



Appeal Decision

Site visit made on 25 February 2025

by **G Sibley MPLAN MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 April 2025

Appeal Reference: APP/L3245/W/24/3349002

41 Clifton Villas, Temeside, Ludlow, Shropshire SY8 1PA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Lena Greatwich against the decision of Shropshire Council.
 - The application Ref is 23/04367/FUL.
 - The development proposed is change of use of residential dwelling to residential care home.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of residential dwelling to residential care home at 41 Clifton Villas, Temeside, Ludlow, Shropshire SY8 1PA in accordance with the terms of the application, Ref 23/04367/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos: MAD/LUD/23/Location; MAD/LUD/23/Site-1; MAD/LUD/23/1-2; MAD/LUD/23/1-4; MAD/LUD/23/1-1; MAD/LUD/23/1-3; and MAD/LUD/23/1-5.
 - 3) Prior to the first occupation of the development hereby permitted, the vehicular parking shown on Figure 1: Site Plan – Frontage of No. 41 Temeside contained within the Transport Technical Note prepared by HVJ Transport Ltd, dated December 2023, shall be provided and shall thereafter be retained for the parking of vehicles only.
 - 4) The bike store shown on drawing no MAD/LUD/23/Site-1 shall be kept available for the storage of bicycles.
 - 5) 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 four children and for no other purpose (including any other use falling within Class C2 of the Order, but may revert back to C3 (dwellinghouse) on cessation of the use).

Main Issue

2. The main issue relevant to this appeal is the effect of the proposal upon highway safety.

Reasons

3. The scheme seeks to convert a residential dwelling to a C2 Use Class¹ residential care home which would provide a home for four children. The children would be cared for by nine staff present during the day, with two staff present overnight. However, the staff would work in shift patterns and no more than four staff are expected to be present during the day and two at night.
4. Based on the information before me the Council does not have any parking standards and parking requirements are based on a case-by-case basis. The appellant has provided census data for Shropshire that identifies that 42% of people use the car for their journey to work. Given that at most four staff are expected to be present on site at any one time, based on the census data, at least two of them are likely to drive to work. As such, two car parking spaces would be required. The appellant states that one car would be kept on site available to undertake journeys with the children. Consequently, there is a requirement for at least three parking spaces for those working at the property and for the day-to-day use of the care home.
5. Towards the front of the site is a paved driveway and a plan has been provided to identify that three car parking spaces can be provided within the site. A photograph has also been provided by the appellant which shows three cars parked towards the front of the property with space to open the car doors as well as space for the wheely bin in front of the shared alleyway. There would also be space between cars to access the front door, for most people. Based on the information before me the width of the driveway would also allow for cars to enter and exit even if the other two parking spaces were occupied, although cars would not be able to turn around within the site to exit in a forward gear. Consequently, three vehicles can be parked within the driveway without overhanging the pavement with space to access the parked vehicles, the appeal property and the neighbouring houses' rear gardens.
6. Towards the rear of the garden of the appeal property is an outbuilding and this is proposed to provide bicycle storage in association with the proposed use. In light of the conclusion above, there would be space next to parked vehicles for bicycles to access the rear garden and use this bicycle storage.
7. Next to the driveway towards the front of the property is a solid brick wall and this does block driver visibility in one direction when exiting the driveway. From the other direction the visibility is generally free from obstructions due to the low boundary walls along the nearby frontages. This is an existing situation and something the occupiers of the dwelling likely have had to deal with on a regular basis.
8. However, the appellant has provided reported personal injury collision data which indicates that there have been no reported incidents within 50 metres(m) of the site for the 24 years for which records are published. As such, there is no evidence that this restricted visibility and parking layout has led to reported incidents occurring. No notable changes are proposed to the existing parking layout and the appellant has provided substantive evidence that the number of vehicular trips to and from the proposed use would be no higher than the current situation. Given that there have been no reported incidents nearby, there is no robust evidence that

¹ The Town and Country Planning (Use Classes) Order 1987

the location and layout of the existing parking arrangement has had an unacceptable impact upon highway safety.

