



## Appeal Decision

Site visit made on 14 August 2025

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 September 2025

**Appeal Ref: APP/R5510/W/25/3366709**

**49A Chiltern View Road, Uxbridge, Hillingdon UB8 2PF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
- The appeal is made by Mr Gordon Achiri against the Council of the London Borough of Hillingdon.
- The application Ref is 79259/APP/2025/181.
- The development proposed is described as 'change of use from C4 to use class C2'.

### Decision

1. The appeal is allowed and planning permission is granted for change of use from C4 to use class C2 at 49A Chiltern View Road, Uxbridge, Hillingdon UB8 2PF in accordance with the terms of the application, Ref 79259/APP/2025/181, 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 premises shall be used for a children's care home and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

### Main Issues

2. The Council have not provided a statement within the timescales of the appeal. Therefore, based on the information before me and the findings of my site visit, the main issues in this appeal are:
  - whether the proposal would be suitably located having regard to the relevant development plan policy;
  - effects on the living conditions of occupants of nearby properties, and;
  - effects on highway safety.

### Reasons

#### *Location of the Development*

3. I have been provided with a copy of Policy DMH8 of the Hillingdon Local Plan Part 2 (the LPP2), which relates to proposals for sheltered housing and care homes, and which sets out criteria which should be met. This includes consideration of concentrations of similar uses and whether the proposal meets an identified need

acknowledged by the Council's Housing Market Assessment. The appellant has not provided any information to suggest that the proposal would comply with those requirements, or with the requirements of Part B relating to C2 uses.

4. In conclusion on this main issue, it has not been demonstrated this is an appropriate location for the proposed use and it cannot be concluded that the proposal would comply with Policy DMH8 of the LPP2.
5. The proposal would not conflict with Policy DMH1 of the LPP2 since this is not currently a self contained home. Neither is there evidence to suggest the proposal would conflict with Policy DMH2 or Policy H10 of the London Plan 2021 (the LP) which support housing mix.

#### *Living Conditions*

6. The site adjoins other residential properties to either side as well as behind and on the opposite side of Chiltern View Road. The proposal would entail a change in the way the building was used, and would entail movements associated with staff visiting the premises. However, given the level of occupation proposed, and as the current use is a house of multiple occupation, it is not apparent that the change would cause any significant increase in noise or disturbance.
7. Concerns have been raised regarding the nature of the occupancy and supervision on the site. While problems may have occurred in the past, there is not evidence to suggest this would occur under the proposed use and could not be adequately dealt with outside the planning system.
8. Overall I am satisfied that the proposal would be acceptable in terms of its effects on the living conditions of nearby occupants. While I have not been provided with any development plan policy relevant to this issue, the proposal would comply with the National Planning Policy Framework (the Framework) insofar as it relates to standards of amenity.

#### *Highway Safety*

9. I observed the site to be in an area of controlled parking and given the distance from public transport, it is likely the proposed use would rely in part on private cars. The site benefits from two off street parking spaces which are likely to be capable of accommodating the needs of staff associated with the use. Together with the parking restrictions in the surrounding area, harm to highway safety through increased on-street parking demand would be unlikely. Given the scale of the proposal, it would not generate significant additional trips from the site and I have had regard to the views of the Highways Authority in reaching this view. The site including its rear garden, also has space for the safe parking of cycles and refuse. The proposal would comply with the relevant development plan policies evidenced.

#### **Planning Balance**

10. For the reasons set out above, it has not been demonstrated that the proposal would comply with the relevant development plan policy. Nonetheless, the evidence suggests the proposal would provide a family-like home for three young people, intending to provide safeguarding and promoting the welfare of these children through providing appropriate care. I also understand the appellant is seeking relevant permissions from Ofsted and the Quality Care Commission for the use and I have no strong reason to doubt that the proposal would be capable

of fulfilling this purpose. I am mindful of Article 3(1) of the UNCRC<sup>1</sup> which provides that 'in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.' I do not have details of the children which the proposal is intended to serve, however it is clear that the proposal is intended to serve the best interests of those children. On balance, I am satisfied that this amounts to a material consideration of sufficient weight to outweigh the potential conflict with the development plan.

### **Other Matters**

11. The site lies within the Greenway Conservation Area (GCA), which derives its significance in part from its varied but traditionally designed residential properties. As the proposal would not involve any alterations to the building, and as the proposed use would not be at odds with the residential character, the proposal would preserve the character and appearance of the GCA.

### **Conditions**

12. The Council have provided a list of conditions which it considers would be appropriate in the event that planning permission were granted. I have considered these in light of the tests for conditions set out in the Planning Practice Guidance.
13. I have imposed the standard time limit condition. The appellant has not provided any substantive reason why this standard approach should not be used and it would not conflict with the appellant's wishes to implement the permission quickly should they wish. Given the scope of other uses which fall within use class C2 and which could have different impacts, a condition restricting the use to that intended is also necessary.
14. As the permission relates to change of use only, it is not necessary to impose a condition listing the plans. I have not been provided with details of a planning policy which requires installation of a vehicle charging point and as such it has not been demonstrated such a condition would be reasonable or necessary. As the existing site includes adequate space for the safe and convenient parking of cycles and refuse, I do not find additional conditions regarding those matters would meet the test of necessity here.

### **Conclusion**

15. While it has not been demonstrated that the location of the proposal is compliant with the development plan, I am satisfied that there are material considerations of sufficient weight here which would justify a decision other than in accordance with it. For this reason planning permission is granted.

*C Shearing*

INSPECTOR

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<sup>1</sup> United Nations Convention on the Rights of the Child 1989