

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Narinder Singh	Change of use from C3 use (Dwellinghouse) to C2 use (Residential Children Home) for up to 3 children with access alterations.  High Bank Nurseries, Quantry Lane Belbroughton Worcestershire DY9 9UU	04.08.2025	25/00562/FUL

**Councillor May has requested that this application be considered by Planning Committee rather than being determined under delegated powers.**

**RECOMMENDATION:** That planning permission be **GRANTED**

### **Consultations**

#### **Worcestershire Highways - Bromsgrove**

No objections subject to conditions relating to:

- Conformity with plans
- Cycle parking
- Access gates
- Surfacing
- Employment travel plan
- In accordance WCC car parking standards this proposed development is recommended to provide 1 car parking space per member of staff (4 staff members) and 1 car parking space per 4 residents as a worst-case scenario (3 children). The existing property is a 4 bedroomed family dwelling with front courtyard parking. The proposal has provided 6 car parking spaces which are in accordance with WCC car parking standards, therefore the car parking is deemed to be acceptable in this instance.
- Vehicular visibility is acceptable from the existing vehicular access; applicant is widening the existing vehicular access to 5m which is deemed to be acceptable. The width of the footway is in excess of 2.5m therefore good visibility is achieved in both directions and visibility splays are not required.
- The number of vehicle trips associated with the proposed use is, therefore, very likely to be fewer than generated by a C3 use. The main traffic movements would be for the school runs and during shift changeovers.
- Based on the analysis of the information submitted the Highway Authority concludes that there would not be a severe impact and therefore there are no justifiable grounds on which an objection could be maintained.

#### **WRS - Noise**

- No objection

### **Belbroughton and Fairfield Parish Council**

- The Parish Council objected to the previous application for a Certificate of Lawful Development (App. Ref. 24/00745/FUL) that was refused in February 2025.
- This application is fundamentally the same as the one above and therefore the Parish has the same concerns as follows:
- The location of this proposal is not suitable for a children's home as it is located on a busy main road with an accident history.
- There are no amenities for children in the vicinity of the property or access to public transport.
- Concerns regarding the access to the property along with limited space to cater for parking and turning of vehicles.

### **Publicity**

71 letters sent 12.06.2025 (expired 06.07.2025).

36 letters of objection have been received, raising the following matters (in summary):

- Intensity of the use
- Overlooking
- Concerns over the running and operations of the children's home
- No benefit to the local community
- Noise, disturbance, increase in crime, drug use, and anti-social behaviour
- Insufficient car parking, highway safety and a busy local area, lack of public transport options
- Potential future expansion
- Noise impacts
- Loss of privacy
- Future use of the properties
- Wrong location for development type
- Lack of outdoor space for children

A number of other issues have been raised which are not material planning considerations and therefore have not been reported in this section to Members.

### **Councillor May**

- I really feel for any young person having to enter the care system at any stage of their young lives, and I recognise that there is a need for residential care homes. However, I believe that they should be sited where children can walk to local amenities so that they can gain confidence, independence and form friendship groups. Key components to having a healthy, fulfilling life with the best outcomes for the young people concerned.
- I do not believe that this site fits this criterion as it is a rural location that relies heavily on the motor car to get to the local villages and towns. Traffic is generally passing through to get to other destinations.
- The road is a busy road in terms of the volumes of traffic that uses it at peak times of the day; to that end I am battling to get the Police to carry out speed enforcement on this stretch of road.
- There is little or no outside space for the children to play outside at the property, and no play areas in close proximity.

- There is also a very restricted bus service in this area and no shop in close vicinity.
- Home to school transport costs will be required to transport the children to school as there would be no opportunity for the young people to walk to school.
- It is for the reasons that I have stated that I have real concerns regarding the sustainability of this site as a residential children's care home.

