



Consult Construct

PLANNING STATEMENT

Change of use of existing dwelling to 2no Supported Living Units

11A West Street

Worsbrough

Barnsley

S70 5PF

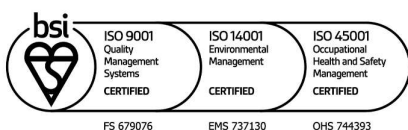


REV A

October 2023

Prepared for and on behalf of

IBC Healthcare



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1.0 INTRODUCTION

This planning statement has been compiled to support a full Planning Application for the conversion of the existing property to create 2no Supported Living apartments. The site will remain in the C3 Use Class but each unit will sit within the C3(b) definition.

The full site address is:-

11A West Street

Worsborough

Barnsley

S70 5PF

The location of the site is indicated below, and a location plan provided (23.3094 01)

Please also refer to application drawings.





2.00 SITE APPRAISAL

2.01 Location and context

The application site is located within the residential area of Worsbrough Bridge, in the southerly outskirts of Barnsley. The property is located on the B6100 which connects with the A61 directly into Barnsley centre.

11A West Street is within a residential area and within the urban fabric. It is within walking/bus journey of many local amenities. This area is predominantly post-war semidetached houses and small bungalows.

The application site is approximately 827sqm area with off street parking to the front driveway, single garage, and an enclosed rear garden.

The residential property is a single storey building, comprising 3no bedrooms with attached garage.

There is parking available for over four cars in the off-street driveway, as well as a garage.

There are no trees on the site that are subject to Preservation Orders.

2.02 FLOOD RISK

The site is considered at Very Low Risk of flooding from Rivers and Sea and Surface water, so a Flood Risk Assessment is not considered necessary for this application. See submitted flood map for reference.

3.00 PLANNING HISTORY

3.01 History

No planning history since construction.

The site is adjacent to a site allocated for new housing under Policy HS5 with Planning Permission for 70 Dwellings

The site is adjacent to the Worsbrough Country Park and Trans Pennine way but is not in an AONB or Conservation area.

4.00 PLANNING POLICY

The National Planning Policy Framework (NPPF) Chapter 5: requires delivery of a sufficient supply of homes and that groups with specific housing requirements are addressed.

Key Barnsley Local plan policies :-



Policy H6 – Housing Mix and Efficient Use of Land.

Various housing types capable of accommodating a range of needs are required across the borough such as family housing and older persons accommodation. Supported housing is required for vulnerable households for example those with physical or mental disabilities and young people with support needs. Proposals will be supported where they are consistent with this policy and other policies in the development plan, or where robust supporting evidence can be provided that would be a material consideration of sufficient weight to take precedence. The principle of creating homes that are capable of meeting long term needs of residents or can be adapted to meet these needs (often referred to as 'Lifetime Homes') will be supported.

5.00 IDENTIFIED NEED

At the end of 2022, a staggering 2,030 people with a Learning Disability and/or Autism were inpatients in hospitals across the UK. Unfortunately, 21% of these people were inpatients across the Midlands, making this the highest in all NHS Commissioning Regions. A significant percentage of these people could not be discharged due to lack of suitable housing within the community.

Local housing commissioners and the NHS Adult Social Care have been consulted and are supportive of this development of supported living housing in this particular location.

6.00 PROPOSAL

6.01 Layout

The internal alterations proposed consist of the formation of 2no accessible self-contained supported living apartments. The units will have their own tenancies and council tax liability. Each unit will have living/dining/kitchen area, accessible wet room and bedroom. Unit 1 will have an area of 47m², and Unit 2 will have an area of 64m².

6.02 Use

The alterations within the building maintain the existing character and design of the property within its context, including no change to its elevations.

6.03 Landscaping and trees.

The existing street access will be retained and the front and rear gardens and boundaries will be retained unaltered. There are no trees on the site.

6.04 Parking

The existing property has a large paved front garden that accommodates over 4no cars. This is to be retained as this provision is sufficient for the proposed use.



Barnsley Supplementary Planning Document on Parking requires 1 space per dwelling with 1 bedroom. The residents will not have cars so the four spaces available will be available for the use of carers.

6.05 Garden

The garden has been indicated as being split to provide private amenity space for each resident. See drawing 23.3094 / 02 rev A.

