

**10. FULL APPLICATION FOR THE CHANGE OF USE OF DWELLINGHOUSE AND COTTAGE (C3 USE) TO RESIDENTIAL CARE ACCOMMODATION (C2 USE) AT HARDEN MOSS COUNTRY HOUSE, GREENFIELD ROAD, HOLMFIRTH (NP/HPK/0421/0422, AM)**

**APPLICANT: UZMA BIBI**

**Summary**

1. Harden Moss Country House is located in open countryside approximately 4km west of Holmfirth.
2. The proposal is for the change of use of the existing dwellinghouse and cottage (use class C3) to a children's care home (use class C2).
3. The development is considered acceptable in principle and would not harm the property, the valued characteristics of the National Park, amenity of neighbouring properties or highway safety.
4. The application is recommended for approval, subject to conditions.

**Site and Surroundings**

5. Harden Moss Country House is located in open countryside approximately 4km west of Holmfirth. The property consists of a farmhouse and cottage along with traditional and modern farm buildings formed around a central courtyard with garden to the front. A large modern agricultural building is located to the west.
6. Land to the north and west of the site is located within the South Pennine Moors Special Area of Conservation (SAC), Peak District Moors Special Protection Area (SPA) and Dark Peak Site of Special Scientific Interest (SSSI). The land to the west is also open access. Land to the south and east of the site is occupied by Harden Moss Sheep Dog Trials.
7. Access to the property is via a track to Harden Moss Road, which joins the A635. The track passes the nearest neighbouring residential property Lodge Farm where it meets Harden Moss Road. Harden Moss Road is a bridleway along this section.

**Proposal**

8. The change of use of the existing farmhouse and cottage (Use Class C3) to a residential care institution (Use Class C2).
9. The application states that the development would be a residential children's home accommodating a maximum of 6 children ranging in age from 7 – 18 years. There would typically be between 3 – 6 staff on site and 2 staff would remain on site overnight.
10. The plans show that there would be no external changes to the buildings. Internally the existing plan would be utilised to provide a total of 8 bedrooms (6 for children and 2 for staff) along with living accommodation. The paved courtyard would be utilised for parking, with up to 10 parking spaces.

### **RECOMMENDATION:**

**That the application be APPROVED subject to the following conditions;**

- 1. Commence development within 3 years.**
- 2. Carry out in accordance with specified plans.**
- 3. The premises shall be used for the provision of residential accommodation to a maximum of 6 persons in need of care (other than a use within class C3 (dwelling houses) and for no other purposes (including any other purpose in Class C2 of the schedule to the Town and Country Planning (Use Classes) Order 1987 or in any order revoking and re-enacting that order).**
- 4. No external lighting shall be installed other than in accordance with a scheme that shall first be submitted for prior written approval by the Authority.**
- 5. Submission and approval of travel plan.**
- 6. Parking shall be restricted to the spaces within the internal yard area only.**

### **Key Issues**

11. Whether the development is acceptable in principle.
12. Impact upon amenity and highway safety.

### **Relevant Planning History**

13. 2002: Erection of agricultural building granted conditionally.
14. 1991: Change of use of disused farm to hotel granted conditionally. Officer note, it is not clear if this planning permission was implemented, however, the use of the property is as a dwelling house.

### **Consultations**

15. Highway Authority – Makes following comments.
  - There should be circa 10 parking spaces proposed;
  - Minimum recommended size of a standard parking bay is 2.4m by 4.8m.
  - Minimum space between bays (back to back) needs to be 6m.
  - Proposed disable bays must be a minimum of 6.6 m long, 2.7 m wide based on BPA and The Disabled Persons Transport Advisory Committee guidance.
  - Minimum of 1 no. disabled bays are necessary in accordance with BPA guidance, this seems to be satisfied;
  - Swept path analysis (SPA) of parking should be provided for review in future proposals, especially for normal car manoeuvring around the car park. Alignment of the access road proposed for the parking bays seems very tight that is likely to restrict vehicular manoeuvrability;
  - The disabled parking bays should not be steeper than 1:20;
  - Longitudinal gradient of normal parking bays should be ideally 1:20 but in extreme circumstance should be 1:13;
  - Ideally, a one-way system should be introduced to ensure the flow of vehicle with a single point of entry and exit.