## **Relevant Policies**

### **Bromsgrove District Plan**

BDP1 - Sustainable Development Principles

BDP2 - Settlement Hierarchy

BDP12 - Sustainable Communities

BDP16 - Sustainable Transport

BDP19 - High Quality Design

### **Others**

National Planning Policy Framework (2024)

Bromsgrove High Quality Design SPD

Ministerial Statement made on 23 May 2023 'Planning for accommodation for looked after children'.

## **Relevant Planning History**

24/00745/CPL

Proposed use children's care home - use class C2

**Refused:** 19.02.2025

24/00385/FUL

Proposal Rebuild existing orangery on same footprint to create a larger kitchen

**Approved:** 16.01.2025

## **Site and Background**

The site is in a rural location of an unclassified road; the site has an existing vehicular access. Quantry Lane has footways, but no street lighting and no parking restrictions are in force in the vicinity along the lane. The site is not located within walking distance of amenities, a bus stop for service 147 is located on Farley Lane within acceptable walking distance.

The dwelling house itself is a detached 4-bedroom dwelling which is currently vacant and in an unkempt state with grounds to the rear which are overgrown. The dwelling itself sits within a suitable amount of amenity space to the front and side. The rear and side outdoor space is currently overgrown.

The property has extant approval for an alteration to the existing orangery under reference 24/00385/FUL.

Stepping Stones Care currently operates 8no. children's homes, 7 of which are in the West Midlands including two in Bromsgrove. The Company has held discussions with Worcestershire Children First team and there is a demand for additional services.

## **Proposal**

Throughout the determination process, additional clarification and information has been sought and received in respect of how the home would operate.

- The proposed development includes the change of Use from a dwellinghouse (Use Class C3) to a children's home (Use Class C2) for up to 3 children
- The home would provide accommodation for up to three children aged 8 to 17 years old on a longer-term basis until they are no longer a child or if their care plan changes.
- The children would be in full time mainstream education; they would not be home schooled. The children would be taken to school by an appropriate vehicle.
- No internal or external changes to the building are proposed
- During the day there would be up to 4 staff (including the manager) and at night there would be up to 3 sleep-in staff. The staff would operate day and night working 24-hour shift patterns (in addition, a manager will work at the property between the hours of 9:00am – 5:00pm Monday – Friday). All 3 no. adult carers would change shifts once every day between the hours of 7:45am – 8:15am.
- The changeovers will be staggered as follows: 3 incoming and 3 outgoing members of staff will change shift between 7:45am and 8:15am - 2 of the overnight staff will leave at 7:45am leaving just the 'lead' staff member present.
- The incoming lead staff member will arrive at 8:00am and conduct a handover with the outgoing lead between 8:00am and 8:15am
- The 2 new incoming shift workers will then arrive to start their shift at 8:15am
- Ofsted would visit once a year at a maximum; specialist carers would not visit the home and social workers would visit when required. It is anticipated that this would *circa*. 8-10 times in a year.
- Family visits would not be at the home but at a mutually agreed location

### **Assessment of Proposal**

#### **Whether the proposal amounts to a material change of use**

The host property is a detached, two storey, four-bedroom dwelling which has a C3 use class relating to a dwelling house (occupied by a "household"). This application seeks permission for a change of use from a dwellinghouse (Use Class C3) to a children's home (Use Class C2).

Development is defined in Section 55 of the Town and Country Planning Act 1990 as the carrying out of building, engineering, mining or other operation's in, on, over or under land; or the making of any material change in the use of any buildings or other land.

Town and Country Planning (Use Classes) Order 1987 (as amended)

Use Class C2 (Residential Institutions) of the Order reads as follows:

- Use for the provision of residential accommodation and care to people in need of care (other than a use within Class C3 (dwelling houses).
- Use as a hospital or nursing home.
- Use as a residential school, college or training centre.

