

8. FULL APPLICATION FOR THE CHANGE OF USE OF EXISTING DWELLING TO USE AS CHILDREN'S HOME FOR UP TO FIVE CHILDREN WITH UP TO SIX STAFF, WITH ANCILLARY USE OF LOWER LEVEL FOR HOME SCHOOLING, AND MINOR INTERNAL ALTERATIONS/CHANGES TO EXISTING FENESTRATION AT MOORFIELD BARN, DERBYSHIRE LEVEL, GLOSSOP - NP/HPK/0619/0622 – JK

APPLICANT: MR P KNOWLES, ARNFIELD CARE LTD

Summary

1. Moorfield Barn is in use as a four bedroom dwelling which, in planning use terms, is a Class C3 (a) dwellinghouse use. The change of use to a children's home for up to five children, may require planning permission in some circumstances depending on the needs of the children and the care provided, and whether or not the proposal would involve a material change of use.
2. Our development plan policies allow in principle the change of use of existing traditional buildings to housing and business uses in the open countryside. In this case there would be no change in appearance, the parking and access facilities are appropriate and the use would not be so different to a normal family use as to give rise to any adverse amenity issues for neighbouring properties or impact upon the valued characteristics of the locality. The proposal has therefore been recommended for approval subject to conditions set out below.

Site and Surroundings

3. Moorfield Barn is a detached 4 bedroom house located on the west side of 'Derbyshire Level', just outside and to the south west of the town of Glossop. Derbyshire Level is a minor road which links the A57 Snake Road east of Glossop with the A624 Road south of the town and affords access to a small number of farms and individual dwellings. The National Park Boundary lies 200m to the North-West. The application site comprises the dwelling and its associated residential curtilage.
4. The house is a converted traditional agricultural stone barn which fronts onto Derbyshire Level. Windows and doors are dark brown painted timber. There is a parking area for four cars next to the north gable where there is also an integral garage in a gable lean-to. Next to the south gable is a further gravelled parking area for two cars. To the rear of the house is a raised stone patio with storage space below accessed by a sloping gravelled driveway down from an entrance gate onto the lane. The house sits within a rectangular garden which is sloping away from and below the level of the house and which is clearly defined by drystone walls and mature boundary trees/hedging.
5. The nearest neighbours is Moorfield Farm and Moorfield Cottage which lie across the road some 65m or so to the north east and are themselves set back from the road behind intervening landscaping.

Proposal

6. Full planning permission is sought for the change of use of the existing dwelling to use as a children's care home for up to five children with up to six staff, with ancillary use of lower level for home schooling along with minor internal alterations/changes to existing fenestration.
7. The submitted plans show internal alterations to increase the number of bedrooms from four (potentially 5) to seven with two rooms being designated as staff 'sleep-over' rooms. The lower storage below the rear terrace would be divided to form 3 rooms for use as

classrooms and or meeting/break out rooms with new glazed screen doors fitted to the four existing openings.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions;

- 1. Commence development within 3 years.**
- 2. Carry out in accordance with submitted plans.**
- 3. Define approved use as a ‘children’s care home’ within Class 2 of the Town and Country Planning (Use Classes) Order 1987.**
- 3. Submit for prior written approval the precise details of new screen doors before installation.**
- 4. Maintain the 6 existing outdoor parking spaces located beside each gable end of the main house and the driveway available for designated parking use throughout the life of the development.**
- 5. Maintain exit visibility splays for the parking spaces and drive exits.**
- 6. No additional external lighting other than in accordance with a scheme that shall first be submitted for prior written approval by the Authority.**

Key Issues

8. Principle of use of the property as a care home and whether or not ‘development’ comprising a change of use needing planning permission.
9. Highway considerations
10. Amenity considerations

Planning History

11. 1979 – Permission granted for conversion of the barn to a dwelling
12. 2007 – Permission granted for extension of patio to rear including formation of storage area underneath.

