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# Appeal Decision

Site visit made on 17 June 2024

**by J Reid BA(Hons) BArch(Hons) RIBA**

**an Inspector appointed by the Secretary of State**

**Decision date: 24<sup>th</sup> June 2024**

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**Appeal Ref: APP/Y3805/W/23/3334710**

**Normandy House, Old Shoreham Road, Lancing, West Sussex BN15 0QS**

- 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 Mr Ashley Davis of Davis Homes against the decision of Adur District Council.
  - The application Ref is AWDM/0766/23.
  - The development proposed is “the change of use of a dwelling (C3a) to a children's home for a maximum of five children, with four carers, carers two of whom sleep overnight, working on a rota basis (C2)”.
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## Decision

1. The appeal is allowed and planning permission is granted for “the change of use of a dwelling (C3a) to a children's home for a maximum of five children, with four carers, carers two of whom sleep overnight, working on a rota basis (C2)” at Normandy House, Lancing, West Sussex BN15 0QS in accordance with the terms of the application, Ref AWDM/0766/23, subject to the conditions set out in Schedule A at the end of this Decision.

## Main issue

2. The main issue is the effect that the proposed development would have on highway safety in the nearby parts of Old Shoreham Road.

## Reasons

3. The appeal site is situated on the roughly north west side of the A27 Old Shoreham Road dual carriageway. The site includes the detached 2 storey plus attic dwelling at Normandy House, which is set well back from the public highway at a higher level than the nearby road, and its grounds, which include parking and turning areas at the front and an enclosed back garden. The immediate area includes the dwellings at Lancing House and in Dewpond Close to roughly north east, and the modest row of dwellings including Heathfield House to roughly south west. There are other dwellings and a car wash on the opposite side of the road. So, the site is within a mainly residential area.
4. The proposal includes the change of use described in the banner heading above. There would be no alterations to the existing building.
5. Old Shoreham Road is part of the strategic road network, and close by, the road is subject to a 40 mph speed limit. There are street lights on both sides of the road, and there is a verge or lay-by between the nearby pavement and the north eastbound carriageway, which runs roughly south west beyond the light controlled crossing towards the Lancing Manor roundabout. The road is busy at

times, and whilst the occupiers would need to cross the road to reach some parts of Lancing, the nearest light controlled crossing is about a 5 minute walk away. So, the occupiers would have reasonable pedestrian access to local shops and services, including local schools.

6. The Council is concerned that a child or children occupying the proposal could attempt to cross the Old Shoreham Road between their home and the nearest light controlled crossing, thereby endangering themselves and other highway users. However, the appellant has explained that the proposal aims to replicate as closely as possible a normal family environment for the medium to long term care of children who may not have had good parenting in their early years, and that before any child is placed in a home, OFSTED would carry out a risk assessment to ensure that the placement is suitable for that child. As the care model aims to help the children to prepare for the day when they will leave the home and fend for themselves, the children are not likely to be less aware of the dangers of traffic than other children, such as those who live with their families.
7. Moreover, the local highway authority and National Highways have not raised concerns regarding highway safety and the impact on the highway network, subject to the imposition of a condition to control the visibility splays at the access for the safety of the users of the nearby pavement.
8. Therefore, I consider that the proposed development would not be likely to endanger highway safety in the nearby parts of Old Shoreham Road. It would satisfy Policy 15 of the Adur Local Plan 2017 which aims for development to have safe access to the highway network, and not result in harm to highway safety, and the National Planning Policy Framework (Framework) which aims to only prevent or refuse development on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

#### *Other matters*

9. As the vehicular comings and goings to and from the site would be similar to those of a family dwelling, and as the staff would work to limit sporadic antisocial behaviour, noise and disturbance and antisocial behaviour were not concerns of the Council in its reasons for refusal, and I agree. So, as the proposal would be acceptable, planning permission should be granted subject to suitable conditions.

#### *Conditions*

10. The Council's suggested conditions have been considered in the light of Framework paragraph 56 and Planning Practice Guidance. In addition to the standard implementation condition, the conditions identifying the approved plans and to control the number of children living at the proposal are necessary to provide certainty for all parties. The conditions to control the visibility splays, and car and cycle parking spaces, access and turning areas, are necessary in the interests of highway safety. The condition requiring compliance with the appellant's flood risk assessment is necessary to avoid the risks of flooding.

## **Conclusion**

11. I have found that the proposed development would satisfy the Development Plan when taken as a whole. The other considerations in this case, including the Framework, do not indicate a determination otherwise.
12. For the reasons given, the appeal should be allowed.

*J Reid*

INSPECTOR

## **Schedule A**

- 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 the approved plans numbered A.101, A.002, and the 1:2500 location plan.
- 3) The number of children living at the development hereby permitted shall not exceed five at any time.
- 4) The visibility splays shown on Sanderson Associates' plan numbered 156934-001 dated September 2023 shall be maintained clear of all vegetation and obstruction greater than 0.6 m in height.
- 5) The access, turning, and vehicle and cycle parking spaces shown on the approved plans shall be kept available at all times solely for those purposes incidental to the development hereby permitted.
- 6) The development hereby permitted shall be carried out in accordance with Simon Dent Associates' Flood Risk Assessment dated 1 November 2023 and the mitigation measures set out within it.

End of Schedule A