Class C3 (b) of the Town and Country Planning (Use Classes) Order (as amended) refers to *"use as a dwelling house by not more than six residents living together as a single household, (including a household where care is provided for residents)."* If a children's

home was being run on this basis, with children being looked after by a permanent occupant of the dwelling, there would be no requirement for planning permission.

As the current use class of the properties subject to the application is C3 (dwellinghouses), the starting point is to first establish, as a matter of fact and degree, whether the proposal would constitute a change of use from C3 to C2. If a children's home was being run on the basis of children being looked after by a permanent occupant of the dwelling, there would be no change of use and therefore no requirement for planning permission. This is regardless of whether the individuals living together are related as family members. However, if care is provided on a shift pattern basis, it is likely that a change of use from C3 to C2 will occur.

Notwithstanding the above, it should further be noted that a change of use from C3 to C2 may not amount to a material change of use and therefore may still not amount to development which requires planning permission. If there is no material difference in activity to that which may be anticipated in the case of a dwellinghouse, and no greater level of disturbance or amenity impact, then no material change of use has occurred.

The issue of whether or not a material change of use has occurred will ultimately be a matter of fact and degree in each individual case. The key issues are the numbers of residents involved, whether or not staff work shift patterns or have a permanent residence at the site and the materiality in planning terms of any change of use.

Regard has also been had to the Ministerial Statement made on 23 May 2023 '*Planning for accommodation for looked after children*'.

Case law has provided important distinctions between Use Class C2 and C3. In the case of North Devon District Council [2003] Justice Collins made the point that children "need to be looked after. They cannot run a house. They cannot be expected to deal with all the matters that go to running a home ... children are regarded as needing fulltime care from an adult, someone to look after them, someone to run their lives for them and someone to make sure that the household operates as it should". The North Devon judgement confirms that it is unrealistic to expect children to look after themselves in a single household. It also clarified that carers who provided 24-hour care but were not resident could not be regarded as living together in a household.

On this basis I am satisfied that the proposed use would fall within Use Class C2.

The proposed change of use class (from C3 to C2) does not necessary equate to a material change of use. A change of use requires planning permission if it constitutes a material change of use. There is no statutory definition of 'material change of use'; however, it is linked to the significance of the change and the resulting impact on the use of land and buildings. Whether a material change of use has taken place is a matter of fact and degree and this will be determined on the individual merits of a case.

The applicant has provided details as to how the home would operate, as set out above.

Based on the information which has been provided (including but not limited to: staff would operate in shifts, there would be a member of staff on waking night duty), it is considered

that as a result of the above the intensity and character of the property would result in a material change to the dwelling and the application has been assessed on this basis.

### Principle of Development

Policy BDP12 supports facilities that: meet the diverse needs of existing and future residents, are safe and inclusive, well planned, built and run, and offer equality of opportunity and good services for all.

Quantry Lane has footways, but no street lighting and no parking restrictions are in force. The site is not located within walking distance of amenities. A bus stop for service 147 is located on Farley Lane within acceptable walking distance. Nonetheless, the dwelling itself is viewed as being in an unsustainable location. There have been objections concerning the lack of local amenities within the area that the children can walk too and the unsuitable nature of this use in a rural area.

Nevertheless, what must be taken into account is that the existing dwelling is in an unsustainable location, given the property's size its use could realistically be expected to be occupied by a family of potentially 2 or more children and at least 2 adults. As a Class C3 dwelling, it could alternatively be occupied by up to 6 adult house-sharers living as a single household. This fall-back position of the existing use would bring heavy reliance on the use of private motor vehicles and would be require no planning permission.

The material change of use is considered to be acceptable in principle; there is no substantive evidence to suggest that children's care homes are incompatible with C3 dwellings in rural areas and that whilst there will be a change in character that is not to say that such a change would be unacceptable as a matter of fact.

A planning condition could be attached to a permission to ensure that the use is restricted to the provision of residential accommodation and care for the children as outlined within this application.

