



## **DESIGN AND ACCESS STATEMENT**

**Application: Change of use of a five person HMO (C4) to a children's home for up to three children (C2)**

**9 Chestwood Grove,  
Uxbridge  
UB10 0EL**

**12/03/2024**

## **1. Background**

1.1. I am writing on behalf of Blossom Children's Homes Limited, who is seeking a change of use of 9 Chestwood Grove, a C4 HMO, to a small specialist care home for three children with Learning Disabilities, ASD and associated needs which falls within use class C2 of the Use Classes Order.

1.2. The home will be registered with OFSTED as a three bedroomed children's home for children aged 7 to 17. 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.

1.3. The property is a five bedroomed terraced house, with one off street parking space to the front currently used as Licenced 5 bed HMO with planning permission for use class C4.

1.4. Evidence of need in the area is supported with correspondence by the West London commissioners who have confirmed the ongoing need for children's homes within the Hillingdon Area. In addition, evidence of need is contained within the Hillingdon Safeguarding Partnership Annual Report 2023-2024 and the Hillingdon Safeguarding Partnership Contextual Safeguarding Strategy 2023-2026, copies have been provided with this application.

1.5. There will be no external changes to the building, other than a secure covered bicycle rack, bin store and EV charging point. The minor additions will in part, encourage sustainable travel in accordance with Policy DMT 5 and Policy DMT 6 of the Hillingdon Local Plan Part 2 Development Management Policies (2020), and to ensure the provision and retention of facilities for cyclists to the development and hence the availability of sustainable forms of transport to the site.



1.6. Only minor internal alterations are proposed as the rooms and space standards meet the requirements of OFSTED. Prior to the registration of the home, OFSTED would be the organisation responsible for ensuring these standards have been met.

1.7. 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'.*

1.8. *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.*

## **2. The Proposal**

2.1. The home will aim to provide a smooth transition for children, who will come to live there through careful planning and consideration. It will primarily serve medium to long term placements in order to minimise disruption to residents.

2.2. There will be no external alterations to the building or surrounds apart from the addition of 1 x EV charging point, bin and bike store. From the outside, there will be no change in the appearance or character of the dwelling.

### **OFSTED**

2.3. Before any home can open, it must gain the approval of OFSTED which has regulatory powers outside normal planning control. OFSTED will require a local risk assessment before approving the property as a care home. There will also be a risk assessment to ensure each child would find this a suitable location. The Planning is therefore not the only form of regulation which controls the suitability of the location. This has been reaffirmed in a recent appeal decision (APP/A3010/W/23/3322527).

2.4. 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

2.5. 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 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).

2.6. The OFSTED Guide to Children's Homes stipulates that all children's homes must have a children's guide. It advises that a cared-for child's bedroom should not generally be entered without their permission and that children should be provided with appropriate, lockable furniture to store their personal items, including any personal information. It also provides advice on the use of CCTV and monitoring equipment within the home. It stipulates at length the information, monitoring and record-keeping that a children's home must carry out and the procedures that it must have in place.

### **Fire Regulations**

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

### **The Property**

2.8. The property is a five bedroomed terraced house currently being used as a Licensed HMO, with one off street parking space plus the use of 4 shared visitor bay spaces.

2.9. It is the company policy to encourage staff to use public transport (with free bus passes or subsidised taxis fares) or bicycle and not to allow on street parking. An electric/hybrid vehicle will be available on site to transport the children when necessary to school or for other visits. Further supporting Policy DMT 6 of the Hillingdon Local Plan Part 2 Development Management Policies

(2020), and Policy DMT 5 Part A of the Hillingdon Local Plan: Part Two - Development Management Policies (2020)

### **Staff rota pattern**

2.10. Up to three children would live at the house, with two carers working on a rota basis (waking night) and a manager will also attend on weekdays. Six carers would operate on long shift patterns. Except at changeover times, which last around fifteen to thirty minutes, there will be no more than three staff on the premises at any one time. The changeover of the overnight staff is between 12.00 – 12.30pm to avoid busy commuting times. A manager would also visit the site each weekday between 9am to 5pm. These comings and goings are set out in the table below.

### **3. Purpose of the home**

3.1. BCH is a group of specialist children's homes supporting children with learning disabilities, ASD and associated needs. Each home has an experienced team of adults who apply a therapeutic approach in a homely environment.