16. District Council – No response to date.

17. Town Council – No response to date.

### **Representations**

18. We have received 13 letters of objection to date. The material planning reasons for objection are summarised below.

- The proposed development is not acceptable in principle and the location of the development is unsustainable.
- The development would increase vehicle movements in an unsustainable location.
- This is a rural area known for its peace and tranquillity and this use is not compatible here or generally within the National Park.
- The development would harm the landscape.
- The development will harm local wildlife.
- If permission is granted further applications will be made to convert other buildings on the site.
- Existing water supply is from a borehole and extra demand may lower the water table and create water shortages for neighbouring farms.
- Existing foul sewage system is not sufficient for the proposed development.
- The property can be seen from nearby footpaths and from the A635.
- Inaccuracies within submitted application.
- The access drive is narrow with limited passing places. Large emergency vehicles would not be able to gain access in an emergency. The access is impassable in winter months.
- Increase in traffic would increase danger and conflict with users of the bridleway and adversely affect livestock.
- There is poor visibility onto the A635 from Harden Moss Road.
- There is no requirement for the proposed residential accommodation.
- Occupants of the development would be vulnerable to crime.
- The development would increase the risk of crime in the local area.

### **Main Policies**

19. Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, CC1, L1, L2, T1, T2, T7

20. Relevant Local Plan policies: DMC3, DMC5, DMC10, DMC11, DMC12, DMC14, DMT3, DMT8

### **National Planning Policy Framework**

21. The National Planning Policy Framework (NPPF) 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 176 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.

22. 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.

### Peak District National Park Core Strategy

23. 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.
24. 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.
25. L1 says that development must conserve and enhance valued landscape character, as identified in the Landscape Strategy and Action Plan, and other valued characteristics.
26. L2 says that development must conserve or enhance any sites, features or species of biodiversity or geodiversity importance and where appropriate their setting. Other than in exceptional circumstances development will not be permitted where it is likely to have an adverse impact on any sites, features or species of biodiversity or geodiversity importance.
27. CC1 says that in order to build in resilience to and mitigate the causes of climate change all development must: make the most efficient and sustainable use of land, buildings and natural resources; take account of the energy hierarchy; be directed away from flood risk areas and reduce overall risk from flooding; achieve the highest possible standards of carbon reductions; achieve the highest possible standards of water efficiency.
28. T1 aims to reduce the general need to travel within the National Park and encourage sustainable transport. T2. C says that modal shift to sustainable transport will be encouraged. T2. E says that impacts of traffic within environmentally sensitive locations will be minimised.
29. T2. F says that sustainable transport patterns will be sought that complement the development strategy. Travel plans will be used to encourage behavioural change to achieve a reduction in the need to travel, and to change public attitudes toward car usage and public transport, walking and cycling. Travel plans to reduce traffic movements and safeguard transport infrastructure will be required on appropriate new developments and encouraged on existing developments.

### Development Management Policies

30. 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.

31. Policy DMC5 says that applications for development affecting a heritage asset, including its setting must clearly demonstrate its significance including how any identified features of value will be conserved and where possible enhanced and why the proposed development is desirable or necessary. The supporting evidence must be proportionate to the significance of the asset and proposals likely to affect archaeological and potential archaeological interest should be supported by appropriate information.
32. Policy DMC10 says that conversion of a heritage asset will be permitted provided that: it can accommodate the new use without changes that adversely affect its character (such changes include enlargement, subdivision, other alterations, and major rebuilding); and the building is capable of conversion; the changes brought about by the new use and any associated infrastructure conserves or enhances significance and landscape character; and the new use will not be visually intrusive in its landscape or have an adverse impact on tranquillity, dark skies or other valued characteristics.
33. Policy DMC11. A says that proposals should aim to achieve net gains to biodiversity or geodiversity as a result of development. In considering whether a proposal conserves and enhances sites, features or species of wildlife, geological or geomorphological importance all reasonable measures must be taken to avoid net loss. Policy DMC12 requires development to conserve protected sites, features and species.
34. Policy DMC14 says that development that presents a risk of pollution or disturbance including soil, air, light, water or noise pollution, or odour that could adversely affect any of the following interests will not be permitted unless adequate control measures are put in place to bring the pollution within acceptable limits.
35. Policy DMT3. B says that development, which includes a new or improved access onto a public highway, will only be permitted where, having regard to the standard, function, nature and use of the road, a safe access that is achievable for all people, can be provided in a way which does not detract from the character and appearance of the locality and where possible enhances it.
36. 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.

### **Assessment**

37. The proposal is for use as a residential care home, which would be occupied by up to six children along with carers. Each occupant would have their own bedroom and share communal facilities such as lounge and kitchen and effectively live together with their carers as a single household.
38. The applicant operates private children's residential care homes. Young people are often placed with private providers where Local Authorities do not have adequate provision. Additionally young people are also placed with private providers at short notice due to safeguarding reasons.
39. Children would range in age between 7 and 18 and would attend local schools by minibus. There would be between 3 – 6 staff members on site and on average 3 staff members would be on site at any one time for each shift with 2-3 shift rotations per day. 2 members of staff would stay overnight.