### Highways Matters

The County Council raises no objection. The WCC car parking standards state the proposed development is recommended to provide 1 car parking space per member of staff (4 staff members) and 1 car parking space per 4 residents as a worst-case scenario (3 children). The existing property is a 4 bedroomed family dwelling with front courtyard parking. The proposal has provided 6 car parking spaces which are in accordance with WCC car parking standards, therefore the car parking is deemed to be acceptable in this instance.

The County Council raises no objection and has requested a planning condition for cycle parking in accordance with its standards within Appendix G of the Streetscape Design Guidance which requires 1 space for every 4 members of staff and 1 space for every 10 residents for a C2 (Nursing Home) which is the closest land use within the standards to the proposed development.

Vehicular visibility is acceptable from the existing vehicular access; the applicant is widening the existing vehicular access to 5m which is deemed to be acceptable. The width

of the footway is in excess of 2.5m therefore good visibility is achieved in both directions and enhanced visibility splays are not required.

There may be deliveries to the site, however, there is no evidence that deliveries will be other than may be expected at a C3 dwelling. I am of the view that the Employment Travel Plan requested by WCC is unreasonable due to the small scale of the proposal, as well of other conditions controlling the number of children to a maximum of 3 on the site.

Overall, parking provision and the movement of vehicles and pedestrians in association with the proposed development would be acceptable and would not lead to any issues of highway safety. In addition, there would be no conflict with the National Planning Policy Framework which states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The County Council has not raised issues of highway safety or severe impacts on the road network.

#### Noise, Living Conditions and Residential Amenity

WRS have no objections and confirm that the use of the dwelling house as a children's home would not necessarily result in any increase in noise levels from domestic activities compared to that of a C3 dwelling.

The information submitted indicates that there would be some additional traffic movements, over and above that associated with a four bedroomed house, connected to the changeover of staff. However, such movements would not be disproportionately large or significantly above that associated with the existing use as a dwelling. Given the limited change in traffic generation anticipated, it is satisfied that there would be no detriment to the adjacent residents living conditions associated with the manoeuvring of vehicles at the site.

The NPPF seeks to ensure that development is inclusive, and the fear of crime does not undermine quality of life, community cohesion and resilience. The courts have held that the fear of crime can be a material consideration. The children's home would be for up to three children between 8 to 17 and this could be controlled by planning condition. The children would be cared for by 24-hour carers. The matters in respect of noise and disturbance have been considered above. I have no evidence to suggest that crime levels would increase arising from this development.

There is sufficient amenity space to the rear and the property has permitted development rights to erect boundary treatments as is necessary.

Complaints of alleged anti-social behaviour, crime and drug use would all be police matters.

#### Other Matters

##### Public Consultation Responses

Letters of objection have been received from 36 individuals. A summary of the issues raised that have not already been covered in the report and an officer response to these issues

are provided below, however regard has been had to the full contents of all submissions whilst drafting this report and forming the recommendation.

Concern raised	Response
Intensity of the use	<p>WRS have no objections and confirm that the use of the dwelling house as a children's home would not necessarily result in any increase in noise levels from domestic activities compared to that of a C3 dwelling.</p> <p>The information submitted indicates that there would be some additional traffic movements, over and above that associated with a four bedroomed house, connected to the changeover of staff. However, such movements would not be disproportionately large or significantly above that associated with the existing use as a dwelling.</p>
Overlooking	The dwelling subject to the change will not result in any extra overlooking of neighbouring properties. The assessment remains the same regardless of the individuals that would occupy the dwelling.
Concerns over the running and operations of the children's home	Objections raised regarding the applicant's business history or how the children's home will have operated are not material planning considerations and have not been taken into account in the determination of this application.
No benefit to the local community	In terms of benefit to the local community for this type of proposal there are no direct benefits. However, there is a demand for additional children home within the area.
Noise, disturbance, increase in crime, drug use, and anti-social behaviour	There is no evidence to suggest that the proposed use would increase risk of crime, safety and anti-social behaviour. Children would be supervised at the home throughout the day and night. Any crime issues, including damage and theft, are police matters, and the Council would not intervene.
Insufficient car parking, highway safety and a busy local area, lack of public transport options	<p>The increased number of traffic movements arising from the change of use in the context of the surrounding area would not be significant and has not been raised as a concern by the Highways Officer.</p> <p>The proposal has provided 6 car parking spaces which are in accordance with WCC car parking standards, therefore the car parking is deemed to be acceptable in this instance.</p>
Potential future expansion	Any future expansion of the site will require a further planning application; this proposal restricts the use to a



