



DESIGN AND ACCESS STATEMENT

Application to change the use of a (3a) dwelling to a children's home for up to two children, with a manager and two carers during the day and two sleeping overnight, working on a rota basis(C2).

**91, WIMBORNE AVENUE,
HAYES,
HILLINGDON,
UB4 0HJ**

25/11/2024



1. The Proposal

- 1.1. I am writing on behalf of my client, Reuben Hill Care Homes, which is seeking planning permission to use, 91 Wimborne Avenue a C3a use, as a small specialist care home for up to two children, who will either have been diagnosed with learning disabilities (LD) and/or emotional and/or behavioural difficulties, (EBD) to be looked after by two carers (working on a rota basis) and a manager, which falls within use class C2 of the Use Classes Order.
- 1.2. The property is a three bedroomed semi-detached house, with two off street parking spaces to the front.
- 1.3. The home will be registered with Ofsted as a two bedroomed children's home. Children will undergo a stringent impact risk assessment to ensure they integrate with the local community. This considers the home, the environment, the community, plus peer groups and risk assesses against each child as an individual prior to admission into the home. The children will live at the property long term, hopefully for many years. This is not a halfway house or emergency housing for children.
- 1.4. Evidence of need in the area can be provided by the Hillingdon Placement and Commissioning Team.
- 1.5. There will be no external changes to the building, other than a secure two place covered bicycle rack plus a bin store.
- 1.6. No internal alterations are proposed as the rooms and space standards meet the requirements of the Care Quality Commission. Prior to the



registration of the home, OFSTED would be the organisation responsible for ensuring these standards have been met.

1.7. The intention is to register the home for three children (7 until their 18th birthdays), with learning difficulties or emotional and behavioural needs. It will, through OFSTED, have a stringent impact risk assessment to ensure it will integrate with the local community.

1.8. In a ministerial statement from Rachel Maclean (Minister of State, Department for Levelling up, Housing and Communities) in May 2023 she stated: *'The planning system should not be a barrier to providing homes for the most vulnerable children in society. When care is the best choice for a child, it is important that the care system provides stable, loving homes close to children's communities. These need to be the right homes, in the right places with access to good schools and community support. It is not acceptable that some children are living far from where they would call home (without a clear child protection reason for this), separated from the people they know and love'.*

1.9. *Local planning authorities should give due weight to and be supportive of applications, where appropriate, for all types of accommodation for looked after children in their area that reflect local needs and all parties in the development process should work together closely to facilitate the timely delivery of such vital accommodation for children across the country. It is important that prospective applicants talk to local planning authorities about whether their service is needed in that locality, using the location assessment (a regulatory requirement and part of the Ofsted registration process set out in paragraph 15.1 of the Guide to the Children's Homes Regulations) to demonstrate this.*



- 1.10. Under Section 22G of the Children Act 1989, local authorities have a statutory responsibility to take steps, as reasonably practicable, that ensure children in care are provided with accommodation that '(a) is within the authority's area; and (b) meets the needs of those children.' Three reports were published in 2020 by the Children's Commissioner: 'Children who no-one knows what to do with; Private provision in children's social care' and 'Stability index 2020', which point out the failings of local government to meet this responsibility.
- 1.11. The papers summarise the findings of three years of work by the Children's Commissioner's Office and explain the failure of both national and local government to adequately meet the needs of these children. The report (page 15) states: *'Local authorities are highly reliant on the independent sector, particularly for children's residential care. Costs are increasing but it's unclear why. Given this reliance, it is imperative the market works well and that commissioning and procurement are improved to ensure no child is placed in unsuitable care settings. Recommendations: The Government should consider the barriers to creating more residential care placements to increase supply.'*
- 1.12. The proposed children's home seeks to replicate as closely as possible a normal family environment. This type of provision, which government policy is promoting, is to help children who often, through no fault of their own, have not had good parenting in their early years.
- 1.13. Under the requirements of OFSTED, such care homes must be run as closely as possible to a typical family household, while accepting staff



are employed on a rota basis to provide the parental support to the children so many have missed in their early years. The only physical requirements specified by OFSTED are security cameras (although not essential and not materially different from a system found in many households), emergency lighting (no external visual distinction from normal lighting) and locks on bedroom doors for the privacy of each child (not a material issue for planning).

1.14. In terms of fire regulations for care homes, the only physical requirement is to have fire doors on those leading to the kitchen. The physical appearance of such doors is not materially different from normal doors and has no material impact on the character of the property.