3.2. Extract from Mission Statement: *'We believe that children should have the opportunity to experience, develop, grow and take part in all aspects of daily living irrespective of their abilities; with this in mind we are truly committed to nurturing and encouraging an atmosphere of 'anything is possible' until proven otherwise, even then we will do our best to find a positive solution. We aim to provide an environment that reflects as realistically as possible, that of a genuine and nurturing family environment, with the consistency of care, boundaries and support associated. Each young person has an individualised care plan and is encouraged to contribute to their own plans. We aim to provide young people with a sense of belonging and security and to enable the development of healthy relationships, feeling valued and a positive transition into adulthood.'*



3.3. During the day it is expected that the child would engage in various activities, plus attend a mainstream, special school or engage in a bespoke individual education plan.

3.4. 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 up to two primary carers, to provide consistency and stability to the children who live there (similar to a fostering model).

3.5. This home would be registered with, regulated by, and regularly inspected by Ofsted. Having the appropriate planning consent will not of itself enable a residential children's home to open at the property if it does not also meet the strict regulatory requirements set out by Ofsted. Indeed, Ofsted's regulatory powers would also extend to it having the option to close the home if it subsequently failed to meet all of the regulatory requirements.

## **Education**

3.6. 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 could be tutored from home initially. This is all achieved online without any tutors having to come to the house. They may then progress to a specialist unit (smaller class sizes) then hopefully onto mainstream. In cases where children may have a home tutor, this is no different from an ordinary family who choose to have their children educated at home. It makes no difference to the planning status of the use.

## **Risk Assessments**

3.7. Before OFSTED will give their approval, they require a Location Risk Assessment to be carried out to determine the suitability of the area for a children's care home. This involves consultation with local police and social services departments. There will also be an impact risk assessment for each child where a referral has been made. This impact assessment considers all the child's needs and looks at the compatibility with the young people already within the home.

3.8. Unless they are approved by a local authority social services department, children will not be placed in the home. They are also able to confirm the urgent need for this type of facility.

## **Statutory duty of local authorities**

3.9. 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: 'The 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.

3.10. 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'*





#### **4. Planning Assessment**

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

4.2. 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.

4.3. 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'*.

4.4. 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'*.

4.5. 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.

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

### **London Local Plan**

#### **4.7. H8 Loss of existing housing and estate redevelopment**

The plan seeks to retain family housing unless there is clear evidence of need. The loss of a HMO but with the creation of specialist housing for disadvantaged young people is supported by the policy

#### **4.8. Policy H12 supported and specialised accommodation**

The delivery, retention and refurbishment of supported and specialised housing which meets an identified need will be supported. It states the form this should take will vary and should be designed to satisfy the requirements of the specific use or group it is intended for, whilst providing options within the accommodation offer for the diversity of London's population.



## **Hillingdon Local Plan**

### **4.9. Policy: DMH8 Sheltered Housing and Care Homes**

Given the limited scale of development proposed which does not result in any enlargement of the existing building, and as the area is predominantly characterised by residential dwellings, it is considered that the proposed development would not amount to an over concentration of similar uses within the immediate area, the proposal would not have a detrimental impact on the residential character of the area or amenity.

### **4.10. Policy: DMH1 Safeguarding Existing Housing**

Development resulting in the net loss of residential dwellings will be supported only in exceptional circumstances. It can be supported providing the proposal will meet an identified local need. In this case the house is not being lost, rather it is meeting a specific local housing need.

4.11. The need for this provision has been evidentially confirmed by the confirmation from the West London Commissioner attached to this application and sufficiency reports.

### **4.12. Policy DMHB 11 of the Hillingdon Local Plan: Part Two –**

Development Management Policies (2020) seeks to ensure that development proposals do not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space. The supporting text for this policy states that the Council will expect new development proposals to carefully consider layout and massing in order to ensure development does not result in an increased sense of enclosure and loss of outlook. As no major alterations are proposed, only a re-rationalisation of the existing layout, and the home will operate similar to a family dwelling, the intended use will comply with this policy.

#### **4.13. Policy DMHB 11 of the Hillingdon Local Plan: Part Two**

Development Management Policies (2020) states that new development will be required to be designed to the highest standards and incorporate principles of good design. Blossom Children's Homes take pride in the standard of homes and undertake high quality works throughout incorporating sustainable design where possible. Once works are completed, Blossom Children's Homes will be inspected by Ofsted who will need to approve the home prior to opening and will need to be satisfied the home meets the highest standards to house the children.

#### **4.14. The Hillingdon Local Plan: Part One Strategic Policy BE1**

This policy asks for a quality of design in all new development that enhances and contributes to the area in terms of form, scale and materials; is appropriate to the identity and context of the townscape; and would improve the quality of the public realm and respect local character. The property will have refurbishment works undertaken and internal improvements carried out, along with the incorporation of sustainable additions such as EV charging, a bin store and bike store to enhance the use of sustainable transport options to the property, the intended use will also de-intensify trip making to and from the site.