6.06 Care provision/level of care

IBC Healthcare are a specialist care provider for individuals with complex care needs and are passionate about individuals having a house they can call home, where they can be supported to live as independently as possible in their local community. The residents will be receiving care depending on their particular need, but it is anticipated that each individual will have no more than 2 carers at any one time, including through the night.

For clarity the use Class Order interpretations describe care as :-

“care” means personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder, and in class C2 also includes the personal care of children and medical care and treatment;

The type of care to be provided is not personal or medical care but rather assistance with living independently such as assisted with putting washing on, cooking, reminded to undertake hygiene tasks, and decide on activities planned at their own choosing and time. The purpose of supported living is to develop independent living skills and is a pathway to independence.

6.07 Shift Pattern

This is a rota with 8am to 8pm start times but this is flexible dependant on residents preference. Standard pattern is two in the daytime and two at night time per resident. This is VERY Dependant on the resident however and could easily be less than this.

There will be separate carers for each resident as training differs depending on the resident's needs and care plan.

6.08 Separation

The dwelling subdivision is to provide two separate, individual and private Supported Living dwellings. This is different to a residential model (that also sits within the C3b Use Class) where individuals will live together in a single property with others and sharing communal spaces. This model of care follows the guidelines in the Transforming Care Agenda that promotes the premise that having a disability doesn't mean you have to live in a care home.

6.09 Visitors

No regular visitations are required, any medical appointments are conducted off site and as and when required, the same as a usual residential dwelling.

Comings and going to the site will generally be the carers on a daily basis and the residents family and friends occasionally as a usual residential dwelling.



6.10 Assessment of Residents Suitability

An extensive compatibility assessment of each occupier's suitability is undertaken prior to occupation. Each resident is considered a vulnerable adult and has a long term multi-disciplinary team from Adult Social Care, the NHS and an Occupational Therapist, all of whom are involved in assessing suitability, as well as the occupier's own families knowledge and experience.

An Environmental Risk Assessment is undertaken for each resident that addresses any disruption potential to other residents, carers and the local community. The placement is intended to provide a long term home, in line with the Transforming Care Programme and the Care Act 2014 so it residents will not be coming and going.

6.11 Location

The image below indicates an 800m radius from the site.



Local Convenience store



Doctors surgery



Open green space



Post Office



Library





It is clear that the property is within an accessible area and close to key amenities and public transport routes.

7.01 PLANNING DISCUSSION

Use Class

The description for Use Class C3b allows for up to 6 people living together, receiving care and as a single household.

A household can be created by a single person. This will be the case for each of the dwellings at 11A West Street so the criteria for 'up to' six people living together has been met.

In case law references, often the ability of the resident to 'form a household' is used as criteria to determine whether the C3b use Class is appropriate or whether C2 is more so.

Within court ruling in *NDDC v First Secretary of State* (2003) and Appeal APP/C4235/A/11/2162636, amongst many others, it appears that it was the ability of residents to form a household that was the key element, especially in relation to children, as was the scenario above where continuity of live in care was required as a prerequisite for C3b use to apply.

However, the *Crawley Borough Council v FSS and Eve Helberg* (Trading as the Evesleigh Group) (2004) case (paragraphs 30 -32 below), in relation to the use of the NDDC case as principle for all others, suggests that

'The correct position is to make judgement on each scenario on the specific facts of individual cases' and that even if the carers are not resident in the property, it can still constitute a single household.

30. The observations he makes at the end of paragraph 16 of his judgment do indeed appear to go wider, but for my part I would be very reluctant to read them as purporting to lay down a principle that those who suffer from disability and who need care in the community can never by themselves constitute a household, that is to say that the reasoning applied to children necessarily and invariably applies to them too. If the observations are intended to lay down such a principle, they are obiter, I do not need to follow them and I would decline to follow them.