1.15. The application is to ensure that the property acquired will meet the necessary planning requirements to achieve OFSTED registration.

1.16. It is the company policy to encourage staff to use public transport (by offering free bus passes or subsidised taxi fares) or cycle to work (with the provision of a secure bicycle rack) and not to allow on street parking.

1.17. The manager will bring a car to the site each day and a company car will be available to transport the children. There is unrestricted on street parking, so the occasional visitor will not cause a highway problem.

1.18. Two children would live at the house, with two carers working on a rota basis sleeping overnight. At around 9am each morning, two overnight carers would arrive to replace the two overnight carers A manager would also arrive each weekday around 9am and work until



around 5pm. The overnight carers would arrive around 9pm, to change with the day staff.

- 1.19. These comings and goings are set out in the table below.
- 1.20. The purpose of the home would be to support the children to build their confidence, help them in developing life skills and prepare for an adult life outside of an institution. This type of support has been found to be most effective in helping these children to have normal lives and not experience problems in later life.
- 1.21. During the day it is expected that the child would engage in various activities, plus attend a mainstream or special school. In some cases, the child may receive some home schooling but only while he/she settles in. Clearly this is no different from a family choosing to have home tutoring.
- 1.22. With regard to schooling, it is often the case that when young people come into care, they have missed an extensive proportion of their education or are affected in a way that they could not work effectively in a large classroom environment. Given this, they would be tutored from home initially. This is all achieved online without any tutors having to go to the house. They may then progress to a specialist unit (smaller class sizes) then hopefully onto mainstream. In cases where parents of children in an ordinary family choose to have their children educated at home, it makes no difference to the planning status of the use.
- 1.23. The children's home model is to create a warm and nurturing family style environment for the medium to long-term care of a small



number of children. This type of provision is operated in the same manner as a regular family home with two primary carers, to provide consistency and stability to the children who live there (similar to a fostering model).

- 1.24. Care is provided in small sized family units where residential carers help to develop the social and life skills needed when the children no longer live within an institution. Without such homes and positive interventions, these children when they leave the controlled environment of care homes will often end up in adult institutions, suffering from long term health problems.

2. Planning Assessment

- 2.1. The planning policy framework is provided by the National Planning Policy Framework (NPPF) and the Hillingdon Local Plan.

- 2.2. The relevant sections of the NPPF are as follows:

Paragraph 2 of the NPPF is highly relevant as it states that applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 60 makes clear that in order to '*support the Government's objective of significantly boosting the supply of homes.....the needs of groups with specific housing requirements are addressed*'.

Paragraph 60 makes clear how housing need in an area should be assessed and understood, and paragraph 61 advocates that planning



policies should reflect the housing needs for different groups in the community.

2.3. Recent Government advice emphasises the provision set out in Paragraph 60 of the NPPF, which notes that local planning authorities should assess the size, type and tenure of housing needed for different groups in the community and reflects this in planning policies and decisions. Paragraph 61 says the different groups include but are not limited to *'those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes'*.

2.4. In a ministerial statement the then Housing and Planning Minister said councils *should consider whether it is appropriate to include accommodation for children in need of social services as part of the NPPF assessment'*. She went on to say that *'Local planning authorities should give due weight to and be supportive of applications, where appropriate, for all types of accommodation for looked after children in their area that reflect local needs and all parties in the development process should work together closely to facilitate the timely delivery of such vital accommodation for children across the country'*.

2.5. Paragraph 109 is specifically relevant, which 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 cumulative impacts on the road network would be severe.



2.6. Section 8 – Promoting healthy and safe communities emphasises the need to make appropriate provision for the special needs of young people.

Hillingdon Local Plan

Policy DMH 1: Safeguarding Existing Housing

A) The net loss of existing self-contained³ housing, including affordable housing, will be resisted unless the housing is replaced with at least equivalent residential floorspace.

2.7. In this case the housing unit is not being lost but is providing housing for disadvantaged young people.

Policy DMH 8: Sheltered Housing and Care Homes

A) The development of residential care homes and other types of supported housing will be permitted provided that:

i) it would not lead to an over concentration of similar uses detrimental to residential character or amenity and complies with Policy DMH 4: Residential Conversions

2.8. There are no other children care homes in this area.

ii) it caters for need identified in the Council's Housing Market Assessment, in a needs assessment of a recognised public body, or within an appropriate needs assessment and is deemed to be



responding to the needs identified by the Council or other recognised public body such as the Mental Health Trust

The Hillingdon Placement and Commissioning Team can confirm the need for the home.

iii) the accommodation is fully integrated into the residential surroundings

2.9. The proposal will be fully integrated with the local community.

B) Proposals for residential care establishments which fall under Use Class C2 must demonstrate that they would provide levels of care as defined in Article 2 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

2.10. The care proposed would fall under Use Class C2 (residential institutions).

Policy DMT 6: Vehicle Parking

2.10. The policy requires 1 space per 3 employees. With up to three staff present at any one time, except for changeover periods, the two spaces more than meets the policy.