Consultations

13. Highway Authority – No objections subject to conditions

The Highway Authority note site is currently served by an access and off street parking spaces adjacent to where exit visibility is acceptable and the space available is considered acceptable to accommodate the likely parking requirements of the unit. They also noted that there is additional space, served by another access, towards the north eastern boundary of the site which should also remain for vehicle parking if required.

There are no highway objections to the application subject to conditions in any consent granted covering provision and maintenance of visibility splays from the accesses and maintenance of the space within the site for the parking and manoeuvring of staff and

visitors vehicles.

14. High Peak Borough Council – no response
15. Charlesworth Parish Council – no response

Representations

16. 7 letters of objection and 1 letter of support (from the current owner of Moorfield Barn) have been received. The objectors make the following summarised planning points relevant to the application (factually incorrect points omitted), the full text of all letters is available to view on the Authority's website:

- No need for the home on Derbyshire Level or in the Glossop area.
- Property is not redundant as a family dwelling and should be maintained.
- No suitable disabled access to the classrooms at the rear or to the bedrooms.
- Concern about increased traffic.
- Unsuitable access lane without footways, streetlamps or bus stops and often blocked in winter.
- Concern that on-street parking will occur during inclement weather and at night posing a safety hazard to other users.
- Consider suggestion that the number of staff on site will not exceed 6 is unrealistic – 20 is more realistic.
- No play area.
- No storage provision for outdoor recreational equipment
- Garden will effectively become a car park for staff and visitors.
- Concern about impact of potential illumination to parking areas
- Inadequate office/meeting space.
- Privacy concerns with glazed games room (within main arched opening) facing onto the lane.
- Unacceptable disturbance, noise and light pollution on tranquil rural location
- Quiet rural setting in remote location that is inappropriate for a commercial business
- Concerns about impacts upon the private spring water system which has been granted solely for domestic properties and may not cope with increased use.

17. The supporters points counter each of the objector's and summarised are;

- Note the change of use is still residential.
- Highways dep't raises no objections – no pedestrian/vehicular accidents on Derbyshire Level in the last 16 years.
- Only once in last 16years has the road been cut off due to bad weather as local farmer clears the road.
- Water supply is not a planning matter – owner of spring has not objected.
- Prior to current couples residency there were 5 persons resident at Moorfield Barn.
- Disabled access is available if required down the ramped drive to the proposed classroom.

Main Policies

18. Relevant Core Strategy policies: GSP1 -3, DS1.
19. Relevant Local Plan policies: DMT6, DMT8, DMC3

National Planning Policy Framework

20. The National Planning Policy Framework (NPPF) has been revised (2019). The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In particular Paragraph 172 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.
21. In the National Park the development plan comprises the Authority's Core Strategy 2011 and the May 2019 Adopted Development Management Policies. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and government guidance in the NPPF with regard to the issues that are raised.

Development Plan

22. Core Strategy policies GSP1, GSP2 and GSP3 together say that all development in the National Park must be consistent with the National Park's legal purposes and duty and that the Sandford Principle will be applied where there is conflict. Opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon and development which would enhance the valued characteristics of the National Park will be permitted.
23. Core Strategy policy DS1 outlines the Authority's Development Strategy and in principle allows for conversion or change of use for housing, community facilities and business uses including visitor accommodation, preferably be re-use of traditional buildings. It provides a list of 'named settlement' where there is scope to maintain and improve the sustainability and vitality of communities.
24. Development Management Policy DMC3 requires development to be of a high standard that respects, protects, and where possible enhances the natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the distinctive sense of place. It also provides further detailed criteria to assess design and landscaping, as well as requiring development to conserve the amenity of other properties.
25. Development Management Policy DMT8 states that off-street parking for residential development should be provided unless it can be demonstrated that on-street parking meets highways standards and does not negatively impact on the visual and other amenity of the local community. It notes that the design and number of parking spaces must respect the valued characteristics of the area, particularly in conservation areas.
26. Policy DMT6 limits business parking to need and seeks limited provision in line with the scale of development and taking account of the its location and visual impact.

