

**8. S73 APPLICATION FOR THE REMOVAL OR VARIATION OF CONDITION 2 AND 3 ON NP/K/0421/0422 FOR 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/0322/0422, JK)**

**APPLICANT: MADIBA LTD**

**Summary**

1. Planning permission was granted in 2021 for the change of use of Harden Moss Country House to a children's care home (use class C2) for up to 6 children.
2. The proposal is to vary conditions to allow an amended floorplan to create an additional care bedroom and increase the number of children from 6 to 7.
3. The proposal requires internal layout changes only to accommodate the extra room.
4. The principle of development has already been accepted by the 2021 consent. The change is considered to be a minor acceptable increase as it would not result in any external changes to the building, the parking and access arrangements, or to the existing staff numbers and the comings and goings at the site.
5. The change would have negligible impacts over the existing situation and the property would continue to operate in the same way as previously approved. There would be no harm from this proposed change to local amenity, the valued characteristics of the National Park, or highway safety and hence the application is recommended for approval, subject to conditions.

**Site and Surroundings**

6. Harden Moss Country House, formerly a farmhouse and cottage, is now a children's residential care home for up to 6 young people following a 2021 consent for change of use. It 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. Parking is within the central courtyard. A large modern agricultural building is located to the west.
7. 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.
8. Access to the property is via a track to Harden Moss Road, which then 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**

9. The application seeks to vary two conditions in the 2021 consent for the care home as follows;
10. Condition 2 – This specifies the approved plans and is to allow a changed layout to create an additional bedroom.
11. Condition 3 – This sets the current limit of 6 for the number of persons in care at the site which the application seeks to increase to 7.

12. The plans show that there would be no external changes to the buildings. Internally a room currently used as a staff office would change to form the 7<sup>th</sup> care bedroom with the staff office use relocated into a smaller ancillary room.

### **RECOMMENDATION:**

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

- 1. Commence development within 3 years.**
- 2. Carry out in accordance with specified amended plans.**
- 3. The premises shall be used for the provision of residential accommodation to a maximum of 7 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. Operation of the use in accordance with the approved travel plan.**
- 6. Parking shall be restricted to the spaces within the internal yard area only.**

### **Key Issues**

13. The principle of the care home use has already been accepted and therefore the key issue is whether the change to increase from 6 to 7 persons in care is materially different or raises any new planning considerations.

### **Relevant Planning History**

14. 2002: Erection of agricultural building granted conditionally.
15. 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.
16. 2021: Approval for change of use of premises to a Class C2 residential care home. NP/K/0421/0422
17. 2022: Discharge of travel plan condition attached to care home approval. NP/DIS/1121/1249.

### **Consultations**

18. Highway Authority – No response to date.
- Officer Note - On the previous application for the creation of the 6-person care home raised no objections subject to conditions.*
19. District Council – No response to date.
20. Town Council – No response to date.

## **Representations**

21. We have received 7 letters of objection to date. The material planning reasons for objection are summarised below.
- Concern about there being enough/competent staff to manage the site as children have absconded and the consequent searches disturb neighbours, farm animals and wildlife. Increased number to 7 will only exacerbate existing problems. Promised community liaison not happening.
  - Noise pollution from staff at unsociable hours
  - Strong concerns about increased vehicle movements along the shared access track and the speed, noise and disturbance associated with that increase as well as safety concerns along the track and access point.
  - Parking outside agreed areas obstructing farm traffic
  - Question need when rooms are under-occupied
  - Concerns about adverse impact of extra use on the drainage
  - Concerns about rubbish encroachment onto adjoining land
  - Complaints about high powered floodlights installed on the house dormers in contravention of the planning condition.
  - Dispute the presence or use of a minibus for transportation at the site
  - The travel plan is not being followed and is treated as a tick box exercise
  - Concern about process wish to see an executive review of the application.
  - Adverse impact on farmer accessing land and damage from lost vehicles turning in the field

## **Main Policies**

22. Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, CC1, L1, L2, T1, T2, T7
23. Relevant Local Plan policies: DMC3, DMC5, DMC10, DMC11, DMC12, DMC14, DMT3, DMT8

## **National Planning Policy Framework**

24. 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.
25. 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**

26. 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.
27. 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.
28. L1 says that development must conserve and enhance valued landscape character, as identified in the Landscape Strategy and Action Plan, and other valued characteristics.
29. 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.
30. 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.
31. 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.
32. 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

33. 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.

34. 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.
35. 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.
36. 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.
37. 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.
38. 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.
39. 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**

40. The premises are in use as a residential care home, which can be occupied by up to six children along with carers. Each occupant has their own bedroom and shares communal facilities such as lounge and kitchen and effectively live together with their carers as a single household. The internal changes in this application would result in one additional bedroom to increase the number of resident children in care from 6 to 7.
41. The applicants explain in their covering letter that the home would still operate in the same way as already approved and there would be no requirement to increase staff numbers for the day to day running of the home as a result of this application for an extra child place.
42. As approved already children would range in age between 7 and 18 and we are told they would attend local schools by minibus (although we note local residents claims that no minibus is being used). In the approved scheme we were told 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.