Principle of Use

2.11. As the proposed use will remain residential in nature, the principle of the use in a residential area is not considered to be in conflict with policy.

Location of Specialist Housing

2.12. OFSTED will require a local risk assessment before approving the property as a care home. Planning is therefore not the only form of regulation which controls the suitability of the location. A basic principle in assessing a planning application is whether there is other legislation which is more appropriate to regulate the proposed development. In the case of children's care homes, the relevant powers are set out in:

Care Standards Act 2000

The Care Standards Act 2000 (Registration)(England) Regulations 2010

The Children's Homes (England) Regulations 2015

Children's Homes and Looked after Children (Miscellaneous
Amendments) (England) Regulations 2013

Neighbouring Amenity

2.13. It is not considered the comings and goings will have an adverse impact on the amenity of neighbours.

2.14. The day-to-day activities in the home will mirror those of a typical family. Staff shift changes, school runs, and visitors will all follow a schedule similar to that of a family with young children. Additionally, evidence from other similar care homes indicates that the level of comings and goings will not differ materially from a typical household.

2.15. A typical week at the home will include regular school runs, staff changes, and occasional social worker visits. These activities will follow



a predictable schedule, and all efforts will be made to minimize traffic and disruption to the surrounding area.

2.16. The comings and goings, whether by car or other means, are similar to a typical family dwelling. The home manager would arrive each weekdays in the morning and leave each afternoon (9am and 3pm). In terms of the other staff on the premises, the overnight staff, they would work on 12-hour shifts, changing at 9am and 9pm.

2.17. An elderly person or someone with special needs living in a dwelling with four carers arriving throughout the day does not have a material impact on the amenity of neighbours, hence nor would the proposed movements.

2.18. An estimate of the average number of comings and goings in a week of the existing and proposed use are set out below.

2.19. All household chores such as cleaning, cooking and gardening involve the children and no additional staff are employed at the premises.

2.20. In addition to OFSTED's one visit per year, there will be visits by local social services circa every four to six weeks and one Regulation 44 each month.

2.21. Depending on the needs of the individual children, there may be occasional visits by other social workers. In addition, there may be visits by family members and friends, although these are carefully managed



in advance, subject to child's individual care plan. These visits are no more frequent than those to a typical family by friends or relatives.

Schedule 1 (estimated comings and goings of previous occupants, a family of 2 adults and two children)

Activity	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Journeys to work		2	2	2	2	2	
School Run		4	4	4	4	4	
Shopping/ Social/recreational outings	4			2			4
Other visitors	4			2		2	4
Total Movements (in and out)	8	6	6	10	6	8	8

Schedule of Proposed Use (based upon experience of other similar homes)

Activity	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Home Manager		2	2	2	2	2	
Care workers starting and finishing shift	4	4	4	4	4	4	4
School run		4	4	4	4	4	
Shopping/ Social/recreational outings	4						4
Visitors	2			2			2
Total Movements (in and out)	10	10	10	12	10	10	10

2.22. The above schedule shows that the comings and goings would be similar to a typical house.



Impact of the presence of staff

2.23. Visually, the property would look no different to the adjacent houses. During the day there would normally be only three members of staff present at anyone, except at changeover times when there could be five, for a short time. Members of staff in the property at any one time, but this would have no impact on the amenity or character of the area.

2.24. In an appeal in Stockport (Appeal Ref. 2162636) an Inspector noted that although the building would be fitted with an office [and fire alarm], this was not uncommon in many dwelling houses around the country and would not materially alter its basic character as a dwelling house. There are no major modifications required to this property.