31. In my judgment, the correct position is that, in every case, the judgment to be made in the application of the criteria in Class C3 depends upon the specific facts of the individual case. There may indeed be cases where, having regard to the nature of the disability suffered and the degree of care required, persons resident in a house cannot sensibly be said to constitute a household. But there will be other cases, and in my judgment this is one of them, where persons resident in a house can sensibly be said to constitute a household notwithstanding that they have some disability and need care. That is so even if the need is for full-time care. I would reject any suggestion that in a case where care is needed for those under a disability, Class C3 can apply only if the carers are in residence in the same property as those for whom they are caring. That would seem to me to run counter to the language of Class C3 itself and to the underlying policy.

32. If the carers are resident, the question is whether they, together with the other residents, constitute a single household. But if they are not resident, there remains a perfectly sensible question whether those who are resident, that is to say those who are in receipt of care, themselves constitute a single household. That is a question essentially to be answered on the facts. It was a question considered on the facts of this case by the inspector and answered affirmatively by him.



R (Hossack) v Kettering Borough Council similarly suggests it is a matter of 'fact and degree in each case'.

With the above in mind, the following facts support the scenario in question and that the residents can form a household.

- 1) Residents will individually be charged Council Tax.
- 2) Residents will individually be awarded Housing Benefits.
- 3) Residents will have their own Tenancy agreements.
- 4) The properties will be Supported Living units these are described by the Applicant as

'a setting is ideal for people who wish to have their own tenancy with a dedicated support package. Some people may have previously lived in a residential service and are ready to move on to a supported living service; others may move into supported living without having been in a former care setting at all and where essentially this is their 'own home'. Support is tailored to the individual's needs and how they want to live their life. This could translate into a support worker being on-site or visiting the individuals at their accommodation at agreed times; others need a setting that has on-site support 24/7. To offer a completely bespoke solution, we work with housing partners to develop options that enable people to live as independently as possible in their own accommodation'.

- 5) The type of care to be provided is not personal or medical care but rather assistance with living independently as required by the Supported Housing National Statement of Expectations issued by the Government in 2020 and is a deliberate move away from the C2 institutionalized care environment.
- 6) The Housing type has been assessed and is supported by Adult Social Care and Local Health Commissioners.

In addition to the above and with reference to the afore mentioned Case Law the following criteria has been compiled to further support the C3b Use Class.

1) Is each flat an independent dwelling. Does it provide all facilities required for day to day existence (kitchen, bathroom, living room, bedroom) etc	YES C3	NO C2
2) Is the accommodation dependant on a large amount of communal facilities or services?	YES C2	NO C3
3) Is on site sleeping accommodation provided for professional carers?	YES C2	NO C3
4) Is the care provider the landlord?	YES C2	NO C3
5) Is the care provision by one Provider	YES C2	NO C3
6) Do Tenancy agreements require any care to be provided to the occupier?	YES C2	NO C3
7) Is there potential for significant neighbour complaint due to loss of amenity?	YES C2	NO C3
8) Could the Care need change to include high levels of personal care?	YES C2	NO C3
9) Living accommodation as any family home (communal and kitchen)	YES C3	NO C2
10) Are Care providers resident in the building?	YES C2	NO C3
11) Does carer assist residents with tasks NOT undertake task themselves	YES C3	NO C2



7.00 DRAWINGS

Please also refer to application drawings

23.3094 / 01 Site location plan

23.3094 / 02 Existing and proposed Site layout plan

23.3094 / 03 Existing and Proposed Ground floor plan

23.3094 / 04 Existing Elevations and Proposed Elevations

8.00 CONCLUSION

The application seeks permission to convert the existing dwelling to 2no supported living units.

The proposal aligns with the specifications outlined in the planning policy, as it is situated in a suitable area, near amenities, and accessible via sustainable transport.

There is a clearly identified need in the area for Supported Living accommodation.

The internal layout has been designed to provide suitable accommodation for the use.

There is sufficient off-street parking for the proposed C3b use.

The number of residents will be considerably less than a family home with

Whilst numerous appeal cases support the assertion that to form a household on site carers are required to live on site, the *Crawley Borough Council v FSS* and *Eve Helberg* case allows for the Local Authorities to make judgement on each scenario on the specific facts of individual cases' rather than assume the position of *NDDC v First Secretary of State* (2003) and other similar child related appeal cases.

The facts of this particular development have been provided and illustrate that the proposal sits within a C3b Use Class.



9.00 EXISTING PHOTOGRAPHS



Frontage and driveway



Rear Garden