

**2024/0764**

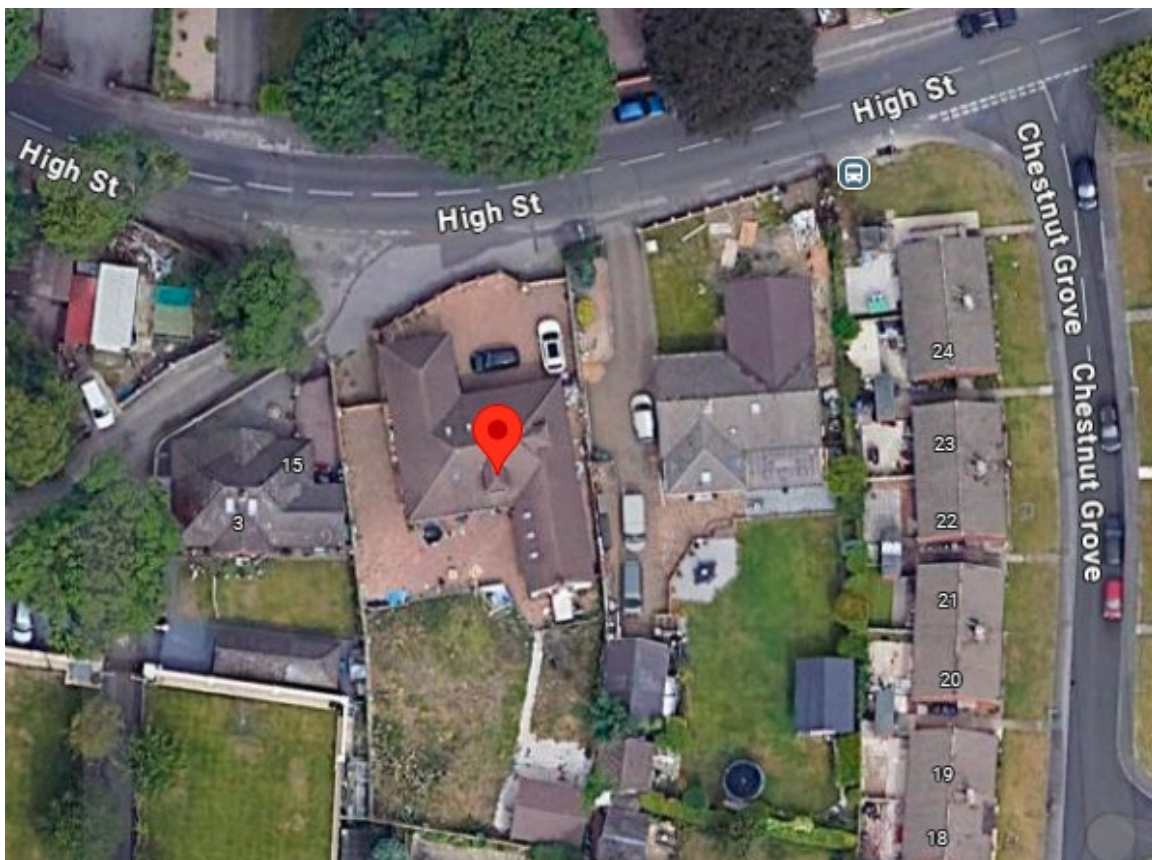
Mr Mark Hathway

Change of use from a private dwelling to a children's home (use class C2)

5 High Street, Thurnscoe, Rotherham, S63 0ST

### **Description**

The property is a 4 bedroom detached bungalow with a room within the roofspace. The property is set off High Street Thurnscoe and is set within a large plot. The property has a front forecourt area for parking and a side driveway, capable of parking 4 cars within the site. There are no parking restrictions along High Street. The surrounding area is mainly residential in nature.



