DELEGATED DECISION REPORT

NMA/2020/0007 **Valid 09/04/2020**	**EVER GREEN HOUSE DOG LANE** **IPSTONES EDGE** **IPSTONES**	**NON MATERIAL AMENDMENT RELATING TO SMD/2018/0108** **(NON MATERIAL AMENDMENTS)**

MAIN ISSUES
Would the proposed change be 'non material' to the existing planning permission?

There is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990.

The local planning authority must have regard to the effect of the change.

DESCRIPTION OF SITE
The application site is an old farmstead, one of a number that are scattered along the ridge of Ipstones Edge. It consists of a large stone farm house that is attached at the rear to a range of three portal frame farm sheds that open onto a hardstanding forming the old farmyard. On the other side of the house the character is that of a secluded residential property with a large patio area that overlooks open countryside. The old farm is used with planning permission as a residential school for 8 resident pupils.

The site it is set back from the roadside and accessed from an unmade track. The track has a fork to the east approximately 20 metres from the site entrance where it provides the access to the adjacent neighbouring farm property 'Little Green Hills Farm'.

The site is located in an 'other rural area', outside any designated settlement boundary, to the north of the villages of Ipstones and Foxt. The surroundings are distinctly rural and attractive open pasture and heath land. A shelter belt of mature deciduous and coniferous woodland screens and 'hides' the site from the roadside and the closest public footpath which shares part of the unmade access track before crossing open field.

THE EXISITNG PLANNING PERMISSION
The planning permission SMD/2018/0108 was granted for a "Material change of use of "the Land" from a dwellinghouse (Class C3) to a residential school (Class C2) for a total of 8 residential pupils aged between 6 and 13 years old" for the avoidance of doubt the permission was subject to condition 3 that limited the C2 use to those specific terms as described.

This effectively means that it is only children resident at the school that can attend and be educated at the school. Those children must be between 6 and 13 years old and they are limited to 8 in number.

THE PROPOSED CHANGE

The applicant would like to rely on their existing planning permission, but wishes to offer two of the 8 school places for 6-13 year olds to non resident children that live in nearby alternative accommodation provided by the applicant.

The residential school does not always have 8 residents and this means that often there are around two spare school places that are not taken up. They do also provide residential care for children at a nearby home that is within 1km of the site. Two children from the nearby home could take those two school places. This would provide some flexibility in living and education arrangements for the children that are under the applicant's care. An obvious advantage is that the applicant would be able to coordinate an arrangement where genders could reside separately at the respective sites but could be educated together at the school.

CONSULTATIONS

Publicity

As an application to make a non-material amendment is not an application for planning permission, the existing Town and Country Planning (Development Management Procedure) (England) Order 2015 provisions relating to statutory consultation and publicity do not apply.

The main objection to the planning application came from the adjacent farm, concerned about noise and poor behaviour that might cause disturbance and damage to property.

OFFICER COMMENTS

I have given consideration to the effect of the change having regard to the context of the overall scheme.

The purpose of the condition was to ensure that the age and number of children were easily supervised and managed by staff, carers and teachers. As a residential school there would not be the daily arrival and departure of pupils to increase vehicle movements to and from the site which might have amenity impact or harm sustainable credentials.

If just two of those eight children are non resident and arrive and depart daily then fundamentally, throughout the day, the number and age of children attending and being educated at the school under full supervision during the day would remain the same. Out of school time the number of children on site would then be reduced to just six. The change would have no effect in these respects and has no potential consequences for amenity.

The only difference therefore would be that two of the pupils would arrive and depart the site on a daily basis. Both pupils would be resident at the same nearby home and would arrive and depart together in the same car. This means that at most there would be just one vehicle arriving or departing over and above those of the staff, carers and teachers. The pupils would arrive and depart at similar times to the staff. This would not be notable in any material way, in terms of amenity, emission or air quality impacts, against the existing vehicle movements, arrivals and departures.

CONCLUSION / PLANNING BALANCE

The change would not affect the terms of the permission in any material way it should be accepted and confirmed as a 'non material' change to the existing planning permission.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Ben Hurst
Recommendation Date: 12/05/2020

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council