Assessment

27. The supporting statement explains the proposed use would be for a care home with up to 5 children in residence along with their carers. Each would have their own room and share communal facilities such as lounge and kitchen and effectively live together with their carers as a single household. The agent notes that many local planning authorities view this type of use as not representing a material change of use and therefore not requiring planning permission; however the application has been submitted to provide certainty for business reasons and for the residents of the

property.

28. A further supporting statement from the applicant briefly sets out some of the national background to the care system and explains that the applicant is a small provider in the local area who is responding to meet some of that need expressed by local authorities to them for more spaces. It makes clear they offer care places to local authorities nationally although care is offered to more local authorities where this would be appropriate.
29. Children would range in age between 8 and 17 and would attend local schools or be schooled in-house as appropriate. Carers would not 'live-in' but would rotate on a shift basis with other carer's ensuring that at least two adults would be present at all times. In discussions the operator has explained that although a maximum of five has been applied for, typically the maximum number of children would be 4 with the 5th space being kept spare and seen as an occasional maximum for short periods. Furthermore, given the nature of activities undertaken such as away trips and outdoor activities, the operator explains that often on-site numbers will typically be lower. The applicant has explained that the application site has been chosen precisely because the location, in open countryside on the edge of the Park, is ideal to access and utilise existing local and regional resources, including the National Park, facilities which have proven therapeutically beneficial to a substantial number of children over the course of the last 20 years of the business.
30. S.55(2)(f) of the Town & Country Planning Act 1990 in general terms, permits changes in the use of buildings or other land, from one use to another where the uses are in the same class. So for example, a change of use from Class C3(a) to a use under Class C3(b) would not require planning permission.

Class C2 of the Order reads:

C2 Residential Institutions

Use of the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).

Use as a hospital or nursing home

Use as a residential school, college or training centre.

Class C3 of the Order reads:

Class C3 Dwellinghouses

Use as a dwellinghouse(whether of not as a sole or main residence) by -

(a) a single person or by people to be regarded as forming a single household;

(b) not more than six residents living together as a single household where care is provided for residents; or

(c) not more than six residents living together as a single household where no care is provided (other than a use within class C4)

31. Article 2 of the Order defines 'Care' for the purposes of Class C2 and C3 as 'personal care for people in need of such care by reasons 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.
32. The requirements of Class C3(b) are that there are no more than six residents living together as as single household where care is provided for residents. The application does not suggest that the child residents require 'care' under the definition above. On this basis the proposed use is considered a C2 use (which under the definition includes the personal care of children)..
33. Changes of use between class C2 and C3 do not always require planning permission

where the changes are not material. However, in this case it is concluded that there would be material changes and conditions are proposed to control these (specifically in relation to parking and access and lighting). Therefore the change of use requires planning permission.

Principle of the use of the building as a care home

34. Core Strategy policy DS1: Development Strategy allows in principle for the change of use of existing traditional buildings to housing and business uses in the open countryside. For business development in the open countryside policy E2 sets out the principles such proposals must take account of, essentially directing uses to sustainable locations and stating in E2C that business uses in an isolated existing building in the open countryside will not be permitted. Although the dwelling is located in a less sustainable location being in the open countryside, it is not regarded as an isolated location being just outside the town of Glossop and its transport links.
35. Moorfield Barn is already in use as a dwelling which is a Class C3 (a) use as defined in the Town and Country Planning (Use Classes) Order 1987. The change in use to a children's home for up to five children, would be to a use falling within Class C3 (b). As both uses fall within the same use class, The Town and Country Planning (Use Classes) Order 1987 states such a change is not to be regarded as development and therefore does not require planning permission. The agent recognises this but states that in this case the applicant has formally applied for planning permission to secure a development consent for business reasons and therefore in determining this application the presence of the clear fall-back position has to be afforded substantial weight.
36. Given the application building is already in use as a dwelling and the presence of the clear fall-back position relating to the permitted change of use, it is considered that the principle of the development is acceptable, and a close fit within our policies.