9. The appellant acknowledges that visitors and social workers are likely to visit the property, although social workers are expected to visit around every six weeks. There would also be family visitors and deliveries would have to be made from time to time. The site is located near to Ludlow town centre and the train station is approximately 800m from the appeal property and there are also bus services nearby as well. Furthermore, approximately 600m from the site is the Smithfield Road car park. There is also a park and ride scheme operating in Ludlow and the appellant states that those buses pass near the appeal site offering an alternative transport option for staff and those visiting the site.
10. The route between the Smithfield Road car park and the appeal property has a pavement that is lit by streetlights. The car park is a modest distance from the site, but other than a slight incline when heading back to the car park, the route would generally be accessible for most people even in inclement weather and during the hours of darkness. The route towards the train station whilst further would also be accessible for most people via street lit pavements and would not be so far as to make it impractical for those working or visiting the site even in inclement weather. The train station would also be a relatively short distance for most people to cycle to the appeal property.
11. Along Temeside near to the appeal site there are parking restrictions that typically prevents parking on the road at any time. However, close to the appeal site is Weeping Cross Lane and much of this road generally does not have any parking restrictions. As such, those working at the property, as well as those visiting could park on this road and walk a short distance to the appeal site. Both this road and Temeside have pavements lit by streetlights and people would only have to walk a short distance. The two parking spaces would also provide space on site for the two employees working at night when buses and trains may not be in operation. Even if an additional car was kept on site to undertake journeys with the children, in light of the carers shift pattern and the number of possible visitors there would only be a very limited increase in the number of vehicles that would need to park on the road and those visiting the site would do so irregularly. As such, this very limited increase would not have an unacceptable impact on highway safety.
12. In terms of deliveries, these would happen anyway given the existing residential use of the property and likely occur on Temeside at the present time given the number of houses there are along this road. Whilst used as a care home, the property would function on a day-to-day basis much like a typical family house. I have no robust evidence that the number of deliveries to this property would be substantially greater than the existing use.
13. If staff and visitors to the property did park on Temeside this would likely be for a considerable period of time and given the relatively narrow width of the road this could lead to disruption to the free flow of traffic, including for pedestrians. However, this would be a matter of individual behaviour rather than the use of the building.
14. Given the availability of alternative transport options nearby, and based on the census data for Shropshire, it is not evident that all staff and visitors would necessarily arrive via car. Even in inclement weather given the modest distances

involved, these alternative options, including parking nearby would not be impractical for most people. These alternatives would also mean that during staff shift changes the employees would not need to park on Temeside. It is not evident that the proposal would need to adopt a car free policy to make the development acceptable on highway safety grounds.

15. There is no substantive evidence that the proposed use would substantially increase the number of welfare or ambulance vehicular movements to and from the property above what would be expected from a typical dwelling of this size. As such, the proposal would have a negligible effect upon the number of movements of such vehicles in the area.
16. Interested parties have witnessed accidents on this road and these would appear to relate to the narrowness of the road with vehicles mounting the pavement and drivers not observing the speed limit. However, I have not been presented with substantive evidence that vehicular movements and the parking arrangements of the proposal itself would lead to harm to highway safety of a magnitude to warrant withholding permission.
17. For the reasons given above, it has not been shown on the balance of probability that the development would have a significantly detrimental effect upon the free flow and safe movement of traffic, including for pedestrians, cycles and motor vehicles. As such, the residual cumulative impacts of the development upon the road network would not be severe, taking into account all reasonable future scenarios.
18. Therefore, the proposed development would not cause unacceptable harm to highway safety and would accord with Policy CS7 of the Core Strategy. This seeks, amongst other matters, to ensure developments protect local cycling routes and footpaths as local transport routes and promotes greater awareness of travel behaviour to encourage more informed choices about communication, the need to travel and alternative options.

