

**2024/0194**

*Dr Amjid Usman*

*Change of use of dwellinghouse (Use class C3) to care home for children (Use class C2)*

*2 Wood Walk, Royston, Barnsley, S71 4FH*

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### **Site Description**

The application relates to an extended, detached 2 storey dwelling located on the corner of Wood Walk and Monkton Way in Royston. The dwelling has a 2-storey side extension on the southern elevation approved under application 05/1421). It also has had a recent garage conversion carried out under permitted development rights. To the front of the property are an open plan garden area and driveway. To the rear is an enclosed private amenity space.

The dwelling sits within a residential development. There is an immediately adjacent detached dwelling to the North, detached dwellings opposite Wood Walk to the West and detached dwelling, at right angles to the application property, opposite Monkton Way to the South. Beyond the rear boundary, to the East, are open fields.



### **Site History**

2021/0905 - Change of use from use a class C3(a) to C3(b) dwellinghouse (Lawful development certificate for a proposed use) – Refused for the following reason;

*It is unrealistic to expect children to look after themselves in a single household. Carers who provided 24-hour care but do not reside at the property and work in shift patterns cannot be regarded as living together in a household. The concept of living together as a household means that a proper functioning household must exist, and children and carer must reside in the premises. In such circumstances, the use cannot therefore be considered to fall within Class C3 (b) 'Dwellinghouse' and would fall into use class C2 'Residential Institution'. Given a change of use from C3(a) to C2 is not permitted development, a Lawful development Certificate in this instance cannot be granted.*

2021/1506 - Change of use of dwellinghouse (Use class C3) to care home for children (Use class C2) – Refused for the following reasons;

- 1. The change of use would result in the loss of a 'larger dwelling' from the housing stock. This would be contrary to Local Plan Policy H9 'Protection of Existing Larger Dwellings' , and Supplementary Planning Document 'Design of Housing Development', which state that it is 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.*

2. *In the opinion of the Local Planning Authority, the proposed change of use would be materially detrimental to the amenities of the occupants of the neighbouring dwellings by reason of noise and disturbance generated through the proposed occupants, staff members and movements/activities associated with the use. This would be contrary to Local Plan Policy GD1 'General Development'.*
3. *The applicant has not submitted sufficient details to justify the need for the development which may add to the disproportionate and high number of children in care placed in the Barnsley Borough from neighbouring authorities. This would put additional strain on local services, contrary to Local Plan policy GD1.*

2024/0443 Certificate of lawfulness for the use of existing residential property (C3) to proposed residential children's care home (C2) – currently under consideration.

### **Proposed Development**

The applicant seeks permission to change the use of the building from dwellinghouse (Use class C3) to care home for children (Use class C2).

The home would provide full time care for 3 children with 2no. staff on site during the day and 2no. staff over night. The children would likely have behavioural, emotional and social difficulties. The dwelling has 5no. bedrooms, each child would have their own room, the 4<sup>th</sup> bedroom would be used as a play/recreational room for the children and the 5<sup>th</sup> bedroom would be used as a staff room.

Care will be provided 24 hours per day on a shift pattern (7am-3pm, 3pm-11pm and 11pm-7am) with a maximum of 2 carers overnight undertaking a sleep-in from 11pm to 7am.

No external alterations to the dwelling are proposed as part of this application, although some works, including the conversion of the garage and additional hardstanding to the front of the property, have been completed under permitted development rights. The application form states 5no. parking spaces would be provided, however, that would involve all of the hardstanding to the front of the property being occupied by vehicles, resulting in double parking. Realistically the areas to the front of the property could accommodate 2/3 vehicles.

Internal works have already been provided a completion certificate by Building Control.



## 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.

Paragraphs of particular relevance to this application include:

Para 96 - Planning policies and decisions should aim to achieve healthy, inclusive and safe places

Para 115 - Development should only be prevented or refused 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.

Para 131 - The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

### **Consultees**

Highways – No objections, parking sufficient

Local Ward Members – A ward member has been liaising with local residents after being contacted by them with concerns over the proposed change of use.