### **Principle of Use**

4.15. 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 the above policies.

### **Location of Specialist Housing**

4.16. 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

### **Neighbours Amenity**

4.17. Comings and goings - there would be little difference from the current approved use as a HMO to influence its character. These movements are considered further below. It could be argued that the proposed use will result in deintensification compared to the existing use by reducing residents to 3 children who are unable to own cars or travel without support from staff, and will be more carefully managed than the existing C4 use.

4.18. 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. Usually, each child's social worker would visit them individually but if they are from the same local authority one of the social workers may visit both children.

4.19. 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.

4.20. 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 children 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.

4.21. The children would be taken to and brought home from school each day and with their carers they would interact with the property and the residence in a way that is very similar to an adult resident, parent or guardian. The residents would eat together and carry out domestic chores in line with developing their semi-independence living skills. The home would seek to foster lifestyles which would be the same as if the child was living in a family home.

### **Comings and Goings**

4.22. The comings and goings are not considered to be significantly different from those associated with the current use. The home manager would arrive each weekday morning and leave each evening, representing two car movements at most, depending on if they travel on public transport. In terms of the other two staff on the premises, they would normally work on a long shift basis, which would involve only one change each day between 12-12.30pm.

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

4.24. The most recent occupiers, prior to the placement (5 single HMO occupants) have provided an estimate of the average number of comings and goings. This is compared below with the expected number of car movements from the proposed use, based upon other similar homes. There will not be a material difference. In the schedule below each figure represents a single movement either in or out over a typical week.

### **Schedule 1- Current Weekly Movements (HMO)**

<b>Activity</b>	<b>Sunday</b>	<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>	<b>Saturday</b>
Travelling to work/ college		10	10	10	10	10	
Shopping/ Social/recreational	10						10



outings							
Visitors	8			6			8
<b>Total Movements (in and out)</b>	18	10	10	16	10	10	18

#### Schedule 2 – Proposed use (based upon experience of other homes)

Activity	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<b>Home Manager / care staff</b>	2	4	4	4	4	4	2
<b>Other Visitors</b>	2	2	2	2	2	2	2
<b>School run</b>		4	4	4	4	4	
<b>Shopping/ Social/recreational outings</b>	2						2
<b>Total Movements (in and out)</b>	6	10	10	10	10	10	6

4.25. On this basis it is maintained that the proposed use, as detailed in this supporting statement, would be similar to the current use. This is 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, this meets with obligations of the following policies:

Policies DMT 1 and DMT 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) require the Council to consider whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety.

4.26. 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.’*

4.27. 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’.*

### **Impact of the presence of staff**

4.28. Visually, the property would look no different from the adjacent houses. During the day, there could be three members of staff in the property at any one time, but this would have no impact on the amenity of the area.

4.29. 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.

### **Fear of crime**

4.30. 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.

4.31. 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 useful answer to this 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.*

4.32. The nature of the children is not therefore material to the determination of this application.

## **5. Conclusion**

5.1. It is maintained that there is no material difference in planning terms between the proposed use and the current use as an HMO. 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 the current use as a Licensed HMO or a family dwelling.

5.2. The proposed use is to provide a stable home environment for the occupants as their main and sole residence and that the length of stay is generally more than temporary or passing. It would not be a ‘half way’ 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.

5.3. 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.

5.4. The lawful use of a dwelling house, included in Class C3 and C4 of ‘the UCO 1987’, is broad in scope and could in association bring with it considerable activity, associated and ancillary use, or vehicular



movement. The prevailing character of the proposed use would be that of a small group of children living together and using the property in a way similar to that of a family home where they would be supervised and cared for by adult guardians. While there might be identifiable differences, between proposed and existing uses, these would not be 'material' or easily measurable and quantifiable against the rather flexible characteristics and impacts of a lawful dwelling house.

5.5. It is maintained that the nature of the use is not materially different from the current use as a HMO. Comings and goings would be no greater than occur at present, it will be less, hence there would be no undue disturbance to any neighbours.

5.6. The local authority is therefore respectfully requested to support the application to allow this much needed facility to be established.

5.7. To support the current proposal, we have reviewed recent decisions from other local authorities that have granted change of use for similar projects. These precedents provide relevant context and demonstrate consistent planning outcomes for comparable developments. Below, we have detailed one of the most relevant applications.

- **Winchester LPA**

- **Application:** Applicant name withheld, Change of use from 5-bedroom HMO (Use Class C4) to a children's care home (Use Class C2), 24 St Mary Street.
- **Reference:** 24/01883/FUL
- **Decision Date:** 24<sup>th</sup> October 2024