Other Matters

19. A neighbouring occupier has identified that they have a disability that affects their mobility. People with a disability have protected characteristics for the purposes of the Public Sector Equality Duty (PSED).
20. In my assessment of the effect of the development on the neighbouring occupier, I have therefore had due regard to the PSED contained in Section 149 of the Equality Act 2010. This sets out the need to eliminate unlawful discrimination, harassment, and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. In reaching my decision, I have kept these interests at the forefront of my mind. However, they are qualified rights, and interference may be justified where in the public interest. The concept of proportionality is key.
21. I understand the neighbouring resident uses the shared alleyway next to the appeal building to access their property using a mobility scooter. However, the development does not propose to make notable changes to the driveway and vehicles could block the alleyway regardless of the use of the building. The maintenance of the route along the side of the appeal property to access the neighbouring dwellings would be a private matter between the residents and

outside the scope of this appeal. Therefore, the development would not result in significant harm to the neighbouring occupant.

22. The benefit of the development is to provide residential care for vulnerable children, the needs of which I must also consider under the PSED, which weighs in favour of the development.
23. In view of this, and having regard to the legitimate and well-established planning policy aim of providing a sufficient number of homes for different groups in the community, a refusal of permission would not be proportionate and necessary. Allowing the appeal would be consistent with my PSED duty contained in Section 149 of the Equality Act 2010.
24. A building in C2 use is still classed as residential, and the day-to-day use of the building would be very similar to a dwelling with the care home providing a home for the children. This is not substantially different to a Use Class C3 dwelling where children with specialist needs can live. The type of noise and disturbance from this use would not be materially different from that which can occur in a dwelling.
25. Children in care can have a wide variety of needs but there is no substantive evidence before me that they would all cause significantly harmful disruption to the neighbouring occupiers. Consequently, the use is compatible with the adjacent uses and would not cause significant harm to the living conditions of nearby occupiers.
26. However, given the size of the property and the number of bedrooms proposed if it was occupied by more than four children the noise and disturbances that could occur could harm the living conditions of the children in the care home and nearby occupiers. As such, a condition could be attached to require the property is only occupied by up to four children to ensure this would not happen.
27. Concerns have been raised by interested parties that the proposed development would be an inappropriate business use. However, the building would be used as a residential care home which would be appropriate in a residential area.
28. Whilst only one staircase would be provided within the property, I have no robust evidence that such a layout would cause significant harm to the living conditions of the occupiers or the staff working in the care home. Furthermore, the scheme proposes three bathrooms, and it is not evident that this would be insufficient for the proposed use to cause serious sanitary issues.
29. A wheelchair ramp is not proposed as part of this scheme, and there is no robust evidence that if one was installed that it would render the parking spaces unusable. Furthermore, certain wheelchair ramps do not have to be permanently fitted in front of doors, and these could be moved if vehicular access was not possible.
30. It has not been robustly evidenced that using non-local companies to provide travel information would undermine the substance of the evidence produced nor that they would be unable to fully understand local conditions.
31. The planning system does not exist to protect private interests such as the value of land and property.

Conditions

32. No conditions have been suggested by the Council however, I have determined that a number of conditions are necessary which are set out below. Having had regard to the requirements of the National Planning Policy Framework and the Planning Practice Guidance I have imposed those conditions I consider meet the relevant tests. The appellant was given the opportunity to comment on the conditions and agreed to the wording of them.
33. Further to the standard commencement condition, a condition requiring the development is carried out in accordance with the approved plans is necessary in the interest of certainty.
34. Conditions ensuring the car parking spaces and bike store shown on the approved plans and documents are kept available for the parking of vehicles is necessary in the interest of highway safety.
35. A condition limiting the number of children that can be housed within the property is necessary in the interest of the living conditions of the neighbouring occupiers as well as the occupiers of the care home.

Conclusion

36. The proposed development accords with the development plan and the material considerations do not indicate that a decision should be made other than in accordance with it. Therefore, for the reasons given above, I conclude that the appeal should be allowed.

G Sibley

INSPECTOR