Detailed design considerations

37. Development Management Policy DMC3: Siting, design and landscaping, requires a high standard of detailed treatment for all new development.
38. The submitted plans show that the change in use would be achieved within the existing building; the only external change being four new doors/windows in the existing openings to the storage area below the rear patio. These new doors/windows would also normally fall within Permitted Development limits but in any case, subject to details, would represent an enhancement opportunity over the existing 'temporary' style solid boarded panels. No precise details of the frames and their material have been included with the application at this stage and hence in order to ensure the setting of the barn is conserved a condition requiring prior agreement over the precise details is recommended.

Access and parking considerations

39. The house is already served by a number of parking spaces and garaging. There are two spaces to the south and four immediately to the north of the barn accessed directly off Derbyshire Level. In addition there is a separate access and drive which could accommodate several more cars on the way down to the current storage/garaging under the patio.
40. It is concluded therefore that although some potential garaging space would be lost in this proposal, more than ample off street parking remains available. In the unlikely event of more being needed, there is opportunity in the screened garden for more

spaces to be accommodated without harm to the wider landscape. Furthermore emerging visibility from all accesses is clear given the presence of the wide roadside verge in the vicinity of the house.

41. The Highway Authority comment that the exit visibility is acceptable and the parking space available acceptable to accommodate the likely parking requirements of the unit. Consequently they have raised no objections to the proposal, subject to conditions in any consent covering provision and maintenance of visibility splays from the accesses and maintenance of the space within the site for the parking and manoeuvring of staff and visitors vehicles.
42. There are therefore no access or parking objections to the proposal.

Amenity considerations

43. The principal elevation of Moorfield Barn fronts almost directly onto the road at the front but has a large private garden to the rear at a lower level and surrounded by mature boundary planting screening it from public views. There would be no changes to the public elevations of the dwelling facing the highway and therefore no change to the level of privacy and amenity the dwelling currently enjoys.
44. The nearest neighbouring dwelling is Moorfield Farm which is situated on the other side of Derbyshire level to the north east with its front elevation some 65m away. A further cottage, Moorfield Cottage abuts the farmhouse on its north side. Given the distance apart and their relationship to the application dwelling, it is considered neither property would experience any material change to the amenity they currently enjoy as a result of the physical changes to the barn. There will be potential for greater comings and goings by staff than for use as private dwelling however this is considered unlikely to have any adverse impact upon neighbours given the scale and the relationship between the property's. Furthermore the likely maximum number of children present on site should the children's home go ahead is not considered to be so materially different from that potentially associated with a 4/5 bedroom dwelling as to cause harm to neighbouring amenity have any other adverse impact on the character of the area.

Other considerations

45. The property is understood to be fed by a spring. Whilst the concerns expressed by neighbouring objectors is noted, the proposed use of the property will remain as a dwelling and therefore water use would be so similar to existing as to likely make no material difference to the spring. Furthermore as the supporter notes we have had no objection from the owner of the spring and in any case the objectors concerns about water supply/permits are not a planning matter.

Conclusion

46. The use of the property as a children's home is development requiring planning permission and the alterations proposed to facilitate the change require permission. The development is acceptable on merits subject to the above conditions. The change of use would result in no changes to the public elevations and new windows/doors will enhance the rear elevation. There is ample parking for staff and visitors along with a large private garden providing suitable amenity space, the balance of this provision can be secured by condition. Subject to conditions there would be no adverse highway impacts or harm for neighbouring amenity or indeed for the character of the locality. Whilst it is acknowledged that the location is not the most sustainable, it is nevertheless close to Glossop; a fact which coupled with the business requirement for a rural location and the provision of the care facility itself means that, on balance, the proposal

would result in a suitable use within adopted policies for the building and its location.

Human Rights

47. Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

48. Nil

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