### **Proposed Development**

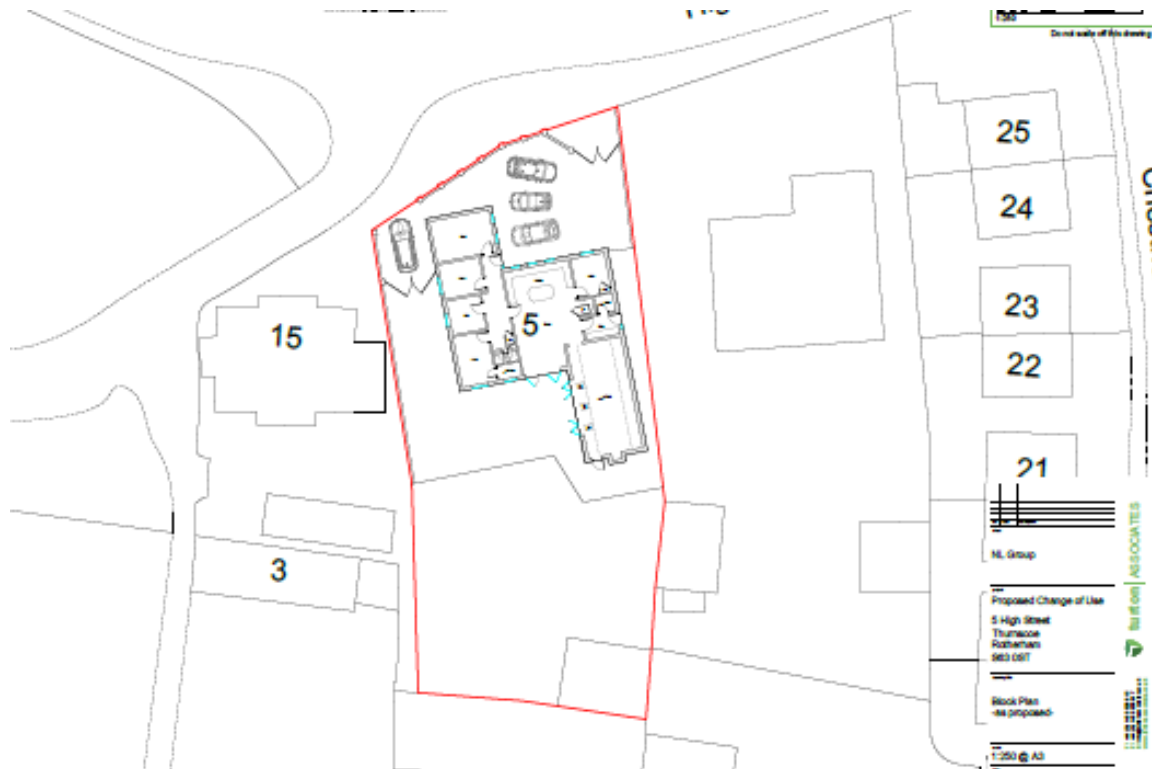
The applicant seeks permission to change the use of the dwelling (C3) to a care home (C2) which will be registered by Ofsted. Some internal alterations will be necessary which are shown on the submitted floor plan. These changes do not require planning permission. There are no external works proposed. The proposal is to utilise this property as a home for one child and four staff members, which will be on staggered shifts for 24hr care.