2.25. A similar conclusion is drawn in the Dale Road Appeal (Appeal ref. 3263178) : *'The number of these movements is unlikely to be significantly more than the number that would be undertaken by a family and certainly not enough to result in a level of intensification in the use of the site that gives rise to concerns from a planning point of view. There is insufficient evidence before me to show that the use would be likely to result in greater levels of noise and disturbance than the existing authorised residential use.'*

2.26. Appeal (Ref. 32993519) also provides a useful assessment of a similar care home. In paragraph 12 it states: *'Whilst there will be some additional comings and goings associated with the use as a residential care home, there is no evidence before me to dispute the appellant's case that the use will not give rise to a greater level of disturbance than could be generated by the lawful use as a C3 dwellinghouse. The additional*



comings and goings identified by the appellant and Council are at a sufficiently low level so as to remain within the parameters of what could be usually expected of a family home and not therefore materially different so as to change the character of the property. Similarly the number of people who will be typically present at the property, and therefore the associated waste generated, is not significantly higher than could be expected with its current lawful use’.

2.27. On this basis it is maintained that the proposed use as detailed in this supporting statement would not be materially different from a typical household. This is also supported by the Egerton Appeal (Appeal Ref.3161037) where the Inspector concluded a similar use would not result in significantly more movements to give rise to planning concerns.

Fear of Crime

2.28. The fear of crime and anti-social behaviour is a material planning consideration which might weigh against the granting of planning permission. Given that this is a matter of planning merit and in the absence of any basis to conclude that crime and anti-social behaviour are an inherent part of the character of the proposed use such a fear is not relevant to the determination of this application.

2.29. The children who will live at the home will undergo a thorough impact risk assessment before admission to ensure they are well-suited to this environment. Professional carers, trained in managing emotional and behavioural needs, will provide 24-hour care and support. These measures will minimize the likelihood of any disturbance to neighbours.



2.30. There can be concern that the use would result in more noise and possibly anti-social behaviour due to the background of the children. A response to such concern is contained in appeal decision (Appeal Ref. 2162636-):

11. The fear of crime is a material consideration in the determination of the appeal. However, the weight that can be attributed to it depends on whether or not the evidence shows that the potential risk of crime is shown or expected to be high and the consequences for the community and individuals are serious. Whilst it is acknowledged that the incidents cited by the local residents would cause upset, they are not altogether unusual occurrences in modern society. Some of the incidents raised issues relating to the running of the home which have the potential to be overcome by changes to the management of the site. None of the evidence suggests that the potential risk from crime is shown or expected to be high or that the consequences for local residents are serious.

12. The evidence therefore leads me to conclude that the effect of the development on the living conditions of the occupiers of neighbouring dwellings regarding risk of crime would be low and carries insufficient weight to warrant dismissing the appeal on these grounds.

2.31. The nature of the children is not therefore material to the determination of this application. In addition, the level of professional care would also act to minimise any likely disturbance.

2.32. The task must be to compare against that 'baseline' the character of the current land use with what is now proposed. In so many respects the use would operate in a way that is very similar to a normal



family home. The property would provide the young person with their sole and main residence, with free and shared access to living, dining, and kitchen facilities, an ability to take shared meals prepared for them or make their own food or drink.

- 2.33. The resident would interact with the property in a way that is very similar to an adult resident, parent or guardian. The resident and staff would eat together and carry out domestic chores. The home seeks to foster lifestyles identical to a normal family home.

Community Engagement

- 2.34. The applicant recognises the importance of integrating the proposed children's home into the local community and will actively engage with neighbours through an information session prior to opening. Additionally, a point of contact will be provided for local residents to raise any concerns directly with the management of the home.

3. Conclusion

- 3.1. It is maintained that there is little difference in planning terms between the proposed use and the current authorised use as a dwelling. The carers, working on a rota basis, would effectively live at the dwelling house to provide 24-hour care, as a single household. Facilities such as the bathroom/wc, kitchen and living rooms would be shared and the living mode would be communal. The comings and goings associated with the use would not be materially different from a typical residential household.

3.2. The proposed use is to provide a stable home environment for the occupant as their main and sole residence and that the length of stay is generally more than temporary or passing. It would not be a 'halfway' house or provide overnight emergency lodgings for example. However, in any event, the courts have provided some assistance in determining the significance of there being a commercial factor to a residential use or an arrangement where the occupants have generally only a limited period of stay.

3.3. Following *Gravesham BC v Secretary of State for the Environment* [1982], the court accepted that the distinctive characteristic of a dwelling house was its ability to afford to those who used it the facilities required for day-day private domestic existence. It did not lose that characteristic if it was occupied for only part of the year, or at infrequent intervals, or by a series of different persons or if it was under commercial management.

3.4. Comings and goings would be no greater than could occur at present, hence there would be no undue disturbance to any neighbours. The local authority is therefore respectfully requested to support the application to allow this much needed facility to be established.