### Principle of the use of the building as a care home

40. Our development strategy allows in principle for the change of use of existing traditional buildings to housing in the open countryside. Policy HC1 does not make provision for children's care homes but HC1. A. II allows for aged persons' assisted accommodation including residential institutions offering care where adequate care or assistance cannot be provided within the existing housing stock and the development addresses eligible local needs.
41. The property is in use as a market dwelling within use Class C3. The farmhouse and cottage have a total of 8 bedrooms. The proposed use would accommodate up to 6 children plus carers. Given that the application building is already in use as a market dwelling, we consider that the development would not result in the provision of new housing and it is considered that the principle of the development is acceptable, and a close fit with our policies.

### Design and landscape impact

42. The conversion would take place within the existing building with no external alterations or extensions. The amended plans show that the change of use would be limited to the existing dwelling, the central yard area and garden. The development would therefore conserve the character and appearance of the existing farmstead and provided that parking and domestic activity are contained within the yard and existing garden there would be very little visual impact from nearby public rights of way or in the wider landscape.
43. Therefore, the development would conserve the farmstead and wider landscape in accordance with policies GSP3, L1, DMC3, DMC5 and DMC10. The site is located in open countryside and therefore care is required over external lighting, which could generate light pollution.
44. The existing modern farm buildings are still required for agriculture and therefore would be retained for that purpose. The agricultural buildings have a separate access and we consider there would not be any significant conflict with the proposed use.

### Access and parking

45. The property has a central paved yard area, which has sufficient space for a total of 10 parking spaces recommended by the Highway Authority to serve the development.
46. Access to the property is via a stone track and along Harden Moss Road. The applicant has indicated verbally that the access track would be repaired. The remote location of the development means it is likely that most trips will be undertaken using the private car, though the application states that children would be taken to school in a minibus. The majority of movements would be generated by staff, visitors and deliveries; however, given the scale of the proposed care home we do not consider that vehicle movements would be significantly greater than the existing use.
47. Therefore, the development would be unlikely to harm highway safety and vehicle movements would not cause any significant conflict with users of the bridleway. We welcome the provision of a minibus service to take children to school and consider that this along with any other potential measures to reduce trips should form part of a travel plan to meet the requirements of policy T2.
48. Subject to conditions, we consider that the development would be served by safe access and an appropriate level of off-street parking. The development would not harm highway safety and be in accordance with policies T1, T2, DMT3 and DMT8.

### Amenity

49. The property is located some 330m from the nearest residential neighbour Lodge Farm. The development would therefore not result in any significant loss of privacy, light or be overbearing to any neighbouring property. Any noise generated from the development would not be significantly greater than the existing use and not adversely affect Lodge Farm.
50. Traffic from the development would pass Lodge Farm along the access track; however, vehicle movements would not be significantly greater than the existing use. Therefore, disturbances from vehicle movements would be very unlikely to harm amenity.
51. Land and buildings to the east of the site is occupied by Harden Moss sheep dog trial. There is no conflict between the proposed development and the uses carried out on the land in relation to the sheep dog trial.
52. Therefore, we conclude that the development would not harm amenity in accordance with policies GSP3 and DMC3. We would be concerned if the number of occupants of the care home were to increase significantly, as this could materially affect vehicle movements and lead to harm in this location. Therefore, if permission was granted we would recommend that the total number of occupants is restricted by planning condition.

### Other considerations

53. Concerns have been raised about potential impact upon local ecology. No alterations or works to the buildings or existing trees on site are proposed. Furthermore, the development would not significantly intensify the use of the property compared to use as a dwellinghouse. Therefore, the development would not adversely affect protected species on site.
54. Land to the north and west of the site is located within the South Pennine Moors Special Area of Conservation (SAC), Peak District Moors Special Protection Area (SPA) and Dark Peak Site of Special Scientific Interest (SSSI). The site is separated from these designated sites by fields. The development would not significantly intensify the use of the property and given the intervening distance to protected sites, we rule out any likely significant impacts upon designated sites.
55. The development would therefore not harm biodiversity in accordance with policies L2, DMC11 and DMC12.
56. Concerns have been raised about foul drainage and water supply. Given the remote nature of the site there is no mains water or sewage connection. The development would utilise the existing water and sewage facilities. The development would be occupied by a similar number of occupants compared to the existing use and therefore there is no evidence to suggest that the existing facilities are not sufficient or that the development will lead to pollution or local water shortages.
57. Finally, concerns have been raised that occupants would be vulnerable to crime and that the development would increase the risk of crime in the local area. There is no evidence to suggest that the proposed development would expose potential occupants to crime or increase the risk of crime in the local area.

### Conclusion

58. The proposed development is considered acceptable in principle, taking into account the scale of the proposed development and the existing lawful use.

59. The development would conserve the character and appearance of the property and the landscape and biodiversity of the National Park. The development would not harm the amenity of neighbouring properties or highway safety.
60. Therefore, having taken into account all other material considerations raised we conclude that the development is in accordance with the development plan. The application is therefore recommended for approval, subject to conditions set out in the report.

### **Human Rights**

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

### **List of Background Papers** (not previously published)

62. Nil

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