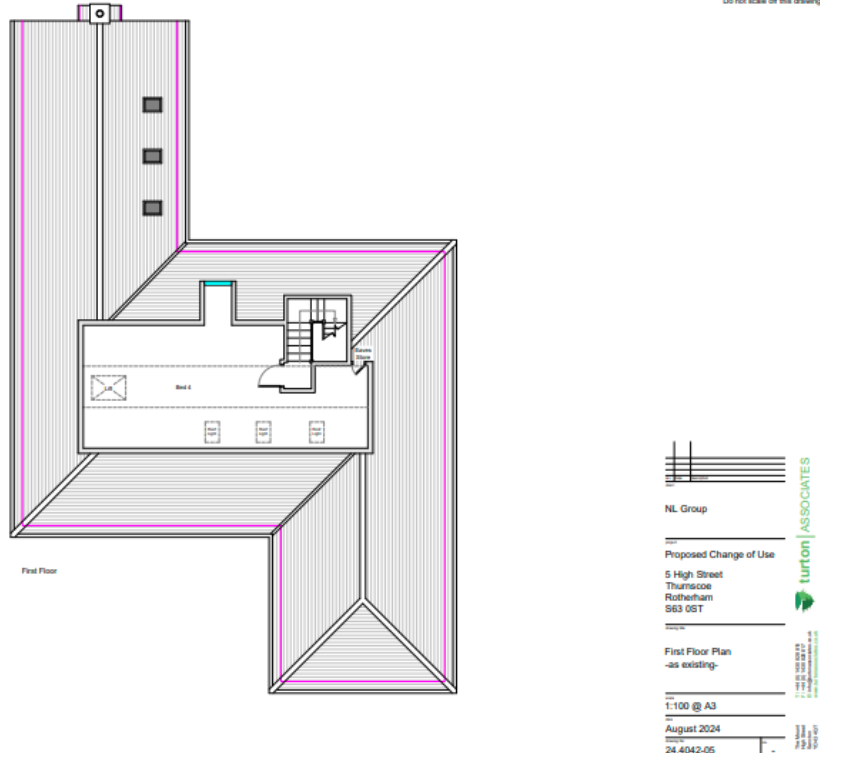
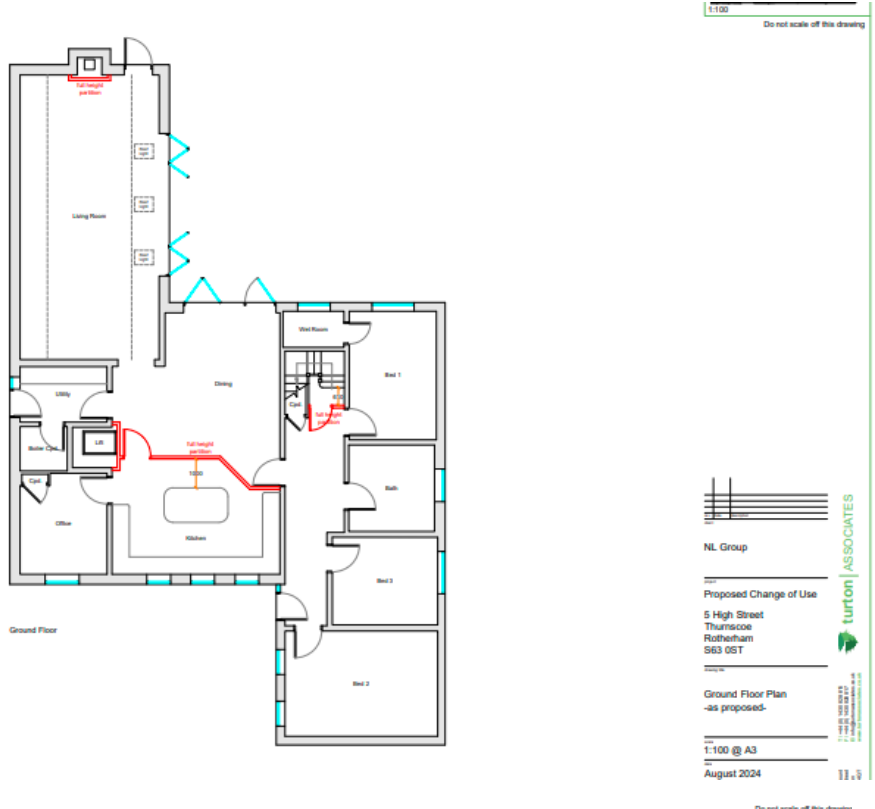
The Design and Access statement states that: 'The proposed change will allow the property to serve as a specialized home for a 15-year-old male who is severely autistic. This home will provide a stable, supportive, and nurturing environment, tailored to meet the unique needs of the young individual.

The child in question requires round-the-clock care, and as such, will be always supported by a dedicated team of four professional carers. The conversion of the property into a children's

home has been carefully considered by the child's family and registered care providers, who view this location as the young man's long-term, permanent residence. The intention is to create a safe and secure living environment that aligns with his specific needs, ensuring his well-being and development in a familiar and supportive setting. This change of use will not only benefit the child but also contribute positively to the community by providing specialized care in a residential setting.'

The agent has provided a site plan showing parking areas for 4 vehicles and states that the four members of staff on site will often car share for shifts. In terms of other vehicles it is anticipated there will be 'one visit a week from a social worker and potentially a visitor from Ofsted every so often.'





**Policy Context**

The site is allocated as Urban Fabric within the Local Plan Proposals Maps and therefore the following policies are relevant:

Policy T3 New Development and Sustainable Travel

Policy T4 New development and Transport Safety

Policy GD1 General Development

Policy D1 High Quality Design and Place Making.