	residential children home with a maximum of three children.
Noise impacts	Worcestershire Regulatory Services have not objection on noise grounds This matter has been considered in further detail in the report above.
Loss of privacy	The dwelling subject to the change will not result in any extra overlooking of neighbouring properties. It should be noted that the property has permitted development rights to erect boundary treatments as is necessary.
Future use of the properties	Any future change of the site will require a planning application.
Wrong location for development type	Officers consider the location of the development to be acceptable as considered in the 'principle of development' section of the report.
Lack of outdoor space for children	The garden areas exceed the required standards set out in the Council's High Quality Design SPD for dwellings. Given the scale of the proposed C2 use, this would also be adequate and provide an adequate provision of amenity space for the future occupiers of the property.
Who would manage the homes? Have social services, Ofsted or the department of education been consulted to see if the site is suitable?	The home would be subject to Ofsted regulations and inspections; this falls outside of the planning process.

### Conclusion

The proposed change of use from a dwellinghouse (Use Class C3) to a children's home (Use Class C2) for up to 3 children between the ages of 8 – 17, in this detached dwelling, located in this rural area is considered acceptable in principle.

There are no outstanding objections from statutory consultees, and it is concluded that there are no issues of highway safety or severe road network impacts. There would likely be an intensification of activity at site; however, this is not considered to be so significantly adverse as to cause unacceptable noise and disturbance to residents.

Taking all of the above into account, it is considered that the change of use is acceptable subject to the imposition of suitable conditions.

**RECOMMENDATION:** That planning permission be **GRANTED**

### Conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the grant of this permission.

Reason: In accordance with the requirements of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase 2004.

2. The development hereby approved shall be carried out in accordance with the following plans and drawings:

- Location Plan: PL01
- Proposed Plans: 24/683 Sheet 5 of 10.
- Proposed Site Layout Plan/Parking Plan - 24/683 Sheet 2 of 2.

Reason: To provide certainty to the extent of the development hereby approved in the interests of proper planning.

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that order with or without modification) the premises shall only be used as a residential care home for up to three children and their carers and for no other purpose (including any other use falling within Class C2 of the Order).

Reason: To provide certainty of the proposed development and limit the use of the property to a care home for a maximum of three children of a restricted age range in order to minimise the intensity of the use and protect the amenity of neighbours.

4. The change of use hereby permitted shall not be first occupied until sheltered, safe, secure and accessible cycle parking spaces to comply with the Council's adopted highway design guide have been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.

Reason: To comply with the Council's cycle parking standards.

5. The change of use hereby approved shall not be occupied until the proposed access gates have been set back 5 metres from the adjoining carriageway edge and made to open inwards only.

Reason: In the interests of highway safety.

6. The change of use hereby approved shall not be occupied until the first 5 metres of the access into the development, measured from the edge of the carriageway, has been surfaced in a bound material.

Reason: In the interests of highway safety.

7. The change of use hereby approved shall not be brought into use until the access, parking and turning facilities have been provided as shown on drawing 24/683 Sheet 2 of 2.

Reason: To ensure conformity with submitted details.

**Case Officer:** Jonathan Pavey-Smith Tel: 01527 881789  
Email: Jonathan.Pavey-Smith@bromsgroveandredditch.gov.uk