### **Representations**

11no. neighbours were consulted regarding the application and a site notice was also erected in the local area. Objections have been received from 11no. addresses, the main points of concern are;

- Repeat of the previously refused application
- Incorrect information on the application form
- Work already undertaken at the property
- Not compliant with the 3 objectives of the NPPF
- Detrimental impact on residential amenity
- Covenant on the properties which restrict business uses
- Noise, disturbance and vehicular movements when shift patterns occur
- Applicants have not engage positively with the local community
- Potentially impact the safety and wellbeing of existing residents
- No facilities to accommodate the residents within the local area
- Increased traffic from staff/visitors
- Current application is not materially different to the previously refused application and should receive the same decision

### **Principle**

Application 2021/1506 from the same applicant for the same change of use was refused for 3 reasons. There has not been significant amendments to this application to address the previous reasons for refusal. The number of children would reduce from 4 to 3 but the staffing levels would remain similar.

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*'.

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 will be explored under the headings below;

### **Assessment**

As outlined above, the property qualifies as an existing larger dwelling, as such, its conversion to a commercial care home (C2) use would be contrary to Local Plan Policy H9 which seeks to resist the loss of existing larger homes given the conversion or loss of these properties is contributing to the imbalance in the housing stock.

It is noted that the property is located within a predominantly residential area within a modern estate of similar properties. Up to 3no. children aged between 6 and 18 would reside within the property on a medium to long term basis and would integrate in the community by attending local schools, clubs etc. This would mirror the use of the neighbouring properties by families, however, where this use would differ is the on-site staff.

The staff would work on a shift pattern with shift changes. The intention is to have at least 2no. staff members on site at any one time, with a maximum of 2 overnight and 2 during the hours of between 7am and 11PM, however, during staff change overs it is likely that 4no. staff would be at the property in order to handover from one shift to another. This would result in noise and disturbance through vehicular movements as well as pedestrian movements, talking etc. This would be especially noticeable during the early morning and late evening shift changes when background noise levels are likely to be low. This noise and disturbance would be above and beyond what would reasonably be expected from a residential property of this size and within an area of this nature, as such, the residential amenity levels for neighbouring residents would be detrimentally affected, contrary to Local Plan Policy GD1.

As outlined above, the application form states that 5no. vehicles can be accommodated to the front of the dwelling, however, that would involve cars reshuffling if one needed to leave. Even if it is reasonably assumed that the 2no. staff members (at least) arrive in separate vehicles, when the shift change occurred, they would need to move their cars from the drive to allow the new staff members to park, again, causing noise and disturbance, especially during unsociable hours.

Although, it is stated there may only be 2no. staff overnight at the property, there would be visiting staff, deliveries, maintenance etc. throughout the day which could go beyond movements reasonably associated with a residential property within a predominantly residential estate of this nature, again emphasising the commercial nature of the use.

It should also be mentioned that no justification of the need for the facility in the borough has been provided. There are concerns regarding the disproportionate and high number of children in care

placed in the Barnsley Borough from neighbouring authorities which obviously puts additional strain on local services, contrary to Local Plan policy GD1.

## Summary

The proposal would result in the loss of a 5-bedroom family home from the housing stock and, as such, would be contrary to both policy H9 and the SPD.

Although the number of children proposed has reduced from the previously refused application (2021/1506) from 4 to 3, however, staffing levels would still be similar, as such, the previous reasons for refusal have not been addressed. As such, the scheme would reduce residential amenity for existing residents through additional activity associated with the proposed use which would be over and above what would reasonably be expected within an established residential area, contrary to GD1.

There is still also a lack of justification for the need of the change of use which is likely to place additional strain on local services, contrary to GD1.

## Recommendation

Refuse

- 1. The change of use would result in the loss of a 'larger dwelling' from the housing stock. This would be contrary to Local Plan Policy H9 'Protection of Existing Larger Dwellings' , and Supplementary Planning Document 'Design of Housing Development', which state that it is 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.*
- 2. In the opinion of the Local Planning Authority, the proposed change of use would be materially detrimental to the amenities of the occupants of the neighbouring dwellings by reason of noise and disturbance generated through the proposed occupants, staff members and movements/activities associated with the use. This would be contrary to Local Plan Policy GD1 'General Development'.*
- 3. The applicant has not submitted sufficient details to justify the need for the development which may add to the disproportionate and high number of children in care placed in the Barnsley Borough from neighbouring authorities. This would put additional strain on local services, contrary to Local Plan policy GD1.*