Policy H6 Housing Mix and Efficient Use of Land

Policy Poll1 Pollution Control and Protection

Policy H9 Protection of existing larger dwellings

SPD's

Those of relevance to this application are as follows:

- House extensions and other domestic alterations

-Parking

Other

South Yorkshire Residential Design Guide

NPPF

The NPPF sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

### **Consultations**

Ward Councillors – Cllr Morrell – 'I am familiar with the building and outwardly can hold no objections to the change of use. I appreciate that the need for homes for children in care is a priority for the council so as children in care can have an equal start to adulthood but question if this property is suitable having only three ground floor bedrooms and one on the first floor.

As a member of staff will be on site all the time this leaves provision for three children. I am only expressing my concerns over the suitability of the premises'

Highways – No objections subject to condition

Drainage – Details to be checked by Building Control

Pollution Control – No objections

### **Representations**

- 3 objections have been received which raise the following concerns:-
- Current parking issues on the pavement
- Staff parking elsewhere
- A child is already residing there
- Potential damage to property
- Impact on property values

- Is this a short stay home instead of a long term home
- Impact on waste collections and type of clinical waste
- Given the current needs of the occupant should this be a C2a building

## **Assessment**

### Principle of Development

Local Plan Policy H9 'Protection of Existing Larger Dwellings' states 'The loss of existing larger dwellings will be resisted'. The policy supporting text also states 'As well as provision as part of our housing mix of some new low density, large dwellings and family housing, it is also important to ensure the endurance of existing housing stock of this type. In recent years dwelling conversions have been taking place at an increasing rate in the borough. These conversions have resulted in a loss of larger homes ... contributing to the imbalance in the housing stock towards smaller homes. This has been a problem particularly in Urban Barnsley around the Town Centre'.

SPD 'Design of Housing Development' supports Policy H9 and defines larger dwellings 'to be those that have four or five bedrooms or are capable of accommodating four or five bedrooms without significant adaption'.

It should be noted that the application property has 4 bedrooms, however no physical external works are proposed to alter the current layout of the proposal (with the exception of very minor internal works) so the use could easily be converted back to C3. In addition, the proposal is for a residential use and will permanently house 1 child at a time.

Within the supporting text of Local Plan Policy H6 'housing Mix and Efficient Use of Land' it states that various house types capable accommodating a range of needs are required across the borough. Supported housing is required for vulnerable households, including young people with support needs. Proposals will be supported where they are consistent with policy H6 and other policies within the Development Plan.

Local Plan policy GD1 'General Development' states that development should not result in a significant adverse effect on the living conditions and residential amenity of existing and future residents. This is assessed further below.

It must also be noted that more recently, operators of children's homes within the area have applied for and been granted Lawful Development Certificates for such small scale uses. The applicant in this instance has applied for full planning permission. Where activity results in a material change of use of a building to a use falling within a different use class then planning permission will be required to authorise that change of use. Depending on the circumstances of each case, a children's home will fall into either a C2 or C3 use classification.

A material change of use from class C3 to C2 amounts to development requiring planning permission. There is therefore a potential requirement for planning permission to use a dwelling house as a children's home. The starting point is to first establish as a matter of fact and degree, whether such a use would constitute a change of use from C3 to C2. The issue largely centres on whether or not the children are in themselves capable of living together as a single household.

Class C3 (b) of the Town and Country Planning (Use Classes) Order as amended refers to "up to six people living together as a single household and receiving care e.g., supported housing schemes such as those for people with learning disabilities or mental health problems." If a children's home was being run on this basis, with children being looked after

by a permanent occupant of the dwelling, there would be no requirement for planning permission.

However, the matter is less clear when the care is based on shift patterns, as is the case proposed. In the North Devon District Council [2003] case Justice Collins made the point that that children “need to be looked after. They cannot run a house. They cannot be expected to deal with all the matters that go to running a home ... children are regarded as needing fulltime care from an adult, someone to look after them, someone to run their lives for them and someone to make sure that the household operates as it should.”

The North Devon case was assessed against a two-stage test as follows:

a. does the use lie within C3?

b. in any event is there a material change of use involved?

