouse. The proposal would change the use to a residential care home for children. The number of bedrooms would remain the same. There would be 2 staff on site at any one time to care for the children, arranged on a shift basis, and relevant

associated professionals would visit the children at the property. Children would attend school/college during the day.

5. I acknowledge that there would not be any on-site car parking provided, and there is no space within the site to provide such a facility. I also acknowledge that there are traffic regulation orders in place preventing parking immediately in front of the property. Additionally, I appreciate the likely existing high demand for on-street parking within the area.
6. However, I am not persuaded by the suggestion that the intensity of use of the property would be increased to an extent that would have a detrimental impact on highway safety, compared with the existing lawful use of the site. The Council accept that in many respects the property would function along the lines of a typical family home, and I agree with this assessment. Thus, a typical 5-bedroom family home could include parents with cars. One or more of the children may eventually own a car whilst residing at home. Some visits to the home by family and friends would be undertaken in cars. Children may be driven to/from school/college. People in the property may be picked up from/dropped off at the site in taxis on occasions. Consequently, in my opinion, the requirement and demand for on-street parking in the area associated with the proposed use would be little different to the requirement and demand for on-street parking associated with the current use.
7. I accept that the proposal would not accord with Policy CP2 of the St Helens Local Plan Core Strategy-2012, which requires new development, among other things, to provide adequate on-site parking and safe and adequate vehicular access to/from the site.
8. Nonetheless, planning legislation requires me to determine the appeal in accordance with the development plan, unless material considerations indicate otherwise.¹ The National Planning Policy Framework (the Framework) is a significant material consideration, and paragraph 109 advises that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual impacts on the road network would be severe. For the reasons outlined, I do not consider that the proposal would have an unacceptable impact on highway safety or have a severe impact on the surrounding highway network. It is for these reasons that I am allowing the appeal, contrary to the development plan.

Other Matters

9. I note that the Council Officer's Report refers to the Council having received 5 letters of objection to the planning application. Apart from highway safety concerns, which has been addressed above, the main concern referred to relates to the proposed use not being in keeping with the character of the area. I appreciate that there would be some differences between the proposed use and its current use; however, as noted above, the property would function very much like a typical family home. As such, and given its small-scale nature, I consider that the proposal would not harm the character of the area.
10. I note from one of the representations submitted to the Council that the issue of property value was raised. However, in general the courts have concluded that planning is concerned with land use in the public interest, rather than the

¹ Planning and Compulsory Purchase Act 2004, s38(6).

protection of purely private interests. I have reached my decision based on this principle.

Conditions

11. I have borne in mind the conditions suggested by the Council alongside the advice in the Framework and the Planning Practice Guidance regarding conditions. I have attached a condition relating to timescale for implementation to ensure the development is carried out in a timely manner. A condition specifying the approved plans is attached for the avoidance of doubt. I have attached a condition related to overall occupancy at any one time to ensure the extent of use is in keeping with the area and the extent of on-street parking demand is kept to the level comparable with the property's use as a dwelling. I have not attached a condition requiring a parking survey to be undertaken as I am satisfied with the decision I have reached regarding parking.

Conclusion

12. For the reasons outlined above, I conclude that the appeal is allowed.

J Williamson

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan and existing and proposed floor plans.
- 3) The combined number of resident children plus on-site staff on shift shall not exceed 7 in total at any time.

<<<<End of Schedule>>>>