The impacts of an increase from 6 -7 children in care at the site

43. The property is in use as a Class C2 care home. The farmhouse and cottage have a total of 8 bedrooms 6 children's rooms and 2 carer rooms. The proposed change would accommodate up to 7 children plus the same number of carers. Given that the premises are already in use as a care home for 6 children, we consider that the increase in one child would not result in any noticeable difference in the way the property currently operates. Transport, staffing and care arrangements would stay the same for 6 or 7 children and there would be no external changes to the building.
44. The amended plan shows that the internal layout change would be within the cottage section of the existing dwelling. The amended level of use is a small increase which would therefore still conserve the character and appearance of the existing farmstead and as with the current operation there would be very little visual impact from nearby public rights of way or in the wider landscape.
45. It was noted in the last application that the existing modern farm buildings were still required for agriculture and have been retained for that purpose.
46. Therefore, the development would conserve the farmstead and wider landscape in accordance with policies GSP3, L1, DMC3, DMC5 and DMC10.

Access and parking

47. The property has a central paved yard area which has sufficient space for the total of 10 parking spaces as recommended by the Highway Authority to serve the approved development. One extra child would not make any material difference to the parking requirements.
48. Access to the property is via a stone track and along Harden Moss Road from the A635 Greenfield Road which is shared with other users, and a bridleway in part. We acknowledged in the last application that the remote location of the development means it is likely that most trips will be undertaken using the private car, although the application stated that children would be taken to school in a minibus which is now disputed by local residents in the representations. The majority of movements would be generated by staff, visitors and deliveries; however, given the scale of the proposed care home we did not consider that vehicle movements would be significantly greater than the existing use. The additional traffic movements associated with one extra child will be minimal and not materially change the approved situation.
49. We acknowledge the concerns of local residents set out in the representations about the use of the site. How the home itself is managed is not a planning consideration that we can place any weight upon. We can enforce the travel plan which is a condition of the current consent if it is not being adhered to. Given the representations from local residents this has been reported to our Monitoring and Enforcement Team to investigate further.
50. Whilst we understand the concerns about increased use of the access, the level of traffic associated with the approved use has been supported by the Highway Authority. We await their response on the current application but do not anticipate any concerns given the small relative increase in use for one extra child which would not raise any material further traffic issues in itself.

51. Therefore, the proposed development would be unlikely to harm highway safety and the vehicle movements associated with this minor change would not cause any significant conflict with users of the bridleway. We welcomed the provision of the previously proposed minibus service to take children to school and considered that this along with any other potential measures in the approved travel plan to reduce trips met the requirements of policy T2. This stated the company has one 8-seater mini-bus based at the premises and also set out a number of objectives to reduce traffic movements. Provided it is being adhered to, no changes to the travel plan are considered necessary for this revised application.
52. Given the level of use, the nature of the access and the level of off-street parking coupled with the agreed travel and transport arrangements we can only conclude that the revised development would not harm highway safety and would be in accordance with policies T1, T2, DMT3 and DMT8.

### Neighbouring Amenity

53. 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.
54. Unauthorised floodlighting at the home has been alleged by neighbours in the representations which again has been reported to the Monitoring and Enforcement Team to follow up, given the likely adverse impacts this could have upon neighbour's amenity, dark skies and night time character and appearance of this rural location.
55. Traffic from the development does have to pass Lodge Farm along the access track; however, as we noted in the approval for the care home use, vehicle movements would not be significantly greater than the existing use. We concluded at that time that disturbances from vehicle movements would be very unlikely to harm amenity. We consider the proposal for an additional child place should make no material difference to those movements.
56. We do note neighbours' comments and concerns about those movements and about the general management of the site but outside the control provided by the travel plan, these mainly relate to non-planning matters which would need to be addressed between the neighbours and the management of the home or perhaps the local authority responsible for licensing the home.
57. Land and buildings to the east of the site is occupied by Harden Moss sheep dog trials. We note the objections from the association to the current application but again we conclude that the small change raises no conflicts between the proposed development and the uses carried out on the land in relation to the sheep dog trial.
58. Therefore, we conclude that the development of the care home to a maximum of 7 instead of 6 children in care would not harm neighbouring amenity in accordance with policies GSP3 and DMC3.

### Other considerations

59. 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 over and above the current use or indeed the former residential use therefore given the intervening distance to protected sites, we rule out any likely significant impacts upon designated sites.

60. The development would therefore not harm biodiversity in accordance with policies L2, DMC11 and DMC12.

### **Conclusion**

61. The proposed development is considered acceptable being a minor change to the existing lawful use.
62. 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.
63. 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**

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

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

65. Nil

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