As a result of the North Devon Case, it is considered that the proposal would fall outside C3, and within C2, because of the way in which the resident would interact, including with the staff, to the extent that they may not be regarded as living together as a single household. However for the use to require planning permission we have to be satisfied that the use amounts to a “material” change of use. The law provides that a change within a use class (assuming a condition has not been added to the planning permission limiting the scope of the authorised use) is to be treated as lawful and not a material change. However the converse is not necessarily the case when there is a change from one use class to another one still has to demonstrate that the change is “material”.

What constitutes a 'material change' is not defined within planning legislation and is a matter of fact and degree to be determined on the individual merits of each case, so the LPA has to weigh up the facts of this case and make a planning judgement as to whether the change would amount to a material change or not. In this case the use is limited and should the applicant have applied for an LDC then it is likely it would have been granted as such.

### Residential Amenity

Comments of objection has been received regarding the proposal, raising concerns that the site is currently operating as a care home for 1 resident. Concerns have also been raised with regard to the site's suitability for a care home and the potential impact upon parking provision. No extensions or external alterations are proposed to accommodate the use as such residential amenity in terms of overbearing, overshadowing and privacy would remain the same.

In terms of the site suitability, care home dwellings are normally located within residential areas and communities in order to provide a 'typical' setting for children to grow up in. The property is a large detached dwelling set within a large plot, with its own parking and amenity areas. The use would only be for 1 child and 4 no. staff on alternate 48-hour shifts, and other bodies would only visit the property occasionally. The submitted information shows that the activities within the property would reflect those within neighbouring residential properties and given this is a large 4 bed property, it would not be dissimilar to a large family home use. The proposed use would be compatible with the surrounding area and would have similar levels of activity/movements as a typical residential C3 use and would not cause a significant increase in noise or disturbance in compliance with policy GD1 of the Local Plan. The Pollution Control Officer has also been consulted and has raised no objections or concerns.

A condition will be recommended to limit the use of the property within use class C2 and for 1 child only, to that described within this application so further uses which fall within that

category, which may not be as compatible with the adjacent land uses, are not carried out without due consideration.

### Visual Amenity

As outlined above, no internal or external alterations are proposed, as such, visual amenity would be maintained in accordance with Local Plan Policy D1.

### Highway Safety

Highways concerns have been raised by the objectors and that the site is currently operating as a care home for 1 resident. The Highways Section have been consulted as part of the proposal and the applicant has provided the following additional information to support the proposal:-

'To clarify the use as requested - this is a one-person care home. The property has been specially adapted for the occupant in need of care. This is on a 24 hour basis with staggered shifts of a maximum of 4 carers at any one time. Car share is encouraged. There is no intention to have more than one person in care now or in the future. I note the comment regarding parking outside the site. I understand this was a temporary occurrence on the verge outside the property (which used to take place by the previous occupier) but that it has now stopped.

I enclose a site plan showing parking arrangements for 4 vehicles. The D&A mentioned 6 spaces as more cars could be accommodated behind the gates where a single car is shown on the drawing.'

The Highways Officer has considered the above and has stated: 'I can confirm that I am satisfied that the access and parking arrangements are acceptable for the proposed use of the site. I note that it has been confirmed that the intended long term future use of the building remains the same, providing care provision for one resident and given that this is the case, could I suggest that a suitably worded condition be attached to the permission to this effect, should you be minded to approve the application. This would ensure that there are no parking concerns moving forward as inevitably, a greater number of residents will come with increased staffing levels and I would like to ensure a mechanism is in place to ensure that we are consulted on any potential changes.'

The site has parking spaces for at least 4 vehicles and there are no parking restrictions on High Street. There would only be a maximum of 4 staff members who would operate staggered shifts. The vehicular movements would not be significantly different from those generated by a 4 bedroom house and would be compatible with the immediate area in accordance with policy T4 of the local Plan.

### Summary

Taking into account the relevant development plan policies and other material considerations including the recent North Devon case, it is not considered that there are any significant and demonstrable adverse impacts that would outweigh the benefits associated with the granting of planning permission for the scheme. The proposal therefore complies with the development plan as a whole and the advice in the NPPF. Other objections raised such as the impact upon the values of surrounding homes is not a material planning consideration.

As such the scheme is considered to accord with policies and guidelines and is recommended for approval.

### Recommendation

Grant subject to conditions.