

DELEGATED DECISION REPORT

SMD/2021/0397
Valid 16/06/2021

177 UTTOXETER ROAD
DRAYCOTT IN THE MOORS

**APPLICATION FOR A LAWFUL
DEVELOPMENT CERTIFICATE
FOR A PROPOSED INTERNAL
REFURBISHMENT,
ELEVATIONAL ALTERATIONS
AND NEW ENTRANCE RAMP
FOR DISABLED USER**

**(CERTIFICATE OF
LAWFULNESS - PROPOSED)**

MAIN ISSUES

Would the proposed use be within the same use class as that of a dwellinghouse?

Would the operational changes be permitted by Class A, Part 1 of the GPDO?

DESCRIPTION OF SITE

A large detached dwellinghouse, its size resulting from significant enlargements that fill the width of the plot. Although the dwelling is in the green belt it is in a row of similar dwellings forming a small settlement.

The applicant confirms that the property has only been used as a dwellinghouse and that a permission to use the property as a HMO was not implemented.

A large paved drive at front and a generous garden at rear.

PROPOSAL

Use

Change the use of the existing dwelling house to a residential care home for not more than six (6) people with learning difficulties requiring 24 hour support provided by care staff (no staff will live on site)

The age group of majority of the residents is 45 – 75. None of the residents will be mixed in with different age group. For example a 45 year old resident will not be mixed with 75 year old residents. Majority of the residents are over 50 years old.

All residents come from Stallington Hall Hospital and it is government directive that all residents should be living in a normal residential property and enjoy normal living conditions like their neighbours and thus this property serves this purpose to integrate the residents into the community

The home will be/is registered with CQC (Care Quality Commission) as a residential care home for no more than 6 people with learning disabilities. And will be inspected annually in accordance with CQC regulations.

The house will be staffed 24 hours a day with 2-4 care staff as well as a registered manager. The day shift will commence at 07:45 am and the night shift at 19:45 pm, and there will be no sleep-in.

The facility only receives visits mainly from Ofsted or social workers. At most there is no more than two visitors at the property at any given time. The site can take up to six designated parking spaces and there is potential for two more spaces to make spaces up to eight. Residents will have their food cooked for them and everyone will eat from one dining table.

Alterations of Dwellinghouse

Internal refurbishment, installation of an access ramp, and resizing of windows to the rear elevation.

The replacement of an existing conservatory with a similar sized brick built sun room has been omitted from the scheme with the submission of amended plans on the 31st Aug 2021.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

79/06948/OLDDC Conversion of Ground Floor Shop to Lounge. Approved

96/00014/OLD Extension to form Granny Annexe. Approved

07/00527/FUL Sun Lounge conservatory and two storey side extension. Approved.

SMD/2015/0052 Change of Use to HMO. Approved (not implemented)

SMD/2021/0265 Change of use to resi institution for adults. Withdrawn.

OFFICER COMMENTS

THE USE

The existing use class for the dwellinghouse is Class C3 of the Use Class Order. Class C3 is set out in the 1987 Order (as amended) as follows:

Class C3. Dwellinghouses

Use as a dwellinghouse (whether or 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 to residents (other than a use within Class C4).

The explanatory text on the planning portal expands a little on how Class C3b in particular should perhaps be interpreted:

C3(b) covers up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems

By virtue of s55(2)(f) of the Act, a change between uses that appear under one use class, shall not be taken to be development for the purposes of the Act. In other words the change would be immune from enforcement action and lawful.

It seems clear that the applicant's proposed use sits with the use set out at C3(b). The six residents would be adults living together as a household, in that they would share kitchen and bathroom facilities and served meals and dine together; and, care would be provided 24hrs, in the form of no less than 2 non-resident staff rotating on a shift basis. The use class order does not specify, detail or limit at C3(b) the extent or form of which that provided care should take.

THE WORKS AND OPERATIONS

All of the internal alterations and refurbishments that are proposed would not affect the exterior of the dwellinghouse and they shall not be taken to be development for the purposes of the Act, by virtue of s55.

All of the other operations amount to alterations or improvements to the dwellinghouse. There would be no enlargement. The addition of the ramp and window resizing would all be permitted by Class A Part 1 of the GPDO.

CONCLUSION / PLANNING BALANCE

The proposed use of the dwellinghouse is provided for at Class C3b of the use class order. The change shall not be taken to be development for the purposes of the Act by virtue of s55(2)(f) of the Act.

The operations and works amount to alterations to the dwelling, without enlargement, that are permitted by Class A Part 1 of the GPDO.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Ben Hurst

Recommendation Date: 01/09/2021

X *J Colley*

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council